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## Interview with

## ROBERT DONIHI

## October 13, 1996

Place of Interview: Fredericksburg, Texas

Interviewer: William J. Alexander

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Mr. Alexander: This is Bill Alexander, and I'm interviewing Mr. Robert Donihi for the Admiral Nimitz Foundation's oral history collection of the Pacific Theater in World War II. This interview is taking place on October 13, 1996, in Fredericksburg, Texas. I'm interviewing Mr. Donihi in order to obtain his recollections of his participation in this event.

Well, having said that, may I ask you, Robert, where you were born?

Mr. Donihi: I was born in Erie, Pennsylvania in.

Mr. Alexander: Were your parents born in this country as well?

Mr.Donihi: Yes, both of them.

Mr.Alexander: Erie, Pennsylvania--was that a place where you attended schools?

Mr. Donihi: I went to grammar school in Erie, and I went to high school in East Cleveland, Ohio. From then

I went south and went to Cumberland University [Lebanon, Tennessee]] and then to Southern University [Memphis, Tennessee]. I took some language courses at Vanderbilt University [Nashville, Tennessee].

Alexander: When did you take these courses? When did you graduate from high school?

Donihi: It was about 1934, I guess--then the Depression era. Well, I guess I'm getting a little ahead of myself. I lost my leg in an automobile accident in November, 1935 or 1936, in Gulfport, Mississippi. A friend of mine and I were hitchhiking and went to Florida. His family had a summer home in Lake Wales. When we got there we found something he didn't know. They had sublet it, I think, for the whole season or so.

So, we joined the volunteer fire department. When we got tired of the alarms and going up and down the fireman's pole--we got fed up with that--we decided to hitchhike to New Orleans.

But on the way, the truck we were riding in got into an accident. A woman was killed, and the driver and I each lost a leg. He lost his right leg, and I lost my left leg. He became a doctor, and I became a lawyer (chuckle). We each had eyes on the professions and people who could take care of us.

That probably was a dramatic change in my life. I had always wanted to be a lawyer, but I never really

wanted to do the work. I was kicked out of high school in my junior year. I was a very poor student. I was kind of a delinquent in a lot of ways. I had one history teacher; as I look back on it, I feel very sorry about it because she was quite difficult. Miss Devlin had this raspy kind of voice. We learned too late to be sympathetic because at that time we didn't know that she had cancer of the throat, which must have been miserable. She was quite a disciplinarian and properly so. She'd make you stand up when she called on you to report. Of course, history would be exact. So, I made the mistake of standing up when she asked me a question, and I said, "I think...." She said, "Sit down! Nobody cares what you think!" I picked up my books and walked out of the room, and with that, she went to the principal and had me expelled for the rest of the semester.

Alexander: That's pretty harsh.

Donihi: Well, I got a job in a steel mill. Before that I had been working after school for five dollars a week, and this was during the Depression. I worked from about 3:00 or 3:30 in the afternoon to late at night, five days a week. On Saturdays it was 6:00 in the morning until midnight. I stocked shelves. Five dollars--all that time. Then when [President] Franklin Roosevelt came in with the NRA [National Recovery

Administration] and so forth, my salary jumped up to close to thirteen dollars a week, which was much for the time. Anyhow, if it hadn't been for being kicked out of school, I began to think in terms of: "Well, I'll just make my way out in the world without an education."

I got a job in a steel mill that was owned by Cyrus Eaton, a Canadian who was particularly famous for his "Moral Rearmament Program," which was, I think, up in Mackinac Island [Michigan] in the Great Lakes. He was an industrialist, and I'd never dreamed that years later I would be investigating him for the U.S. Senate on charges that he had some communist views. But he owned the steel plant in Cleveland that I worked in, and I worked there. It was the Republic Steel Company. I was on a production line that was doing lower panels for refrigerators. I worked there for about two months. I thought, "He's making more money than I am. I need an education." (chuckle)

Alexander: Well, that's falling into place in the right way, isn't it?

Donihi: I wanted to be in <u>his</u> shoes rather than mine. Anyhow, I went back to school, and after high school, I wanted to see the world. As I said, I went to Florida, and I lost my leg in that automobile accident. So, I decided that I'd better do something about education really

quickly, so within a period of less than a year, I got into school. I graduated with an LL.D. degree. I took some additional work with the Tennessee Bar Association. I also went to another school for some additional schooling down in Memphis. Cumberland is in Lebanon, Tennessee; it's a Presbyterian theological school.

Alexander: You went to Cumberland then?

Donihi: Yes. I graduated from the law school there. That was only a two-year law school; that is, the Tennessee Bar didn't even require a college education to take the bar. You just had to have at least two years of law [training]. So, I took the bar and passed it. I then took more work at Southern University School of Law down in Memphis.

Then I had a job. I passed the bar and got my license, but before I got it, I had a job in Fort Worth with the Fare Department Store. It was a New York firm that owned a chain of about 1,000 department stores and with all of these [photography] studios around the country. In fact, some stores had as many as three or four different studios, and each one competed with the other. Each one would be part of a different chain and would use a different name. They had shadow art, and they had photo retouching--you name it.

Alexander: When was this? What year?

Donihi: That was back in 1941, because I was there when I got my license. I took the bar, I guess, in 1940 and got my license in 1941. I got sworn in in Tennessee, and I quit the job immediately when I got my license.

I went back to Tennessee and got admitted to practice before the Supreme Court Bar of Tennessee. In my first month of practice, I made $6.00. In the second month, it was something like $ 13 or $15. Then a law firm took me in as an associate--a rather prestigious law firm. The Speaker of the U. S. House of Representatives _____ was a member of that firm. He served between two of Sam Rayburn's terms. His son was a congressman and also a member of the firm. And they [the firm] had the mayor and a number of judges, so I was right in the middle of all of them. It was "tall cotton" [an advantageous position] for a young lawyer.

Then World War II came along, and a number of the firm members went off in the service. I was exempt from the draft, and they made me a junior partner in the firm. I remained in that capacity. Myself, I got into the Coast Guard. I found a wooden leg, and I managed to get into something called "Temporary Reserve." When the draft came along--you know, when I was in law school, we were sitting around having a

"bull session" [idle conversation] one day. A lot of us were around the dinner table, and there was all of this talk about the draft coming on. I said, "You know, if I were able to go, I sure would put up a fight! They'd have to drag me off!" And one of the guys at the table said, "Well, Donihi, I'll tell you something. When this thing starts, you'll be lining up there asking to go." He was so right. I remember when the war came along...

Alexander: Your attitude changed overnight?

Donihi: Oh, yes! You know, you felt like you wanted to go then. I asked them to change my draft status. My draft card said "4-F" [physically unfit to serve]. They said, "Well, there's no way." I said, "Well, you've got a couple of guys with similar physical handicaps." One of them was an Army flyer.

Alexander: I vaguely remember someone like that.

Donihi: The name may come back. Anyhow, he was a flying ace. I mentioned that to the draft board. They said, "Yeah, but he can fly, and you'd just be in the way in the Army. They'd have to run over you." (chuckle) So, I thought, "Well, I'll learn to fly." I joined the Civil Air Patrol and learned to fly. I was an intelligence officer in that.

The Coast Guard opened up a position that I could get in on a part-time basis. So, I became a seaman

first class, and then a coxswain. I used to ferry sub chasers down the Cumberland River to the Ohio and from the Ohio River to the Mississippi River and down to New Orleans [Louisiana] for shakedown cruises. Then they'd be turned over to the Navy. But that was just occasionally. It was part-time, and I continued my law practice. I learned to fly, and, of course, that was kind of silly because they weren't about to take me.

Alexander: No, they wouldn't.

Donihi: But then I had no idea that I'd be going overseas at all. I had become the president of the junior bar in Tennessee, and all the lawyers under thirty-five belonged to it. We had our meetings with the old-timers, but I guess they figured that we didn't know enough to really participate in the bigger things. So, we stayed in our separate sections. I was president that year, and Tom Clark [President Harry S Truman's appointee as U. S. Attorney General] was the keynote speaker for the bar in Knoxville [Tennessee] in 1945. The war was over at this point. A lot of the people were coming back to the law firm, of course, and we were glad to see them back. It was beginning to look to me like I was going to have a more subservient role than I had had during the war.

But he [Clark] suggested something to me there.

We were talking, and he said, "Are you a member of the United States Supreme Court Bar?" I said, "No." He said, "You've practiced for three, four, or five years. You're eligible. Do you want to come to Washington with me? I'll take you over and introduce you." I said, "Gee, I'd love that!" So, he said, "Well, come on. When I finish my speech, I've got a plane out there." So, I went out to the airport with him to Knoxville. We got out there, and they wouldn't let me on the plane because I didn't have any orders, and they didn't have anybody to cut [issue] the orders right then. So, he said, "Well, if you don't mind, I'll go on ahead. I'll set it up for you, and then you can come on up at your leisure."

So, I sent him a letter, and I got a telegram back. I went to Washington with another lawyer who had something pending before the Supreme Court--_____ Stokes. He's dead now. Stokes was a fine lawyer. I had associated with him on a case before. At that time, when you were an associate with him, you had to have a lawyer who was a member of the Supreme Court Bar, or you couldn't file that. So, I wasn't eligible at that point. So, now I'm going up to become eligible to be a Supreme Court lawyer, and as we came out, Tom Clark was there. He came out of the Supreme Court Building. He was standing at the top of

the steps, and I was sort of casually slinking around at the Capitol.

I heard him say to Stokes, "Well, are you going to Tokyo or not?" Stokes said, "No, General. My wife doesn't really want me to go." He said, "Why don't you ask Bob?" So, he turned to me, and he said, "Would you like to go?" I was shocked. The thought of going to Tokyo was intriguing, and I said, "Well, I'll have to call my wife and find out." He said, "Well, if you want to go, be in my office at 1:00 this afternoon." This was about 11:00.

So, we went back to the Ritz-Carlton Hotel, and I remember that we had a tureen of French onion soup and some Jack Daniel's liquor, which was always from Tennessee. I called home, and I told my wife--she was pregnant--that this offer had been made and that I was to leave in ninety days. It was in a field of law that I didn't think I was familiar with. It was supposed to be--what I was told--the recodification of the laws of Japan. That's what Stokes had told me, but he didn't know, really. So, maybe the job that they had for him was a different one. I had no idea what it was going to add up to, and I said, "I understand it'll be ninety days." She was getting along to where, at the end of those ninety days, she was pushing pretty hard for the birth of another baby. We

had twin sons who were a little over a year old already.

But I figured that this was going to be valuable. It was only ninety days, and we'd get the publicity that goes with that kind of an assignment. In any case, I was thirty years old, and I welcomed the opportunity. So, I went over to the Justice Department to Clark's office and told them, "Okay. I cleared it with my family." He had gone to Boston [Massachusetts] to give a speech at the American Bar Association meeting, and this must have been in September.

His two secretaries, Grace Murphy and Alice O'Donnell, were long-timers. I think that Murphy was a sister-in-law to Justice [Frank] Murphy, and the other lady was with him all of her life. She was a lovely human being. She took care of her aged father. She became quite prominent in Washington years later, running the Judicial Center, where they re-educated federal judges as part of their continuing education.

They were waiting there, and they said, "Attorney General Clark came in and set it up for you." I thought, "How strange! He doesn't really know me." It was one of those spurs of the moment. One of them picked up the phone and called Joseph Keenan, who had been a White House representative for President

[Franklin Delano] Roosevelt. He was well-known in politics in Washington. Anyhow, he had offices in the Justice Department for the moment. Formerly, he had been the chief of the Criminal Divison there in the Department of Justice. So, he was setting his organization called "Project K," which originated up there in the Justice Department.

Alexander: "Project K" was what?

Donihi: That was the [Prime Minister Hideki] Tojo trial. It was supposed to be the trial of the emperor [Hirohito]. We thought of that. But, in any case, I was sent down to what was known as "Project K." It was all very hush-hush and secret, and I was expected down there. I didn't learn until later that this was not just an easy, happenstance kind of thing. Clark had gone back to his office and contacted the two senators from Tennessee. One of them was the president *pro tempore* of the Senate. As you know, Roosevelt had died, and [Vice-President] Truman had become president, leaving the presidency of the Senate open. So, Tennessee's Senator [Kenneth] McKellar was the chairman of the Senate Finance Committee, and he was also the president *pro tempore*. That was a lot of power. The junior senator...I had gone to school with his son, a fellow by the name of Tom Stewart. The senior senator was McKellar, and he recommended me. I

suppose they checked me out, too, but they recommended me to Clark, so Clark, in turn, recommended me to the president.

But I ran into a roadblock. As soon as I went downstairs, I began to see the politics at work in the organization. The man who was originally responsible for setting up the organizational structure and the concept of the Tokyo Trials--obviously, somebody was going to set it up along the lines of Nuremberg--had gone to Nuremberg. His name was John Darcy. Darcy was the assistant attorney general of the War Frauds Division. He was an excellent lawyer and very bureaucratic in his concepts, and as you know, a lawyer on the outside.

Anyhow, Darcy did not like Keenan, as I heard. He was shocked that Keenan was appointed to head the mission, and he didn't like Keenan. He had known him since the days when Keenan had been the head of the Criminal Division, and I guess in that case he was Darcy's boss. Darcy had looked forward to being the head. He had the support of powerful forces in the Senate, mostly Senator [Walter] George, who was very prominent in those days. He was from Georgia, and Darcy was from Georgia, but that wasn't big enough to overcome, in my case, my support. What Darcy was doing, he had already lined up Keenan and perhaps me

to a degree. Darcy was going to be the number two man officially, and he was given permission to pick half of the group to go to Tokyo from amongst the trial lawyers in the Justice Department. So, he picked six men, seven with himself, who would be going over to sort of bear the brunt of the heavy work and preparation. Keenan took the other half and picked them from amongst his very good, staunch friends, who were judges and lawyers on the outside. So, it was a mixed bag.

Now, Elton Hyder and I were the only two outsiders. We came in from the sidelines through the governor of Texas [Coke R. Stevenson], I think, who recommended him. He had been asked if he would go over. He said, "No, but I've got this young man on my staff, and I think that he'd like to go." So, Tom Clark recommended him just as he had recommended me. So, Elton and I met together for the first time on the day that we departed.

Alexander: Did you compare notes?

Donihi: Oh, yes! Of course, we roomed together in Tokyo and became good friends. But we had no idea what we would be doing. I thought, "Well, I'll put up with it." The codification of laws--I really didn't get into that sort of thing, I suppose. It wasn't what I wanted to do because I had had trial practice. I was

a trial lawyer for the firm, and I had had a lot of success. I liked courtroom work, and I loved making speeches before juries (chuckle).

So, anyhow, as it developed, I was almost petrified when I learned that we were going to try the emperor. There were sixteen men there at that plane. I remember so well that there was a press conference going on, and a lot of us were standing to be photographed. Keenan was being asked questions. We were standing there, and at one point somebody asked, "Are you going to try the emperor?" He pointed up to the sky, and I just followed his finger pointing up, and there were fleecy clouds up in the heavens. He said, "Well, we'll wait until we get there to decide what we're going to do to reach to the very top." I looked up, and I thought, "I wonder if he knows that you're talking about the 'Son of Heaven.'" (chuckle).

Anyhow, we took off and the whole thing was star-crossed from the beginning, as far as the staff was concerned. Darcy was...

Alexander: You called it "star-crossed?"

Donihi: Well, he was star-crossed. The whole thing was kind of star-crossed because of Darcy's resistance to Keenan. Practically the minute that we got to Tokyo, Keenan fired Darcy. Now, he couldn't fire him from his job in the Justice Department; that was solid,

since he was an assistant attorney general. But Keenan fired him as his deputy. In other words, what he did was to reduce him and his presence in the staff, including the Justice Department staff. But they were pretty loyal to Darcy because he still had his title of assistant attorney general. But it took away all the powers that he had over any staff matter that he had had in Tokyo, leaving Keenan kind of isolated in a manner of speaking. He had personally selected Elton and myself.

So, he moved his people and the two of us to the house that he had gotten from [General Douglas A.] MacArthur. It was very nice to live in. It was in a little enclave in Tokyo, known as "Satori House." We lived with Keenan, and it was a particularly interesting time for both of us. I'm speaking for Elton and myself because we sat there with these very solid citizens who were friends of Keenan's, and they were good advisors and very cautious and careful. Long before we became an international organization or we were forming the international organization, policy was being formed there every day, and all the time. Keenan would throw out a question and ask, "How are we going to think about this?" Well, there was one group that wanted to take whoever was to be tried to Pearl Harbor and try them under United States law for murder

on the theory that you could extradite them by using MacArthur's powers on the theory that he had that power. So, the Japanese attack on Pearl Harbor [would be the grounds for extradition to the United States], and trying them for murder was the goal of one of the groups. Well, that got nowhere because the president wanted an international trial. At this point, everything was between the president and Keenan. We met with General MacArthur on the 7th of December, 1945, not realizing or knowing precisely what Keenan's orders were regarding to, say, surrendering himself to MacArthur.

Alexander: That's a good way to put it (chuckle).

Donihi: Well, my boss later in Germany became John McCloy. Books have been written about him. He was the chairman of the board of this organization. In fact, I was trying to get material together for him to write a book about his experiences in Germany, and he wasn't at all interested in doing that. He just wanted the material for scholars to have some day. It was all "Eyes Only" and "Top Secret" stuff that he had in his possession. I put that together and formed a chronology for him. But he, at the time, was really running the War Department for [Secretary of War Henry L.] Stimson.

Alexander: Stimson was getting kind of old.

Donihi: He was old and getting infirm when McCloy was behind the scenes and was really running the show. He came over, and after he and MacArthur met...well, I thought, "This sort of tells the story!" But the two of them were certainly in concurrence with one another about the emperor, and so was our former ambassador, Joseph Grew. That was pretty much, I think, the group that sort of made Truman realize that we had to let the emperor stay.

Alexander: Let me ask you this at this point. My recollection is so far away from it that mine is of no consequence. However, I had always thought that--and I'm sure that MacArthur made the announcement--he had said that the surrender would come even before they were on the deck. That was one of the requests of the Japanese Army, was it not--that the emperor be allowed to stand? Had MacArthur not said that that would be satisfactory--at least temporarily or something?

Donihi: No. What he said, actually, was that he was not going to force the emperor to do anything. He said, "In his time, he will come to me. The time will come when he'll come to me." MacArthur's attitude was that the men in high positions were going to have to save this nation as much as possible.

Alexander: Especially in this case.

Donihi: Yes. And, of course, he was quite aware of the fact

that a lot of people would have been killed if he had gone about it wrong. But what we didn't know--I'm talking about "we" being the staff members--what the relationship was between what our mission was going to be to MacArthur and to the military government. We knew that Nuremberg had the name "Military" and that it was a military tribunal at Nuremberg. It was the International Military Tribunal at Nuremberg, whereas this one was going to become--and we were so informed that we would be performing it--the IMTFE--the International Military Tribunal for the Far East. But, the word "Military" appeared again. Darcy's position indicated another difference between him and Keenan.

So, here we had all of these member nations coming in that would be represented some day in the United Nations. Five of the memebers were very important: China, Soviet Union, France, United States, and United Kingdom. It was the future Security Council [of the United Nations]. In addition, there were others.

I've gotten a little ahead of myself. Keenan did not wish to invite the Soviet Union. I think he felt that, after talking to MacArthur, it was just as well that the Soviet Union should not be brought in. I'm speculating a little bit here. I don't like to do

this, but I think it's valuable for some of you who are doing research to check this out. I think that the cost of saving the emperor was the sacrifice of [Kuomintang (Guomintang) leader Generalissimo] Chiang Kai-shek [Jiang Jieshi] and anti-Communist China because it kept the Soviets from coming in and invading Japan with all of the demands which they were bringing. [Editor's note: The transliteration of these Chinese proper names was changed from the old Wade-Giles system to the current Pinyin system by the Chinese government. Chinese names in this interview will be transcribed with the Wade-Giles system and the Pinyin transliteration in parentheses following the first appearance of the name.] They wanted the emperor tried, and in order to get that off of our backs, there were some trade-offs made, and probably Roosevelt decided not to support Chiang Kai-shek someplace along the line.

Alexander: I don't think the U.S. forces would have made that much of a difference, but their [the Soviet Union's] late entry into the war [against Japan that occurred on October 9, 1945]...of course, it had some ramifications for the surrender, supposedly, by the works of most of the revisionists, but due to their short period of time in the war, would that not have precluded them having, or at least helped keep them

from, a part in this?

Donihi: No. You see, they were already a part of the occupation of Germany. We had formed a quadripartite organization in Germany.

Alexander: Well, they [the Soviet Union] gave up tremendous things in the European war.

Donihi: Well, that's true, but the point was that they were demanding anything that they could get. They wanted to get into Japan and voice a lot of their own demands and, I suppose, have Japan return to them some of the islands and those things.

Alexander: Oh, I'm sure that they did. Is it not possible that if it came down to a showdown one way or another, that the United States might have decided: "Hey! It isn't worth this battle or fight. Let's just keep them out." Is that how we kept them out?

Donihi: Well, I think the point of it all here is that we couldn't have endured any kind of a fight anyplace after the people in the United States were saying, "Bring the boys home!" Once the Japanese surrender had taken place, I don't think we could have assumed any kind of fighting even if the Japanese had risen up against us. We were in bad shape. I think that probably the temper of the American people was: "Let everything go. We just want the kids home."

Alexander: That's very true.

Donihi: But as to this particular point, MacArthur was tough on the Japanese representatives. We called them "representative" rather than "ambassador." They brought in roughly fifty-seven--I liked to call them the "Heinz variety"--prosecutors when they came into the trial. Of course, they [the Soviets] were making demands for the trial of the emperor, and others were of a like mind. India, for example, took the position: "What the hell!" I'm writing the last article of their own opinion, and Justice [Radhabinod] Pal said, "We're not going to try the emperor. Let them all go." That was essentially what his idea was. It wasn't very sensible, but then that was his position.

I personally remain of the opinion that Chiang Kai-shek no longer had the kind of continued, guaranteed support from the United States at any point after the forming of the Kuomintang , in which Roosevelt had decided...

Alexander: The forming of what?

Donihi: The Kuomintang--the Nationalist Army. In other words, it was the integration of the Chinese Communists and the Chiang Kai-shek's forces.

Now, if I may diverge a little bit from this into history, Chiang Kai-shek's report on this incident, called the Hsian Incident, was that a fellow on his staff known as the "Young Marshal"...his father was

the "Great Tiger of Manchuria," and there were two of his boys. One was in the pro-Soviet forces in China, and the other one--I suppose the powerful father wanted to be on both sides--was on Chiang Kai-shek's side. Chiang Kai-shek was bold. This was at a time when Roosevelt was looking forward to the defeat of the Japanese Army. He didn't want to continue just supporting Chiang Kai-shek. He decided that it was better to have both of these two forces, rather than fighting a three-way war as they had, with Chiang Kai-shek fighting against Mao Tse-tung [Mao Zedong] and Chou En-lai [Zhou Enlai] and also against the Japanese. All three were going in two directions to fight the war, so combining the Chinese forces to try to beat the Japanese was the desire.

The point for Chiang Kai-shek at this point is that he was taken at the point of a gun [on a visit to Hsian]. To save his own face, you know...he didn't want to join forces with the Communists. So, he was taken at the point of a gun by the "Young Marshal" and taken to a meeting at Hsian, where he met with Chou En-lai and Mao Tse-tung. The "Young Marshal" told him that he would not--per his reporting--leave the place alive unless he agreed to the integration of the forces. So, for the good of the cause, he agreed to it. He doesn't put any blame on Roosevelt, but I

think behind the scenes this is what was happening.

There were other reports, which I couldn't confirm, but I suspect that they could be if some historian would find something lost or misplaced, that [Soviet General Secretary Josef] Stalin had to intervene in order to save Chiang from being executed, anyhow. Stalin is supposed to have told both of the Chinese leaders to let him go back because nobody else could lead the joined forces. He was the only one that they would follow, so they integrated the two forces.

Alexander: I wouldn't have given Stalin that much credit, I guess.

Donihi: Well, anyhow, as I said, I can't confirm this.

Alexander: I know that, but I think that's really a very insightful statement.

Donihi: It could well be that Stalin foresaw that they had to win that war against the Japanese before they could get China. So, whatever that may be, it's speculative, but I've heard that argument advanced.

So, he goes back--and this is still part of the record--to headquarters with the "Young Marshal" for his court-martial. You could imagine what that would have done with the guy if he were MacArthur or [General Dwight D.] Eisenhower. He sentenced the "Young Marshal" to seven years in a posh villa outside

of Shanghai with his wife and what I'd describe now as "concubines." I was introducing the Chinese ambassador on an occasion, and I told this story because I wanted to get the comment of the ambassador. I repeated that the two women were two concubines--I had read that exact term in one of the history accounts--and he immediately stopped what he was doing. He said, "They were not concubines. They were very fine women. They were mistresses." (chuckle) They were not prostitutes; they were mistresses! Anyhow, that was for seven years. In the meantime, Chiang Kai-shek or somebody made the comment that the Chinese have a saying that two women under the same roof means trouble, and with three he was being adequately punished (chuckle).

In any case, at the end of the time that Chiang Kai-shek was being driven over to Taiwan, he released the "Young Marshal" and took him with him, I guess along with his wife and two young ladies. Chiang Kai-shek is dead, but my understanding is that the "Young Marshal" is now the "Old Marshal," and he's very prominent in Taiwan. He's a historian and very beloved. So, you have to write your own ending. Was this something that saved Chiang Kai-shek? It's very interesting. No Chinese will admit to me that that could have been a ploy by Chiang Kai-shek--which I

suspect it might have been--to save face. But they just say, "That's the Chinese way of generosity and kindness." Well, some of them aren't that kind!

Alexander: But both of them are saying the same thing to a certain degree.

Donihi: Well, anyhow, that's a diversion from the question.

Alexander: It's a nice diversion, though.

Donihi: I've speculated whether or not, as far as we were concerned, it cost us a friendly government in China. Chiang Kai-shek went to Taiwan, and, in doing so, he really lost his allegience to his friends in the United States, who might have been with him. A lot of people remained with him. As you know, for a long time he was considered to be the head of the Chinese government, even while he was in Taipei [Taiwan], but there were all those who...[Senator] Albert Gore, Sr., for example, used to "beat the drum" [advocate] that: "Well, the British recognized the Communist regime in China, so it is time that we came into the diplomatic world." That went on for a long time with the people on the Hill [reference to Capitol Hill in Washington, D.C., the United States Congress]...I must say that the Chinese representatives and, of course, the ambassador and his staff had done their homework by meeting with the various members of the House and Senate. They made a great many friends up there,

which, in the final analysis, saved them until [President James Earl] Jimmy Carter came along and normalized the relations that had been begun by [President Richard Milhous] Nixon.

The diversion from this thing has some purpose in it because it relates, to some extent, to the fact that the Chinese representatives on the court [in the Tokyo trials] were Chiang Kai-shek's people. They were not, at that time in 1945, what they became later--communists. So, in any case, now they're having their trouble long years later, after the people who wanted us to recognize mainland China as being [the legimate government of] China, had their way when Jimmy Carter decided to normalize things. They'd had this "Shanghai Communique," as it was called. Everyone was asking questions in diplomatic circles when [Secretary of State] Henry Kissinger and the Chinese were were getting together. "A group has been over meeting secretly with Chou En-lai, and the objective is to normalize relations." "Well, what does the word 'normalize' mean?" "Well, it means to regularize--to get things back as they were." No one at that point would admit exactly that it meant that we were going to have to kick Taiwan out of the United Nations and make them *persona non grata*. We were being very cautious about it until Jimmy Carter came

in. He had to do the work. He didn't declare them *persona non grata*, but, all of a sudden, he recognized [the communist government of the People's Republic of] China, and the Nationalists are, in effect, *persona non grata*. They had to give up everything there to the Red Chinese. So, in order to collate this, we were going to appoint an ambassador, who didn't get confirmed until 1979. I was in China at the time. Well, I've got to go back to 1945 now.

Alexander: Yes, we need to go back to that.

Donihi: I'm sorry about all this.

Alexander: I'm very glad you did it. That's fine.

Donihi: But here we are now. We're in Japan, and we had not just had everyone move in on us from the sidelines. Keenan wanted to keep the Soviets out, but he was having meetings with MacArthur, and he had a break with his deputy. He appointed a U.S. attorney by the name of Carlisle Higgins from North Carolina, who later became Chief Justice of the Supreme Court of North Carolina, as his deputy to take the place of Darcy. He had been one of Keenan's close friends, and he was one of those who Keenan had picked. Keenan had invited his handpicked people. They were involved in all these discussions, and to some extent they apparently liked to hear us say something that made good sense. They were courteous and not focused down

all of the time, but at least we were learning. That process was a considerable education for both of us.

As we found as we went along, not all was going to be fair as far as the international status was concerned. They came in one by one. The first who came in was the British representative, who represented England and Northern Ireland at the table. You can't quite say "Great Britain" because they had an Australian, a New Zealander, and a Canadian, who also came in. But this man represented Northern Ireland and England in the prosecution. His name was Arthur Comyns-Carr. He became "Sir Arthur" later. Comyns-Carr was a wonderful lawyer on the king's bench and a splendid representative. He brought with him as his deputy a chap who was extremely difficult for us. He didn't like Americans. His name was Christmas Humphreys. Humphreys's father had been a very noted judge at Old Bailey and young Chris--he wasn't much older than me--was himself the chief prosecutor at Old Bailey, so he was certainly an excellent criminal lawyer.

But he got into a lot of personality discussions with us. I remember my first meeting with him. He came into the office, and he said, "I say, are you a barrister or a solicitor?" Well, he full knew well, of course, that we didn't follow that system. I was

neither; I was both. He said, "Well, you can't interrogate the accused, can you?" Of course, in England, only the solicitor is allowed to do this, and I said, "Yes, I have been." He said, "Well, of course, you know you won't get to fully participate in the trial because the British system will prevail." Well, he told nearly everybody on the American staff the same thing, and until I left there, he hadn't gotten on the floor of the courtroom, and all of us had (chuckle).

But his boss was a wonderful administrator, and he really saved the day from the international perspective. Keenan was like a bull in a china shop. He relied too much, I guess, on MacArthur. MacArthur did save him on a number of occasions. Keenan was drinking, and he had high blood pressure. And he was terrible with the personnel. He was just brutal. If you rise to the top of greatness, you're a genius.

I've gotten a little ahead of myself. In Washington at that time, Keenan was known as a kingmaker. He used the powers of the president because he was Roosevelt's representative to the Hill, and his power was because of the man who had recommended me, Senator McKellar. McKellar could get any kind of legislation through. He loved Keenan, and they loved each other; and he would do anything for

Keenan. That was what Roosevelt needed--somebody to get legislation through both houses. So, on the Senate side he called Keenan "Joe the Key." The man he relied on for the House side was Tommy Corcoran. Both of these men had noses, like I indicated, so he called Corcoran "Tommy the Cork." Roosevelt had a lovely sense of humor--a sort of like Damon Runyon. His secretary was "Gracie the Tull" after Grace Tully.

Anyhow, Keenan became known as a kingmaker because he was able to get positions for people in high places that very few are able to attain on their own. Tom Clark had become attorney general as a result of being pushed by Keenan. He followed Keenan as chief of the Criminal Divison and then went on the the attorney generalship. Later on, it was Truman, I think, who decided that he wanted to get Clark out of the attorney general's office. Darcy told us at a speech made in Cleveland, Ohio, for a bar association meeting--this is inside stuff at that time--"That's taking away Clark's chances of being on the national ticket for president as the vice-presidential nominee with Truman for re-election."

Alexander: What had he done?

Donihi: He made a speech against communism. It was really one of those "Let's get 'em!" diatribes. I guess it was considered as such. But, of course, Truman had to

meet with Stalin and the others, and I think that he was a little bit afraid of that kind of thing. He wanted--without destroying Clark--to get him out of that particular job, so he offered him a post on the Supreme Court. [In 1949] Clark became associate justice of the U.S. Supreme Court. Now, this is stuff that Darcy had said.

Anyhow, here we are, back in Tokyo. Keenan is drinking and getting a lot of people angry with him. In the meantime, we have formed the International Prosecution Section. We were in the business of interrogating from several lists that we had. We had one from the State Department and others from SCAP [Supreme Commander for the Allied Powers] and the Justice Department. We had different lists, and we would take the names off those lists. Sometimes they'd appear on all the lists as "most likely suspects." Do we want to change the tape?

Alexander: Yes. We're going to change the tape at this time and turn it over.

[Tape 1, Side 2]

Alexander: Okay, this is the beginning of Side Two. You were discussing and commenting on Keenan's situation at that time.

Donihi: Well, the assignments were getting us into the meat of our purpose for being there.

Alexander: When you say "assignments," do you mean...

Donihi: I mean things relative to all the lawyers who happened to be working on different things.

Alexander: So, you were making the assignments. Is that right?

Donihi: No. They were being made for us to do. Keenan and Carlisle Higgins were actually making the assignments. We were still an American staff. We had adopted the title of "International Prosecution Section." So, that was being formed. The only ones who had arrived at about the point I'm talking about would have been the British. Very soon after that the French and the Dutch and the Indians and the Filipinos--there were twelve nations in all--came. Then the justices started to come in.

There were a couple of things that had to be done. We had to have an indictment. We had, first of all, to know who to indict. We were interrogating people. The lists that I mentioned, that we obtained from the Army and the State Department and the Navy or whoever had lists of persons to be considered as potential war criminals, we would take the names that appeared on <u>all</u> of the lists, and that made it rather easy. Then, with the others we finally narrowed it down to where we only had names on one list. That would perhaps wait before you went to go to the ones who were appearing as likely suspects across the

board. As the other countries came in, including the Soviet Union, they had their lists. There were a couple of people who actually got into the indictment, I think, because of the Soviets.

Alexander: Although they didn't appear on the other lists?

Donihi: Well, if they appeared, they didn't appear as seriously. The Soviets had a couple of people who they really wanted to try, and, of course, the emperor was one. They had the first prime minister, I guess that's what you'd call him. I'm trying to think of his name.

Alexander: You mean in Japan?

Donihi: Yes.

Alexander: It'll come around.

Donihi: In any case, he was one, I think, that the Soviets insisted on, and then there was one other. Again, my memory is fading on that one. It may come back. But there were two people who got on the indictment because of Soviet pressure--in my opinion--because I know that Elton and I and several others in the prosecution corps didn't need them. We didn't want the list too long, for one thing, and Keenan didn't want them. The group of prosecutors was too big for another thing, but, anyhow, we got the Soviet Union's lists whether we wanted them or not. I suspect that was because Keenan insisted that they had to be on.

Whether MacArthur had told Keenan his preference not to have them, I don't know, but we ended up with the prosecution and the Soviets.

The indictment had to be written. First, we had to decide who to indict. We formed separate committees from the international group of prosecutors, which would consider evidence and individuals for indictment. Neither Elton nor I were on them. They voted to be in that policy position when they formed the international team that got them there.

Finally, we got into 1946, and, of course, I had an intermediate thing. What happened to me was that I was right in the middle of my preliminary assignment. On Christmas Eve a telegram came to MacArthur from Thomas Clark ordering me home. My wife had been gravely burned, and they weren't sure how serious it was, but it was something very serious. Transportation was rather slow then, and even on the trip home it was raining, so it took a couple of days. It took maybe three days to get home. I left immediately on Christmas Day. I remember that day very well because every place we stopped we had Christmas dinner. I didn't want Christmas dinner; I just wanted to get back.

I had orders signed by MacArthur, and I got to

San Francisco [California]. I can't remember the name of the field. It was an ATC [Air Transport Command] base outside of San Francisco. Now it's no longer in existence, but the ATC was there then. We flew in there, and I was sailing rather high because we'd made pretty good time coming from Tokyo.

Then the day that we arrived there, somebody on the plane with me said he had just come from the Moscow conferences. He was a full colonel, and he had just come across the States. He had been with [James F.] Jimmy Byrnes, the Secretary of State, in Moscow, and they had just signed the Four Power Agreement for the occupation of Japan among the Soviets, the British, the Chinese, and ourselves. I think that was the four.

In any case, I perceived from that--in my mind, at least--the impression that: "There goes MacArthur." That's the way that I took it. That's why I'm drawing the conclusion that I made earlier on the other side of this tape, that probably China was the price to pay for non-interference in Japan with MacArthur. He wouldn't have put up with the Four Power Agreement for occupation. So, he was able to handle it, which I don't think he could have if we hadn't paid some price. I think Chiang Kai-shek was that price. In any case, it was a lack of support for Chiang Kai-

shek--just to leave it as a local problem between Chiang Kai-shek and the communist forces. We would not support him and just leave it as a local or internal problem. In any case, here we are. We're putting together the IMT...

Alexander: You were getting home?

Donihi: Yes. I was carrying with me some documents from Keenan that he apparently thought were pretty important. I was supposed to talk with him from the Pentagon in a conference that was scheduled as soon as I could get there after getting home. I had certain duties to perform in Washington. So, it was important that I get there as quickly as possible in addition to getting home.

I went to the ATC transportation desk there to get my orders confirming me to go on to Washington, and I was told by a very nice, young soldier that I would have to see the FPAC liason officer. "Who is he?" "Lieutenant Colonel [So-and-So]." It was something like Golden. "He's back over there." So, I went in, and I showed the lieutenant colonel my orders. He said, "These orders are no good here." Apparently, he hated MacArthur; there were people like that. I said, "Why is that?" He said, "Because these orders are from the Zone of the Exterior. You are now in the Zone of the Interior." I said, "What does that

mean?" He said, "That means that we have to get confirmation orders from the Philippines for you to go on." I said, "Why the Philippines?" He said, "Because that's your headquarters." I said, "No, my headquarters are in Tokyo." He said, "No, Tokyo is APO 500-A. Your headquarters really is APO 500, which is Manila. So, we have to get orders for you from Manila." I said, "How are you going to get them?" He said, "We'll write a letter." I said, "Would it help any if I told you that I was carrying some unmentionables that I have to get to Washington?" "Oh," he said, "everybody says that." I said, "Do you want to gamble?" He said, "Oh, well, I'll let you get away with it this time."

So, I went on, and immediately, when I got to Washington, contacted the Pentagon. We set up a conference with Tokyo. John McCloy was there, and he said, "Let me see your orders." I told him what had happened. He handed them to the colonel, and the colonel said, "Well, these are in perfectly good orders for going and coming." He returned them, and I said, "Okay." He said, "Do you want us to fix up the transportation?" I said, "Yes." So, they got a plane on the line for me to leave immediately to go to Nashville [Tennessee]. From there I had to go not too far from Nashville to north Alabama, where my wife

was. So, it was working fine up to that point.

When I got down there, the doctor said, "She's going to die in the middle of the night." Now, I hadn't wasted any time except for between planes in Washington and that one conference. I knelt for the first time that I can remember since I was a child. She was supposed to die that night, but she didn't. I'm getting a little emotional here, but I knelt. We had previously lost a child, and I said some prayers--we said some very earnest prayers--and, of course, they were answered. She had been awfully burned, just terribly burned. When you walk into a hospital, and you can smell the burned flesh, that's just an awful experience.

So, this is what I was up against at this point. I was really shot. I returned to my law practice. It was only a couple of weeks since I had been gone. It was getting close to the first of the year. I turned over all of my pending cases to colleagues. I didn't feel that I had it in me to even begin to represent anyone at that point. I had a very good job waiting for me back there. I was well-paid, and it didn't cost me a nickel--not one, solitary penny--to live back there. We had no bank accounts. We had no insurance that would cover this thing, and here she was, in a place where there were no really good

hospitals.

Another lawyer that I knew had a client who was in the undertaking business. He had some pretty good, well-equipped ambulances for special occasions, and he arranged to send one down with a registered nurse who happened to be--I represented the Police Benefit Association in Nashville--a friend of mine. She was a daughter of one of the members of that, and she was a nurse. My wife was very distressed, and we wanted to take care of her. We got a doctor who had performed a lot of miraculous skin grafts to inspect her. He got her a drive-in hospital room in the city hospital in Nashville. We put her in there, and she had twenty-four hour, 'round-the-clock personal care, but it cost money.

I had a telephone put in the room, and I stayed there until the doctors told me that she was going to survive. She got through a couple of skin grafts, and she was able to talk. She was in quite a bit of distress, of course. It was three years before she finished the skin grafting. Anyhow, the doctors seemed to be pretty convinced that she wouldn't be much longer in the hospital, but it turned out to be several months.

I needed the money, so we agreed between ourselves that I would go back. I set up a special

account so I could send everything to the bank. Everytime I got paid, I sent every penny home. I didn't need one solitary *sou*. I didn't have to. They furnished me with chewing gum, tobacco, razor blades--everything. It was considered to be a war zone out there, and there wasn't anything to spend money on, anyway. I had a driver and a car.

So, I went back to Tokyo, and that time I stayed. I hated it. The one thing that was kind of a guiding light to me and helped me was that Elton and I...did you ever know Hyder? Do you know Martha?

Alexander: Yes, I think I do.

Donihi: Of course, you've never met Elton. He died last year, of course, and it was in honor of him that this particular occasion [reference to the Admiral Nimitz Museum Symposium] took place.

Alexander: I know. It's such a wonderful thing.

Donihi: Well, there was something in Elton. It was like a ray of delightful light. He lightened the heart and really got through to you in a special way. I asked him...I'll just use this as an illustration. Martha and he were in Washington on some function, and I put them up at the _____ House, which was housing for diplomats who had retired. The State Department owned three of them. That was for homecoming ambassadors--a sort of a club--and a lovely place, so they stayed

there. We had a little function for them when we introduced them to some of our friends and theirs. So, we had kind of a little banquet affair for them.

The next day I was to conduct a seminar on [former Secretary of State] Dean Acheson in the auditorium of the State Department for a number of foreign affairs classes. These people knew me. I'd been teaching classes, and I said, "Elton, I think I want to fill it out with speakers. I'm going to moderate this thing, and I'd like you to speak. Why don't we let you introduce me?" Well, that was fine, so I gave him a list of things. He said, "Well, let me have something that I can say," and he had a funny, great sense of humor. So, when he got up to introduce me...the State Department's auditorium is just a small step up. You're almost standing flush. So, he stepped up on the stage and said, "Robert asked me to introduce him." He said, "I said, 'Robert, I haven't been around when you've been doing all these things since Tokyo. Could you give me some idea about what you were doing?' I spent all night sitting up and worrying. I had to think what I was going to do about this. I can't let my fellow down. Then, I finally concluded, 'Well, the main thing to remember is to say some good things about Robert. Just say some good things about Robert.' I woke up this morning and just

thought, 'Just say good things about Robert.' Then I thought, 'What am I supposed to say about Robert?'" (chuckle) He had that nice wit.

Three or four of us would take a car and go out on weekends to the park. I didn't even tell them back in Tokyo about the troubles I was having. I figured, "I'll just unload my troubles on myself." But he was a light-hearted young fellow, you know.

Alexander: How long were you back in Washington?

Donihi: I went back to Tokyo before the first of February. Then I ran into some of the same troubles again. Now, Tom Clark gave me a letter to take back, and I think that letter had some very, very important instructions. It was in one of those [special] envelopes, and he was very determined to deliver it by hand to Keenan. So, I had it in my uniform bag. I got back to San Francisco, and it was the same story: "These orders are no good."

Alexander: Was it the same guy?

Donihi: It was the same guy. Well, I was exhausted at this point, and, of course, I was worn out emotionally because of my wife. I thought, "Well, a couple days rest is going to be good for me." So, I checked into an Officer's Club there on the base. There was a colonel who was an FBI [Federal Bureau of Investigation] man and who was the chief of the...what

do they call those folks in the FBI in New York?

Alexander: Was he a bureau chief?

Donihi: I don't know if it was New York State or New York City. Oh, he was the SAC--"State Agent in Charge." His name was Ben Sackett. Ben was coming home. He was then a full colonel. He'd been our chief of investigation up until that particular time, so he was going to give me a briefing on what had been going on--ourselves versus the international segment, what we were doing, what I should be prepared for when I got back there. He spent a day with me there at the hotel, and he was going on to become the vice-president of Studebaker.

Alexander: Boy, that was a job with a long future (chuckle)!

Donihi: Yes. Well, I don't know whether he made any cars after that or not. Then I got to thinking, "Boy! I'd better let Tom Clark know I'm still here." So, I called and I said, "Is it important that I get out of here?" He said, "What are you doing there?" I told him, and he said, "Stay right there!" About five minutes later, the same liason officer called me. He had had a call from the Attorney General of the United States, and they put a plane on the line. I got out of there--I was the only person on the plane, I think--immediately, within the hour. I thought, "This is crazy!"

When we got to Guam, the plane broke down, and I had to do a little waiting there, but I finally got out of Guam. When I got to Tokyo and delivered the letter to Keenan, it was only about twenty-four hours ahead of another courier, who came with a copy of the same letter. That's how serious it was. Soon after that, we were told, "Stay away from the royal household." So, I think that's what was said. It probably didn't say, "Not the emperor," but it could have. I don't know. Keenan was getting instructions from the attorney general and probably from the president through the attorney general, and it could have had something to do with MacArthur. It could have been directed to his relationship with the international group there or so on. Anyhow, he was very unpopular with the international group.

Alexander: Keenan?

Donihi: Yes. He was his own worst enemy. He had high blood pressure. To give you an example: I had the ambassador and his staff. Keenan had appointed me liason to the State Department from the Foreign Service staff there in Tokyo, so I had to work with them. They were a formal group, and I think that he disliked them because of his knowledge of their reputation. They were part of that "White Paper" [diplomatic] crowd over in China in which they were

writing back home that these communists were really just a group of agrarian reformers. You know, there was that flak when that fellow by the name of [General Patrick] Hurley, I guess it was, came home. He had been our ambassador, and he reported that they had sabotaged his efforts in China and so on. But Keenan, I think, probably was a friend of Hurley's. Keenan did not like these people. He'd made me his liason to them, and I had invited them over to the house on occasion for dinner.

So, George Atcheson, Jr., was the ambassador. His title was "ambassador," but he was really there as the Chief of the Political Division on MacArthur's staff. He had already caused us embarrassment. Before we even landed, he issued a list and was responsible for getting arrested those people who were on the list, including Prince [Fumimaro] Konoye. Prince Konoye was a member of the royal household. So, Konoye learned of this, and he committed suicide. [Editor's note: Prince Konoye committed suicide on December 16, 1945.]

As soon as that happened--and this is all before I went back to Washington; I'm backtracking--Keenan wanted me to find out what I could about the suicide so we could give answers to the press out there about our relationship. So, I had these guys over from the

State Department, and I did find out where Konoye had been the night before he committed suicide.

Keenan, in the meantime, I guess, had forgotten that he had told me to get these people together. He came in at maybe 10:00 at night, and we were still having coffee. The Japanese were there at the house, and right across from us, across the hall, there was no entrance to his part of house on the west side. You had to walk all the way around. Apparently, however, he could hear us through the walls, and he came staggering over. He had obviously been drinking, and he said in a staged whisper, "Bob, come out here!" Well, you could hear him, so I went out, and he said, "Who are these bums?" (chuckle) They could hear him in there, you know, and I told him. He said in a whisper, "Now throw 'em out!" (chuckle) Well, I guess it didn't do any harm--they didn't like him, and he didn't like them--but they left. That was the way that it was with Keenan.

The next day--right after the suicide, in any case--we went over there. There were four of us, and we went to Jimmy Kawasaki's house. He had a Scottish wife. Kawasaki, I was told, was a friend of Max Bishop, who later became Ambassador Max Bishop. He was with us, and he said that the wife was a Scottish girl who had nursed Kawasaki back to health over in

China some time ago. Kawasaki had been either a classmate, a dear friend, a fraternity brother, a golf partner, or something of [the famous actor] Douglas Fairbanks, Jr., and he was very pro-Western. They had a couple of homes, and when we arrived at their seaside home at _____, where they were expecting us. They were in Western dress. They had Western shoes and had none of this Japanese traditional clothing, and they didn't expect us to take our shoes off on the *tatami* floor. I guess it was all just for our benefit, and it was all kind of pro-Western. The whole time they had cooked up some Japanese food, and we had several drinks. We were there for several hours talking about the situation and talking about what had been disturbing to them about Konoye's suicide. As we were going out the door, Kawasaki said the last words. He said, "It wasn't the most courageous thing to do--to take his own life--but I'm proud of him." Konoye had said, "I can't stand it, that my American friends think of me as a war criminal," or something to that effect.

Alexander: Being a war criminal?

Donihi: Yes. They were words to that effect. He left a suicide note behind. It was being blamed on us, and we had to determine who was responsible. Well, it was this fellow Atcheson, who wanted it. He was a very

curious kind of fellow. He was prodigiously interested in the Soviet Union. Several people disappeared in the Soviet Union, and he disappeared.

Alexander: Do you mean from the group of prosecutors?

Donihi: He was on his way back to the United States to report, and it was reported that his plane was lost. I don't think they ever found the plane. I think he may have gone to the Soviet Union. In other words, in that Rosenberg case, you remember Klaus Fuchs? He was tried. I'm diverting a bit. [Editor's note: In August, 1949, the United States was stunned when the Soviet Union detonated its first atomic bomb. Klaus Fuchs, a former Manhattan Project physicist, suggested to Scotland Yard in January, 1950, that the reason why the industrially backward Soviets had acquired atomic bomb technology so rapidly was because of the operation of a spy network of which he had been a part. Following a trail of evidence that stemmed from Fuchs's statement, the FBI was led to suspect several other former Manhattan Project employees, including David Greenglass, Ethel Rosenberg's brother. Julius and Ethel Rosenberg, both physicists, were accused of being at the center of the spy ring. Based upon the plea bargain testimony of the others, the Rosenbergs were convicted of spying for the Soviet Union on April 5, 1951, and sentenced to die. Their appeal was

rejected by the United States Supreme Court on October 13, 1952. When they were executed by means of the electric chair on June 19, 1953, they became the first Americans to be executed for espionage in peacetime.]

Alexander: This is all so interesting, and I don't mind a bit, but we have to hang in there so the people writing this can keep together, too.

Donihi: Well, then let me tie that in because it does have a place here. I've told you about Chris Humphreys. Chris Humphreys had leanings toward certain groups of very religiously involved people. They were a bunch of international Buddhists who had been very leftist in their leanings and were kind of revolutionary. It was sort of contrary to the general concept of Buddhism, but, in any case he was a member and president of the International Buddhist Society. He seemed more interested in them than he was in the trial. He attempted to influence, to my certain knowledge, the release of at least one person who was being held at Sugamo Prison. The question in my mind, on reviewing the history of the fellow, was that he was pretty far to the left. I don't know why he was being held as a war criminal, but, in any case, that was neither here nor there. My coming back to the United States sort of cut that short.

But years later, when I was in Europe trying a

case, I was in Paris for Easter Weekend, 1947. I picked up a copy of the Paris edition of the Herald Tribune, and on the front page was a story about Chris Humphreys making a statement at the Old Bailey really on the behalf of Klaus Fuchs, whom he was going to have to try, saying, "Well, this is a Jeckyll-and-Hyde case." Hell, that should have been for the defense to say, not the prosecutor. The Rosenbergs had been executed...

Alexander: By this time?

Donihi: Well, they were going to be.

Alexander: They were executed in the 1950s.

Donihi: Well, I think they had been tried by that time. But, anyhow, we know that they're going to be executed.

Alexander: They were executed in 1953.

Donihi: Well, this was definitely before. In any case, Fuchs got the benefit of a rather...

Alexander: Klaus Fuchs, as I recall, was the first person to really be associated with getting an atomic secret out of the West.

Donihi: Yes. The point is that he was as guilty as sin. Then what happened after that was that as soon as he got out of prison, he went straight to the Soviet Union. That's the only point I'm trying to make. We had a history of people who were headed to the Soviet Union and given asylum. I don't know if this happened to

George Atcheson, but he disappeared. Well, I have sort of cut around on that a little too much, and I hope I haven't confused anyone.

Alexander: No, you haven't. I think what we maybe should do is to get back to the trial and the people in Sugamo and the series of events that led up to the trial.

Donihi: It became the duty of each of us to justify the person who we were interviewing and interrogating in recommending them for trial. We had to justify that before a group of international prosecutors. Each one of us who was going to at least be responsible for the exclusion or inclusion of those, we had to be able to justify them.

Alexander: You were pretty much a grand jury, then.

Donihi: Well, they were the ultimate grand jury. Let's say that we were the witnesses. So, we had the interrogations, and we would try to make our case pro or con--whether we thought the person should be included or excluded. They made the ultimate decision, so it was usually along the particular prosecutor's lines.

Alexander: May I ask this question here? If you had [A] and [B], both of them to be determined, and you decided that [A] should be prosecuted in your estimation and [B] should not, would it be the panel's responsibility to make that final decision? Even according to the

person whom you did not think should be prosecuted?

Donihi: No. I never did run into an [A] and [B] situation of that kind. But I had situations where I'd be justifying exclusion on one hand and inclusion on another for two separate persons.

Alexander: I guess that what I'm asking is, if you're excluding them...

Donihi: I did not have the final voice. They did.

Alexander: But the panel did listen to what you said and took that into consideration?

Donihi: That's right. They wanted to give every possible protection, and that, I think, would have been especially true in the case of a younger lawyer like myself.

Alexander: I think it's very important that it be clear in what you're saying because this <u>is</u> very important.

Donihi: Yes. So, that was true with regard to evidence. It finally narrowed itself down to where we had to get permission to even go on interrogating further along the line. It was getting so close to the indictment time that, if I wanted to continue interrogating someone in order to make a recommendation pro or con, I had to get special permission to go on. Otherwise, the deadline had been set: "No more interviews at Sugamo Prison."

I want to back up a little bit with regard to the

interviews. All of these that I conducted had been in Sugamo Prison. They were talks with General [Sadao] Araki and [former Premier Baron Koki] Hirota. Both Elton and I had Hirota. I was first in with Hirota, and when I had to go home for Christmastime, he was reassigned to Elton to finish the interrogation. He was sentenced to die, and so was Araki. [Editor's note: Araki was sentenced to life imprisonment but was paroled in 1955.] I guess that Elton had to justify it. I think that I wrote a thing also on that. We had to put our recommendations in writing. It wasn't just a matter of appearing in there. These were being held pretty carefully, so anyone who wants to research this thing and find out what each of us did with regard to those prisoners we were interrogating will probably find them in the archives. They'll be handwritten or at least have our signatures on them--documents of some kind. Insofar as the principal person was concerned, we had not reached a public knowledge that the emperor was included. It was becoming more and more apparent.

Alexander: That he was?

Donihi: That he was. We were not permitted to go over and interrogate him. Keenan finally made one token visit over to make it on the record to appear that he had gone and interrogated him, but I think he was the only

one.

Alexander: The only one who went to the palace to see him?

Donihi: Yes. Well, there are two things now to be done. First of all, they arrived at the conclusion that twenty-eight persons were to be on the list. Out of the twenty-eight, there was a certain farming-out of who was going to be handling these cases. There were two phases of the prosecution. One was my phase, and one was by the accused. In the first phase I was given a portion of the documentation by Sol [Solis] Horwitz. He did a very good job of getting proper documentation. Mine was the preparation of Japanese opinion for war. That became the first phase; in other words, news censorship, police control, thought control--they had a thought control law--and everything which would have prepared the average Japanese to go to war against the United States or against the Allies. So, it had to incorporate the whole ball of wax.

I put the first witnesses on in the trial. It was very unexpected because it was one of those juggling things. The trial had been broken down into phases, and in the final analysis, the top prosecutors made a decision as to which would be the first, the second, and the third phase of the trial. That was the prosecution's case. Well, that first phase

became, really, murder because at that time we had no basic rules to proceed on. We went into court, and the prosecution...we had our own staff of people there, and we knew when we were going to appear on the floor, but there were fifty-five different defense counsels over there on the other side, half American and half Japanese. [Former Premier and Minister of War, General Hideki] Tojo had refused to have any U.S. counsels. He had only Japanese counsels, and all the others had one of each.

Alexander: Hideki Tojo was the top military man, was he not?

Donihi: Yes. He had virtual control over the government at one point. He was the prime minister and the minister of war, and he had a "without-portfolio" post. He had three votes on the Cabinet. He could make the Cabinet rise and fall as he wanted. In fact, that was something that could have been done by any of the war ministers because the Army had virtual control. How they got that, I don't know, but in order to obtain more and more troops for China or Manchuria or whatever they were doing over there, they had to get the permission of the Cabinet. Then they'd take it for a rubber-stamp agreement to the emperor. In order to do that, they could threaten to leave the Cabinet, and without the Army the Cabinet fell. When the Cabinet fell it meant that the emperor was going to

have to designate a new prime minister, and, in order to get this, this fellow was going to have to go out and make some kind of a deal with the Army because the Army would not come back unless they got what they were asking for in the first place.

There were a whole series of assassinations in those final, several months of the period before the attack on Pearl Harbor. That gives you an idea of the turbulence of the state within the government, left and right. On the right they had the Black Dragon Society and the Cherry Blossom Society, and these were committing various kinds of assassinations here and there. Within the government itself, it would bring the Japanese administration around to the military's thinking.

The Navy was resistant. It did not want to go to war against the United States, but once given the orders to carry it out, it carried them out very efficiently.

Well, I want to get back to Tojo. Tojo was the single exception in the trial. Nobody could interrogate him except for one man. Now, nobody interrogated Tojo except a former solicitor general of the United States, who was one of Keenan's men. That person was picked by him--a fellow named Jack [John W.] Fihelly. He was a former U.S. solicitor general.

I could be wrong about this title--it's been so long--but I think he was the head of the Criminal Division at the Justice Department. He was a top-notch criminal trial lawyer. Jack Fihelly was apparently able to elicit from Keenan, as one of the prices for his coming out there, that he was going to be able to interrogate Tojo. Now, whether this means that Keenan and Fihelly knew in advance that the emperor was not going to be tried raises an interesting question. In any case, he knew that he was going to be the lawyer insofar as Tojo was concerned. He seemed to know that Tojo was going to be tried, and he took that for granted. So, we learned that no one was to talk with Tojo except Jack Fihelly.

Now, if I wanted to talk to Tojo--which I did--I had to do it by asking Fihelly to take me with him to Sugamo Prison. My name wouldn't even appear on the records. I would give him a list of questions, and he in turn would ask those questions of Tojo.

I remember that on one occasion, it was reported in a memo at that time and in some of the other publications that while we were sitting there--there are two parts to this--several Japanese people came in. Those who were in the room interrogating were Jack Fihelly, who was conducting the interrogation; myself, as a fellow prosecutor who wanted information

from Tojo; a fellow by the name of Buford (?); and also a Navy commander named Maxim. He's written a book about his experiences as an interpreter. With us was Myrtle Mills, who was Fihelly's secretary.

While this was going on, in came two Japanese plumbers. Apparently, they had some complaints about the plumbing. The room wasn't much larger than this [reference to the motel room in which the interview is taking place] in Sugamo Prison, where we were interrogating, and they began to beat on the radiator. There were a lot of men in there, and the girl, Myrtle Mills, said to them, "Hubba! Hubba!" That word was used as slang for "Hurry up!" They got out, and they bowed courteously and left the room. Tojo began to ask, "What is 'Hubba! Hubba!?'" to Maxim, and then they began to laugh. He translated it to us and said, "General Tojo tells me that every night when he leaves this room, the guards poke him in the back with billy clubs, and they say, 'Hubba! Hubba!' He thought that that meant, 'Remember Pearl Harbor!'" Well, he didn't say any such thing, but it was an easy way to get a laugh out of us.

Alexander: Of course, we used to use those words, "Hubba! Hubba!"

Donihi: I know. That was slang by the GIs. He knew very well that that would get a laugh out of us. They called

him "Old Razor Ass," and he was the smartest man in the courtroom, in my opinion.

Okay, now here we have a situation involving the interrogation that has to be conducted here, so I asked some questions through Fihelly. I wanted to know about the thought control law. I thought it was a classic answer by Tojo. He said, "Oh! We always had freedom of thought, but there were certain things that people couldn't think about." (laughter)

Alexander: That's priceless!

Donihi: We're back to the trial. We've given our recommendations for who should be in on the trial. John Darcy had been sort of *persona non grata* on the staff up to that time. Keenan couldn't seem to know how to pull the whole thing together to get united and registered to get ready for the opening statement to the court.

The U.S. judge had arrived, and I've got a story here for you, too. John P. Higgins was a very nice chap and the chief justice of the Superior Courts of Massachusetts. Before we left Washington, Keenan apparently was told by Truman to submit three names to him that he would like to have considered as the American justice. The three people whose names he submitted--and they had already been asked through some liason in the Pentagon--were Justice Ezra Pound,

who said "no"; Jimmy [James V.] Allred, the former Governor of Texas, was asked; and so was Justice Gibson from California. Both Allred and Gibson said "yes."

In the interim we had this terribly slow means of communication from Tokyo to Washington. You had a wall with a curtain on it, and somebody would sit with a typewriter, and you carried out what was called a "telecon" conference. Well, it was like those slow telephone calls, you know, when you talked back and forth, and it just took forever. This would be once a week. They had regularly scheduled "telecon" conferences, and sitting at the conference table in an enormous conference room at the Pentagon would be representatives from the White House, the State Department, and every government agency that had business with the MacArthur staff out there. Everybody had a position that was put on a board up [here] so that in Tokyo they knew exactly who was sitting [here], and we knew who was sitting [there]. That took time just to get all those names put back and forth, and then each person had a question to ask. You could go all night long in the conference until you finished it all up.

So, Keenan submitted those three names in that way, and the three of them were sent invitations. As

I told you, two accepted and one refused. In the meantime, Truman decided that he hadn't gotten those three names yet, so he decided that he'd like to name his old friend Higgins. Higgins had been with him in the Congress, so he named Higgins. Somebody in the White House then put it to Keenan during one of those conferences: "How do you feel about Justice Higgins?" Not knowing that Higgins had already been named, Keenan wrote back a scathing recommendation not to appoint Higgins, that he was a lightweight and everything else. It was terrible. I saw the original message. Well, Higgins showed up at the Pentagon, and they handed him the whole file so he'd know what was happening. So, he's reading up, and he sees...

Alexander: And he reads this letter, right?

Donihi: Well, he gets to Tokyo feeling rather hurt, of course. Sir William Webb, who did not really like Keenan, was the chief justice of the Tribunal. He was from Australia, and he very much liked Higgins. The two got along famously. Higgins seemed to be the person on the court that he would consult more than anyone else. So, he listened to Higgins. But Higgins nonetheless waited until the trial was in midstream to quit. He walked off of the court. I'm sure it was because of his feelings. He wanted to get out of there because he just felt uncomfortable. So, he came

back to the United States, giving as his excuse that there were some deaths on the Superior Courts, so he was needed back in Massachusetts. That was his excuse. I remember that he wrote to me a letter--a letter that I still have--complimenting me on the work I had done in the courtroom.

Alexander: That was nice.

Donihi: That was nice of him. So, I liked him especially for that, and some of the others did, too.

Then the president decided that he was going to name another person, and it ought to be someone who was strictly military. So, he called Lieutenant General Myron C. Cramer back into the service. He was a former judge advocate general. Cramer came in midstream. Here we were, in the middle of the trial, and he had to read everything. You know, in the United States that could cause a mistrial--this kind of thing that was going on was disturbing.

The Philippines had not yet gotten their independence--it was not yet July 4, when they got their independence in 1946--but the trial was going on, and the bench was waiting there for their man to come. But their prosecution representative, who was a former congressman, Pedro Lopez, was working with us in the prosecution. Soon to come was Justice [Delfin] Jaranilla from Manila, and he would be taking his

place on the bench. There again, you have somebody joining who wasn't there initially. These were a couple of things that gave the prosecution a little bit of a headache and the defense a sort of field day for making speeches.

I unfortunately had to present the first witness in the trial. It was the test run for everybody because immediately all fifty-seven of those guys would get up if I sneezed or if my witness sneezed. Whatever the case might be, they'd be up and would want to make objections, one at a time--fifty-seven different objections! Finally, Justice [Australian Associate Prosecutor Alan] Mansfield...go ahead.

Alexander: I wanted to say that when we got to the point where you're going to make that presentation, we should change the tape.

[Tape 2, Side 1]

Alexander: This is Tape Number Two, Side One. Let's continue.

Donihi: Well, I was sitting at the counsel table while I was conducting the trial with Lord Mansfield of Australia, who was Australia's chief [sic] prosecutor. He was an enormous help to me. I wanted him with me because he, of course, was representing Australia and Sir William Webb was the Australian justice and chief justice for the Tribunal. Lord Mansfield was kind of a counter-point for me. Everyone knew that ol' Webb could be a

tough curmudgeon. He was somebody who held you to a strict accounting in anything you did or said in that courtroom.

I've gotten a little bit ahead of myself on this story, and I'll have to backtrack to the defense in a few moments, but in this particular situation, all of these defense counsels are climbing to their feet and asking for equal time at the rostrum. Well, by the time that they got through with fifty-seven objections, almost a day-and-a-half had passed by. So, Mansfield said, "We've got to come to some conclusion acceptable to the Tribunal." He suggested that we adopt a rule--there were two parts to this thing--that only one member of the defense could make an objection for the same points to be made by any number of persons. They had to get their heads together so that if you had a dozen people wanting to make the same objection, they needed but one person. They all could take the credit for it. If all fifty-seven wanted that same objection, then they would get the same credit. I said fifty-seven. Actually, there would be twenty-eight and twenty-seven. There were twenty-eight Japanese...

Alexander: Twenty-eight and twenty-seven? Is that fifty-five?

Donihi: It's fifty-five, because you only had twenty-seven Americans.

Alexander: That's still a bunch (chuckle).

Donihi: That changed after a while because they had some deaths among the people in the dock, and they had one man go crazy while I was trying a case. As a matter of fact, I was standing at the rostrum speaking, of course, and all of a sudden the Klieg lights came on. I thought, "What would cause that?" In those days you didn't have a lot of cameras. They had some newsreel cameras like Movietone [newsreel-makers] and so forth, but nothing like you do nowadays. When those Klieg lights came on, you knew that something interesting was going on in the press. I could hear laughter, and to tell you the truth, I kind of looked to see whether or not I was dressed properly because all of these lights were at my back.

Finally I got the idea that the action was back [here], and I turned around. Here was a fellow named [Kingoro] Hashimoto. Well, there were two of them. There was [Shumei] Okawa and Hashimoto, and I may be confused about which one of them did this--it was the minister of propaganda--and one of them stood up. I think it was Hashimoto, but he was beating Tojo on the head and laughing loudly. [Editor's note: It was Okawa, a leading Japanese nationalist and intellectual, who struck Tojo on the first day of the trial. He was an anti-Western warmonger, a

conspirator in several pre-war assassinations, and helped to plan the Mukden Incident but never held an official governmental post. Suffering from syphilis and addicted to drugs, he was found mentally unfit for trial and hospitalized until 1948.]

Alexander: That's that incident!

Donihi: Well, I was conducting the trial...

Alexander: Were you prosecuting him at the time?

Donihi: I was prosecuting <u>all</u> of them at the time. My witness in that phase was against all of them. This was something that was to indict any and all who had been caught in that particular web of the phase--the preparation of the Japanese [thought] to enter the war. Of course, that did include both the propaganda ministry very intimately, but it also included Tojo, as the head of the government, and probably all of the others. I'd have to go through my files to identify all of them.

Anyhow, I looked back there, and Tojo was laughing, and Okawa was laughing. He was removed from the dock, and he never came back. He was found to have tertiary syphilis, so he didn't come back. But the trial continued.

The court concluded on the recommendation of myself and Mansfield that the prosecution would be happy to have a rule that said only one person from

the defense or the prosecution could examine a witness on the same point in cross-examination in this case, and that only one could make the same objection. In other words, they would have one person conducting the cross-examination on points that were common to any number of the defense attorneys. So, it was not the happiest rule in the world, but for the people who wanted to make a speech for the defense's side, it brought some order to the courtroom. That rule was to play an enormous part later on in the trial, unexpectedly, but that's where we were going from there.

We got through the first few witnesses fairly well. I had a film that I put into the evidence. It was known as "The Critical Period of Japan" or "Japan in Crisis," that started in 1928. It carried an official government film from the Popular Information Department that showed the emperor reviewing the troops, and it showed all the military men's icons of behavior and honor toward the emperor.

Alexander: That's *banzai*? [Editor's note: The Japanese term *banzai* literally meant: "Ten thousand years!" or "Long live the emperor!"]

Donihi: Yes. It showed a great many of the cabinet officers--people in the dock--in their various activities and propagandizing against the Western powers.

It contained some little bits of injected film. One sequence showed an American battleship out in the water, indicating that Japanese ships would be able to overpower this because of what they called the "Yamato spirit." A voice in the background was talking about that that particular American ship was going to be destroyed. Then it showed a cartoon developed immediately after showing the relative position in numbers of ships. Cartoon-wise, the ones that belonged to the U.S. were over [here]; Britain's were over [here]; France's over [here]; and so forth. Then, suddenly, there's this tiny little Japanese Navy that comes up and knocks them all out of the water, and then they were gone, making the point that this was going to happen to us. We were trying to show that the War Ministry at least in the future was thinking in terms of knowing this, even though it hadn't occurred at that point. Neither had Pearl Harbor. We were getting the conspiratorial thread that involved a number of people in the dock.

Well, the film was wonderful, but the trouble was that we put it on the first day. Japanese film, by the way, is wound backward. There was another problem. I had signed for 1,500,000 linear feet of film from the intelligence sources, who had captured the film from the Japanese. This was probably the

best documentary that we could have. The Japanese were destroying all the documents, and it was very hard to find good documentary evidence over there. This was one of the reasons that the trial was difficult. But this was wonderful documentary evidence, so I had all this signed out.

I didn't know anything about the film. It was nitrate film. It was in a room without any ventilation. It was found in there, and I had gotten the guardian of the film, a *Nisei* Japanese [second generation Japanese American]--a sergeant named Akina, I think his name was, who was sent over from Intelligence--to list all these things for me, and he showed them to me. We had them all, and everything was duplicated by title and sent to all the various places.

Some of these things were fortresses in Manchuria and so forth, so the Soviets suddenly got very interested in them. They demanded to see some of them, and they got all of our stuff. Security concerns or not, they gave them to all members of the staff, including the Soviets. So, they wanted to see all these things, which isn't really part of the story, but the point is that Keenan found out that this stuff was next door, and it might blow him right out of the building [referring to the combustible

nature of nitrate film]. So, he said, "Get that stuff out of here!" We kept that one film and sent it out to be put on safety film and got rid of the rest. The Soviets, however, were demanding to see several of them, and I told the intelligence people that SCAP said that the Soviets were making this demand. I said, "How do you want to handle it? I don't want to make this decision. Do you mind their seeing this?"

There was little room to instruct Sergeant Akina on what to do, so Sergeant Akina went to the film room to meet the Soviets. This was ostensibly to see the films, but instead of showing them those films, he showed them some films of Soviet fortifications. They wanted to see no more right there, and they came back very angry. They realized that we had some stuff that they didn't want us to have, and that they didn't want to tell us about. We knew what they had, so apparently that ended in this way. So, we kept that one film.

Now, we had a series of things happen. The very first time that it was shown, it came on the screen...have you ever seen those films of that courtroom in the War Ministry building? It looked like about three stories high with locked windows, you know, and they hadn't been darkened. Because of security the Army security people refused to darken

them down, so this thing was dim on the screen. Webb said, "Oh, we can't see this!" He said, "You might be able to get his order to get the windows darkened," and we got them darkened.

So, the next time that we came in, we were about to show it, and that portion when the American ships were on the horizon, someone had rewound the film wrong. So, here's this ship, upside down and crossways (chuckle). I remember that I kind of got up under the bench, and I said, "Oh, Your Honor, I'm just damned upset!" (chuckle) He didn't take that kindly. He said, "Mr. Donihi, this is no time for levity." (chuckle) So, he kind of put me back in my place.

We decided to take a "vacation" [recess] on the thing for a while. They sent for an expert to come from Hollywood to do the right thing at the right time. He came in, and, lo and behold, when he came, he wound the stuff up backward.

Alexander: Because he was doing it the Western way?

Donihi: He did it the Western way, and he was a Hollywood expert. So, we had gone through these three efforts on this thing, and the court was tired of the film. It was an important piece of documentary evidence, and I wanted to shelve it myself at this point. Keenan had gone back to the United States. Somebody had reported that Keenan was drinking too much to the

president. So, he was sent out to Hot Springs, Arkansas. He got "boiled out" [went through an alcohol rehabilitaration program] and came back. He came back mad as a wet hen and sober.

Alexander: He was sober?

Donihi: He was sober. But in the interim--and I don't want to get into the subject just in the interim--the foreign prosecutors had gone to MacArthur and asked for his removal. I'm going to come back to that.

But at this point, here we are with this film. I wanted to shelve the whole thing, but acting in his absence was Higgins, his deputy. Higgins said, "No, you have to get this out of the way, or we're going to have a headache with it later on." So, nobody else would touch it (chuckle). I went back in again, and this time I crossed my fingers and thought, "This has got to go this time." Lo and behold, it had just come on, and then the lights and power went off. We didn't learn until later that a GI had stepped on an open conduit outside and had gotten electrocuted. That's what happened, but that wasn't known.

Alexander: God did not want you to show that, sir (chuckle).

Donihi: It was simply awful, really. So, I decided to shelve that damned thing the best that I could. I asked the court to let us go on with other evidence and come back to it at a later point. Webb looked grateful

(chuckle). So, we went on with some other witnesses and left this thing to come back to. I didn't want the press to even know that I was going to put it on later. It was about a month before I slipped it back in the courtroom. Everybody was waiting for it, and somebody notified the press. They got in there and they were taking bets out in the hall and all that sort of thing (chuckle).

Alexander: The fiasco film!

Donihi: It went off without a shudder, but at that time it was a fiasco. Somebody said, "The evidence today was dull and uninteresting," you know, that kind of reporting, which, of course, to that point it was. But it was good evidence, and it is in the National Archives. It's not an exciting piece. Keenan saw it when he came back. He thought it was great evidence, but he hadn't gone through what I had gone through.

I knew that when Keenan came into that courtroom, back from the United States, that Webb became difficult with me immediately. Oh, he became difficult with me! You see, Keenan sent me back someplace, and I finished up on this particular thing.

I had a document that I wanted to enter as evidence. I should have made some reference to the document out there because there were so many indications by the other speakers that it seemed to

infer that they didn't know whether it was an identifiable national prosecutorial policy. So, the document had been handed to me. It came out of Tojo's War Ministry, and it was apparently prepared at the staff level and addressed to all commanders in the field. It was a rather heavy document that said, "The following are a list of people from your command." It identified them by name, rank, serial number, and where they were. So, they had been spreading false tales in the homeland since they had come home for various reasons: home leave, sickness, recovery, and [whatever] it might be. They named them individually then and in [this] prefecture or [that] prefecture or [such-and-such] area of Japan as spreading false tales in the following regard--telling what he had told, which was evidence: "We've examined this and found that these are lies." So, we had all these people who had confessed to lies and who had come back home after seeing such things as: "In my three years of fighting with the holy Japanese Army" [they always inserted "the holy Japanese Army" or the holy Japanese Navy"] in Shanghai and Nanking and [so forth], I witnessed nothing but rape, murder, and pillage by my fellow officers and my fellowmen."

Alexander: Who was this?

Donihi: This would be the individual coming home and spreading

these stories at home and creating, as you can imagine, in the neighborhoods quite a feeling that "All is not the way in which we're getting it [information from the governmment]." Some of these stories were rather bloodcurdling. I remember one that said, after they had seized a place, they had one little teenage gal. They lined up and raped her there. The lieutenant in charge said, "When you get through with it, kill her so she can't be a witness." It was bloodcurdling sort of stuff, which should have perhaps gone into the phase of the Rape of Nanking, which was a phase in itself. [Editor's note: The "Rape of Nanking" was the sacking of that city by Japanese forces in December, 1937, during which an estimated 50,000 Chinese civilians were murdered and an estimated 20,000 incidents of rape took place.] But I wanted that to go into the evidence as a subject that would be later linked up.

At that point they were still judging as to what position of the various phases--the atrocity phase, the Nanking phase, the China phase, the Manchurian phase, the Pearl Harbor phase. All of these were different phases that the different lawyers would be working on. Mine was what I have indicated: the preparation of the Japanese for war. So, I thought, "I'll slip that in here, subject to be later linked

up. I'll just use it as the probative evidence," which meant that you could put the telephone book in there if you wanted to as being of possible use at some point.

Well, Webb was too smart for that sort of thing. So, he caught me up short and said, "Mr. Donihi, I want you to paraphrase that document." I sat down, and again I had Mansfield with me. I said, "I don't want to get into that document right now. It doesn't belong in this phase." He said, "Well, just go up and tell what you've done with it." I went up again and restated what I had: "I'd like to have this entered into the evidence and given a document number, subject to be later linked up as evidence." "Mr. Donihi," he said as I was sitting down, "I want you to return to the rostrum and paraphrase that document." So, I stated the same thing over and over three or four times. I was getting kind of red in the face, and I thought, "God! This isn't going to go on much longer!"

I saw Higgins do me a favor on this one. He leaned over and whispered something to Webb. Webb said, "Very well. We'll take a recess." They went off, and he polled the court. The court ruled with Higgins. They overruled Webb and decided that we should enter the document because the prosecution knew

what it wanted to do.

We came back in and Webb said, "Very well, Mr. Donihi, do what you will with your document" [Mr. Donihi speaking in very clipped and slow, with each syllable stressed in delivery, followed by laughter]. We got a document number and went on from there. That document probably is lost in the Archives. When Elton was in Washington later, we went to the Archives to look at some of the respective things that we had done in the records. I found reference to it, but I couldn't see any indication that anyone had used that document. I felt it was very important to anyone investigating the question of whether there was a policy, and I'll tell you why. Now, the document recited what I said it did: "We've investigated and found that these people are lying. Now we must turn our attention to you, commanders in the field: if any more of these false tales come from your command, we will take action against you personally." That was the ending of the document--not, "Don't stop it," but, "Don't let the reports get back home." It seemed to indicate a national policy, or at least a word-of-mouth policy. I believe that any court would assume that. Anyhow, that covered that document.

Now, going back to Tojo again: Tojo has been interrogated. All of the accused who were going to go

on trial at the end of these phases were all going to answer to the charges against them respective to [whatever] were left from the twenty-eight, one at a time, after all the evidence had been entered. Well, I've done this phase. If I stayed in Tokyo at the end of that time, which I did not, then I would be required to do some direct examination of [whatever] number of the accused were given to me.

Originally, it had been Hiroto and Araki. Araki would have been very important. He was the sort of guardian to the emperor. He was an army general who had the emperor in tow, giving him a lot of his foreign policy training from the time when he was very young prince down through his regency. He did all he could with the emperor, and he had a great influence on the emperor, I'm sure, in bending his will to [accept his Japanese Army policy in] Manchuria, China, and the military affairs going on there. I think that the emperor, based on a number of things, could have been tried and executed. Of course, that would serve ill purposes for us.

Well, if I had stayed then, I would have been required at the end of all this sort of phase work...the phases were directed against all of them in bulk. At the end of that time, each one of us would be presenting specific evidence against specific

individuals in an alphabetical sort of way. Araki would have been first. I would have had him and [whoever] came second, and Tojo was down the line someplace. Each one of the lawyers required to handle the phases would have been in there to handle the specific cases against specific individuals. I would have gotten up on that particular occasion and presented evidence, after which each one of those persons in turn would have presented his own defense. You know what I'm saying here. So, that means that a lot of lawyers would have to come back there to defend what they had already done by conducting a cross-examination after the man has defended himself. He's presented general evidence against the individual that he's been assigned. That general evidence then was going to have to be answered by the individual, who takes the witness stand. Under a direct examination by his own counsel, he'll say [whatever] he has to say, and then he'll be cross-examined by one of us. This was the way it was going to happen.

The important thing here is that the only question that came up of any serious consequence about the cross-examination of many of them did not arise until Tojo came up. By this time, I was in Tokyo. I had taken one personal assistant back over with me after I came home that time when my wife was sick. I

took a court reporter back with me to my own office in Tokyo, a fellow by the name of James Barton. Barton was the best court reporter I knew, and I wanted somebody on that court reporter panel that I could consult at all times to know what doctoring was done at the end of the day. They did a lot of restating of evidence.

Jim unfortunately didn't use a stenotype, but he had his own system and section. As it developed, his name appeared first on the list because he was a "B"--Barton, James. So, Jim's name was on the original document. Only the court reporters typed on the outside. The military was down here [gesture], and here were the court reporters [gesture]. So, Jim was there, and I took him back. I'm losing my train of thought here.

Alexander: That's all right. You took him back with you because...?

Donihi: I wanted to have him. So, he was there in the courtroom. By the time that I got back, he was just getting ready to start, so I think he was in there for most of it from the very first. He was in there when I presented the first case.

Oh, I know what I was going to say about Tojo. I had a letter almost daily from Jim, telling me about these proceedings. I still have those letters. He

was there, and he was writing me as an official court reporter. I still have his letters, and I may submit them to the Archives. They might be something they'd like to have. I can certainly get them Xeroxed and sent on. I've got them all wrapped up in a file somewhere. I just saw them the other day. They were direct things that came on a day-to-day basis.

Alexander: I'd like to have that data in your file that we're doing here. I'll see to it that that will stay with that document here.

Donihi: Well, I'll get it. If I may do a little side-talk here about Jim, he had been in my correspondence, and he was really too old for military service. He was almost too old to be over in Tokyo, but Jim was a freelance person, and he had met some girl up there, named Clara. She was apparently a Japanese Catholic gal, and he sent a picture to me over in Berlin [Germany] of Clara. He said, "You wouldn't know it to look at her that she was Oriental." So, here she was with this lacquered hairdo, her kimono, dark skin, slanted eyes--everything. So, I wrote back, and I said, "Jim, don't come home. It's too late." (chuckle)

So, anyhow, Jim wrote me all the time, and that's where my knowledge of what happened in the Tojo trial came from, except later I got confirmation from some

of the lawyers that were still there. What happened was that Jack Fihelly, who remained after I left, was there, and when the issue came up about who was going to cross-examine Tojo, he was waiting in the wings all this time. Fihelly was the only person who examined Tojo, and they each knew one another's mind. He talked to Tojo. Tojo knew him, and he knew Tojo. He was the only person really that should have been given the shot. He was a former high-ranking official in the Justice Department and so forth.

Here was this--I think it weighed something like seven-and-a-half pounds--very heavy document, the whole affidavit that Tojo signed as a confession. It really was a document remarkable in its intention to absolve the emperor. It sort of whitewashed the emperor. He wanted to make a sort of hero of himself by doing that.

Anyway, the minute the Klieg lights came on, I'm told, Keenan couldn't stand not getting in the picture. He rushed up to the rostrum, and he threw a couple of questions at Tojo--foolish questions: "You'll have to admit that that was an aggressive war that you were waging" or some kind of a funny sort of thing. He said something else that was an equal *non sequitur*. It was something very embarrassing for Keenan to come along because they were questions for

the translator. They had several layers of interpreters. They had the official court interpreters; then they had the "check interpreters" for the prosecution and defense; and they had language arbiters, who would settle questions. You had to be so careful. You didn't always have to go through those layers.

So, it was decided that something that Tojo had said was in disagreement with what he had said on the record. A very embarrassing thing developed with poor Keenan on this occasion as I understand it. Whoever began the final analysis, the language arbiter must not have liked Keenan at all. He said, "Well, having studied the various disagreements that are presented here, we have to consider the manner in which Tojo spoke to Mr. Keenan. If Mr. Tojo had spoken to Mr. Keenan in the following way, it would have indicated that he was talking to Mr. Keenan as an equal. If he would have spoken to him in the following way, it would have meant that Mr. Keenan was superior. But if he spoke to him in the manner in which he did, he was looking at him as an inferior." (chuckle) This is the way that it was presented, and it got embarrassing for Keenan, to say the least.

Alexander: But he asked for it by doing what he did, did he not?

Donihi: As I understand it, then he said, "Now, the

prosecution will continue the cross-examination of Mr. Tojo. It will be carried on by Mr. Jack Fihelly, who is my assistant," at which point six or seven men jumped up and said, "Wait a minute! Mr. Donihi is trying the case!" We had a rule and an agreement with the bench that only one person should apply to the prosecution, and Webb delighted in that. He said, "Who would be better to conduct the cross-examination than the chief prosecutor himself?" (chuckle) So, Keenan was stuck with it. He had to do it.

Alexander: Do you think he did the whole thing?

Donihi: I think he had no choice. Fihelly got angry. He walked out of there.. He had not participated in the trial, and he walked out and caught the next ship home. He never would take an interview or never would talk about it. His friends would say, "Hi, Tojo!" and that sort of thing (chuckle). But I guess he and Keenan never spoke again, and one can understand that.

Alexander: At what point did you leave Tokyo?

Donihi: I guess that it was in September, 1946. I had gone through trying the first phases. Keenan and I were in kind of a wary relationship at that point because he wasn't quite sure, I think, where I stood with regard to John Darcy. Darcy and I had been friendly. I didn't like Darcy as well as I liked Keenan, but, nonetheless, I was learning from Darcy. He had done a

magnificent job of pulling things together when Keenan was not able to.

When Darcy was going to follow right on the heels of my first presentation, I introduced him to the court. When I left, I said, "If it pleases the Tribunal, the case shall now be continued by Mr. John Darcy, who is a personal representative of the Attorney General of the United States to this trial." That language, I think, angered him. It was true, but I know Keenan figured, "What the hell! I'm the top man here, and he's giving Darcy a position that he isn't entitled to!"

Alexander: Maybe he had kind of earned that shot.

Donihi: He really had hurt Darcy somewhere along the line, and Darcy really did deserve it. I think Darcy deserved to have this kind of treatment on the record.

Alexander: Let me ask you this. This would be, I think, a correct question to ask you. When you're presenting somebody, this is a pretty prestigious, worldwide court we're talking about. You're passing this off to somebody else, and what you're saying, in essence, is this not correct, that "this gentleman who is going to now take over my duties has these credentials." I think that that's appropriate.

Donihi: That isn't quite accurate because along the line earlier, Keenan had presented all of us to the

Tribunal in bulk. Our names all went into the record--all sixteen of us, plus the...

Alexander: So, you didn't have to reintroduce Darcy?

Donihi: No, we were introduced by Keenan initially but not by title. We were all just "U.S. Assistant Prosecutors" or "Prosecutors for the U.S." All of us were on the list.

Alexander: And all of them pretty much at the same level.

Donihi: Yes. So, this was really elevating Darcy back up to where he had originated in the group.

Alexander: And you did that?

Donihi: I did that, yes. I thought it was a fair thing to do because Darcy was that--that was really his title. He had been personally designated by Clark to set those trials up initially--even before Keenan was appointed.

Alexander: Did you ever hear anything about that from anyone else? From anyone else that took umbrage over the fact that you had done that?

Donihi: All I know is that afterwards Keenan was impossible. He was just absolutely impossible. I was getting ready to go home anyhow, but I could only think that that had really worsened our relationship.

Now, before any of this happened, while he was in the United States--Carlisle Higgins told me this; I didn't learn any of it until actually after I had been in Europe--Carlisle Higgins was acting in Keenan's

place as the acting chief of prosecution. Several, if not all, of the Allied prosecutors came to him and said that they wanted to have Keenan removed. This may have seemed tempting to him, because I know that people do things for selfish reasons. He did something that, I think, was terribly unwise on his part. He went with them. He claimed it was just as an auditor--just to go and to be able to report back to Keenan. He went with them to MacArthur, or if he himself set up the appointment, I don't know.

Alexander: This is Carlisle?

Donihi: This is Carlisle Higgins. They requested of MacArthur that Keenan be removed. The fact is that MacArthur didn't have the authority to remove Keenan. Maybe the president would let him have it, but he didn't really have it because Keenan was there on presidential orders. Actually, you know, that title "Supreme Commander of the Allied Powers," really didn't carry any big weight. The President of the United States fired the Supreme Commander of the Allied Powers and nobody from the Allied powers stood up and said, "Wait a minute! He's ours!" (chuckle) So, you know, it was an effort to...

Alexander: Did MacArthur...?

Donihi: Higgins told me. Higgins, by this time, was the chief justice of the Supreme Court of North Carolina, and I

take it that he was a responsible man. He told me that MacArthur said, "Well, after all, gentlemen, you know that's a tough job that Keenan has. He's managed to hold you all together and work with you and keep you from destroying one another, and I consider that to be a remarkable job." Keenan was a lousy administrator, but MacArthur was a good administrator, and he built Keenan up. I daresay that he might have called Keenan in and said, "Look--you better shape up because you're in trouble." MacArthur was the kind of man who'd talk to you like that, but he wouldn't undermine one of his officers. So, anyhow, that's the story with regard to Fihelly and Keenan.

Alexander: Did Keenan stay on? Did he continue?

Donihi: Oh, yes, he stayed there. He went back and forth. I think he had lost, if not his credibility, he had certainly alienated almost all of his American staff. Nearly everyone--I guess everyone except maybe Sol Horowitz, who came home and wrote a pretty good piece at the Carnegie Institute on the trial that was a fairly good piece of scholastic work.

Alexander: You said he did good work.

Donihi: Oh, he did an excellent job of presenting the documents, but this was a good piece describing the trial in legalistic terms. It's been a long time since I read it, but it was a very scholarly piece of

work. I think scholars find it to be helpful. In any case, he's the only one I know of. For a long time, I didn't want to be interviewed or talk about that trial.

I did take one interview in Germany in which I wanted to support Keenan. I knew that this thing was going bad for him, and I wanted to support him, so I did a glowing talk about his genius and the good work he was doing and the problems that he had, without referring to anything that I've said here. I know that the tape of that was requested by the AFN radio--the Armed Forces Network--but it beamed all over the world. One of the justices at Nuremberg wanted to get a copy of it to send to Keenan, so I guess maybe that mended some fences with Keenan, in that I cared for him and his abilities. But I didn't want to undermine him during his lifetime because he was having a hard go of it with all of the problems that were going on. His daughter ran off and married somebody, and he had to try to get her home. And his alcohol thing was terrible. Some of the reports, I think, were scurrilous. They had a General Tanaka acting as a procurer for him.

One book was written, and I've often defended Keenan because I think that it was not accurate. It was hearsay stuff that shouldn't have been printed. I

can't imagine that. He was a good, solid Roman Catholic, and I have faith in Roman Catholics who adhere to their religion, and he did. So, I think that there were people biased against Keenan. I'm trying to think what that book is. It's an excellent book by someone who was born in Japan--Burgermimi (?)--but he makes references to Keenan and Tanaka. Tanaka was a monster. There's no question about that, and a lot of Japanese had a low regard for women. So, anyhow, he had him in his report. He had Tanaka acting as a procurer for Keenan. Tanaka was furnishing a lot of evidence to our staff. I think he turned against his own general staff.

That pretty much winds it up, but then I'd have to get back into a lot of memories that I'm not even recalling right now.

Alexander: No, I don't think that we need to do that.

Donihi: I went on from there and came home. My wife was then overly optimistic when the doctor told her she could come home, but she did. It was in December, 1946.

I have an option here now. I've either got to ask to go back to Tokyo to continue getting money, because I have no law practice at home; and I got an offer of a job at Nuremberg. I found that my wife could come home, so I took her home, but she had to have twenty-four-hour, 'round-the-clock care. I found

out that if I took the job in Germany, I could take her and my two children together. I could get the family together, which I did.

Things had changed a lot. Within the next few years she was having more skin grafts, but she was at home, and she was being cared for. She recovered rapidly after that. It was a wonderful experience to have a family again.

So, I went over. The first thing I found out at Nuremberg was that they were doing something that I had been on a committee and recommended against. We were asked in Tokyo--and this is very important to scholars--why we didn't have subsequent proceedings. I think that the president had asked whether we wanted to have them, and maybe he even ordered us not to have them. I'm not sure. When [U.S. Supreme Court Justice and American chief prosecutor at Nuremberg Robert H.] Jackson left Nuremberg, he left a young colonel named Telford Taylor, who was given the rank of brigadier general, as the new chief prosecutor of the trials that were to be continued there at Nuremberg. They decided to have what were euphemistically called "Subsequent Proceedings" under the title of "International Trials." The French had gone home; the British had gone home; and the Soviet Union had gone home. This left no one but the American staff;

American taxpayer money supported all this. He hired a lot of very excellent jurists--former judges and various people in the United States. They manned several courts, and there were a lot of good prosecutors who joined this staff at Nuremberg.

They had mapped out an additional twelve cases--they had really worked them down--and I think they were cases that shouldn't have been tried. I wouldn't say a thing about their ability, but I didn't like the concept. In fact, I couldn't. I had recommended against it in Tokyo. I had been put on a committee to recommend whether or not we would, after the international group had left, continue having trials under the guise of international jurisdiction with only U.S. personnel. We recommended against it as being very bad. I still feel that way about it. I still think it set a very bad precedent because what it was doing was handing to the President of the United States powers that he may not even want to have, but he's going to be having them from then on, to try cases unilaterally on an international level. That gives him certain powers that are a little step closer to trying them in the United States. That subsequently happened. The courts have since gone with the president on this. He may not want that kind of power. If he has it, somebody's going to be apt to

use it. It has been abused, and it may be even worse in the future; but that's what they were going to do at Nuremberg, and they did it.

The trials were well-done. They created a precedent that I was against, but, anyhow, I asked to try cases. I was made the chief trial attorney at Dachau. Camp Dachau was the central trial center for all of the Class A, Class B, and Class C trials. I had the option of defending or prosecuting cases there. That was very [unintelligible]. The reason for being a chief trial attorney was that if you had a case involving fifty or one hundred people at one time--a multiple number--if you have to be on the defense side, you have to control all these other lawyers, like in Tokyo. You had to be able to speak for the whole group. Then the prosecution seemed leaning toward having several prosecutors confer with me because each one had been working on a separate phase of the trial. So, that was the kind of thing that I was involved in there. I enjoyed it. I finished my work there.

Then I went to Berlin. I was placed on the staff of the former Solicitor General of the United States. His name was Charlie Fahey. He was [the head of the United States Army of Occupation General Lucius] Clay's civilian legal advisor, and he hired me to come

up to Berlin. I had a title there of "General Counsel on High Priority Policy Matters." I got into a lot of things that were exciting to me: giving back to Italy the stuff that had been stolen from them, like, all the wonderful artwork, and a lot of things that were of interest, but nothing to do with Tokyo work.

Well, that's about it, unless you have some further questions.

Alexander: No, sir, I don't. I can tell you right now that this is probably one of the most exciting interviews I have ever had. I think it's going to make a wonderful opportunity for scholars in the future to get a firsthand witness to a very, very huge, global event.

Donihi: Well, I hope that I can add to that.

Alexander: I'm going to turn the tape over.

[Tape 2, Side 2]

Alexander: This will be the continuation of Tape Two.

Donihi: I had indicated the matter of the Japanese trials and my being requested for interviews. Actually, it took up again after I got back here. Different people wanted to interview me, and the Japanese recently in the last couple of years--their official televison network, NHK, I think it is--wanted to do an interview. I was a little bit concerned about it.

So, I had been contacted by a girl by the name of Shi Li-tan. She works for the UN [United Nations],

and she was doing a documentary on the trial for her purposes. I don't know if it involved a doctorate or some scholastic work, but she wanted to do it. When she had contacted me on some occasion or another to do a film thing for her, I notified her that the Japanese were going to come and do a lengthy interview. She called me from her San Francisco office. She said she'd like to be there, and I wanted her there. I wanted to have her filming them as they were filming me. I wanted a record--not of what they said, but of what I said. I had other witnesses--lawyers and others.

We did the interview, and I got the very strong impression--I have the whole thing that she did--and I have the very strong impression that it was a hostile interview. They were trying to gather information to sort of reverse history. They were trying to restore the majesty of their side of the story. I've since been contacted on different occasions, and in each case I have a feeling that they're totally hostile to what we did, and they're really kind of trying cleverly to get around that by asking slanted questions.

Alexander: Almost like a conspiracy.

Donihi: Yes, very much.

Alexander: Would that be a right statement?

Donihi: I suppose you could say that if it represents national policy in Japan, then there is a conspiracy going on there.

Alexander: We would almost see that when we saw what was written about the "Enola Gay" business. [Editor's note: The "Enola Gay" was the B-29, piloted by Colonel Paul A. Tibbets, that dropped the atomic bomb on Hiroshima, Japan, on August 6, 1945. A commemorative exhibit dedicated to the atomic bombings of Japan, presented at the Smithsonian Institute in 1994 and 1995, become intensely controversial]. This was certainly inspired from somewhere, and I don't think that just came from the writers. I think the influence was not just in the Air and Space Museum. I'm sure that other people also believe that there were other influences to try to get Japan to help the Japanese get off the hook [for having to face both moral and legal responsibility for precipating a war of aggression in Asia and the Pacific].

Donihi: Well, they were applying pressure.

Alexander: I think that's going on. That's another reason that we're doing these tapes.

Donihi: I do have to justify a position I took here yesterday [at the Admiral Nimitz Museum Symposium]. I was asked as the last question whether we, the panel, felt that these trials had a lasting favorable impact. I said

that I believed it had. As far as Germany, of course, there's no question. We saw the recanting of Nazism and a reversal. I pointed out that I had been on a panel at Columbia University [New York City] not so long ago involving the "Comfort Women" question. [Editor's note: "Comfort Women" was the euphemistic designation used by the Japanese for women from various occupied nations who were forced to satisfy the sexual wants of the Japanese Army during World War II. Thousands of these women were gang-raped, terribly brutalized or maimed, and often killed.] I think that all of these things, including the trial and the thing that's happening with these former "Comfort Women," are bringing to attention that at least some of the Japanese leaders had a sense of responsibility, and they're trying to get that as a national policy. Now, that's having some influence, but the rest of the panel seemed to think--and I guess maybe they're more right than I am--that it wasn't adequate, and the Japanese on an official basis are still in denial.

Alexander: You were on that panel with some very, very distinguished prisoners-of-war who were <u>brutally</u> treated. Their opinions are excellent, and I think they deserve every one of them. I'm sure that that colors their opinions. The "Comfort Women"--help me

with that. I know what that is, but would you help me?

Donihi: These particular "Comfort Women" were women from Korea. It wasn't just Korea that was involved; it would have been the Philippines or wherever the Japanese forces were--everything. They would gather women. They could be torn out of their tender, loving households and away from their fathers, husbands, babysitting jobs--whatever they were doing--and toted off in trucks and made prostitutes for the men on the line. Then they were left sometimes behind the lines to suffer their way to get home.

In the case of the Korean women, it was particularly so because they were mostly Buddhist. It was so, so disgraceful for them that they didn't want to go home. If they went home, they were disgraced with the people at home. Well, of course, you and I would think: "Well, they ought to have said to them 'Welcome home, daughter.'" But they didn't. It was very touching to hear them at that panel.

They were women who came here from Korea and wanted to know what we could do about this thing and my recommendation. They wanted to know: "Can that trial in Tokyo be reopened?" I said, "Well, the fact of the matter is that there's this thing called the 'Nuremberg Precedent.' The president, if he wanted

to, could do a lot by opening up of tribunals from the powers that he had at Nuremberg and Tokyo. He certainly could use the power of his office to influence this." At that time at Columbia University, the panel couldn't arrive at any very direct, helpful suggestions, but they were working very hard to get recognition for their cause at the UN. They got some, and they finally managed to gain the support of some helpful Japanese who came out and made statements.

So, little by little, at least one segment of Japanese are saying, "Let's open up and recognize these people. They have a just claim. We are responsible. Let's admit our guilt." That's why I took the position that there is some hope in it, but we can't know where that hope will go.

Alexander: No, but at least there is the hope. I think that's very good.

Donihi: I thought that was a very important question at the end there. By the way, I want to say this on the tape. I hope that Hodding Carter [reference to President Jimmy Carter's former press secretary and a perennial participant at Admiral Nimitz Museum symposia] will hear this. If he doesn't, maybe somebody will tell him, or if I see him, I'll get a chance to tell him. In 1979 my wife and I were on a world cruise. As we were going through the Panama

Canal, part of our trip was to take us into China. This was in the time period before we had appointed an ambassador. We had an ambassador nominee who was going to be going through his confirmation pretty soon. That was a fellow named [Leonard] Woodcock. He would be our first ambassador, and on the other hand they had someone they'd already confirmed to become ambassador to the United States in time, and he was in residence in Washington. He had not opened shop just yet.

There was an unlisted telephone number that the State Department had given to me at that time, but I had been asked by a lady who was president of a Marine Corps wives club for colonels' and generals' wives if I would do a seminar for them, including a visit to and briefing of that Chinese ambassador. I said, "I think I can do it after I get back from this trip. We're going to be gone for three months, but I'll see what I can set up. I'll let you know." So, I called and couldn't get through. The State Department wouldn't give me a couple pieces of information that I tried to get. One was about a girl whom I knew had gone to the Foreign Service and had been on the China desk. I had a suspicion now that she was going to be sent to China, but they wouldn't let me talk with her. You know the State Department: before they'd do the

thing and let you know publicly what they're doing, they're properly very cautious. So, I couldn't get the number from them about this Chinese representative. He was, after all, not official yet.

But I was talking with an Australian diplomat who said, "Well, I'll be having lunch with him tomorrow. If you want his unlisted number, I'll ask him if I can give it to you." He got it for me, and I called him. I said, "When we get back, we're going to have this seminar provided that we open up diplomatic relations." "Oh, sure!," he said. "I'll be glad to." So, that's the way I did that. Through the back door I was able to tell the lady, "Well, we'll have the seminar when I get back."

In the meantime I was trying to set things up with the State Department, and I wanted to use a diplomatic pouch when I went to China. I had arranged for messages to be sent back.

Well, here we are in the Panama Canal, and the steamship company slips a note to me under the door, saying, "Mr. Donihi and Mrs. Donihi, neither of you can go to China." The trip was paid for to China, but the ship was only going over to Japan, and then they'd go to Hong Kong. We were going to fly out of Japan to China. But China wouldn't accept us because "Mr. Donihi has one leg and won't be able to withstand the

rigors of the trip, and you, Mrs. Donihi, are a newspaper person who won't have proper clearance."

I thought, "Oh, boy! I'll have to do something about this!" First of all, I got hold of the ship's doctor. I put on my wooden leg, and I said, "Come on out here." I ran up and down the steps between the decks without any crutches. He said, "Well, I can't do any better than that myself. I'll write the company and tell them so they can report this." I said, "I've got to do something about this thing officially."

So, before we got to Acapulco [Mexico], I drafted a letter to the President of the United States with a copy to the Chinese ambassador and a copy to a newspaper--to the vice-president of Mutual Broadcasting. He was a friend of mine, and I knew that he'd make an issue of it somehow--asking the question about why a one-legged person and his wife can't get into China--and asking, "If, Mr. President, we're going to have a treaty now, would it be possible to ensure that we can give all the rights to a Chinese gentleman with one leg so he can come to our country." (chuckle)

Alexander: Was this to President Carter?

Donihi: Yes.

Alexander: Hodding would really appreciate that!

Donihi: So, anyhow, he would if he heard the rest of it. I guess it cost about fifty bucks to send the five copies out and ten bucks for next-day delivery. I got to Los Angeles [California] the next day, and we were going to go to Hawaii. All this stuff is going out on Rotterdam [Lines] stationary, and I decided it was worth another fifty bucks to send it U.S. Mail, next day delivery. It was about one hundred dollars in addition to the Xeroxing, and there was no answer in Hawaii. After a day I went over and did some research in the library there, and I came back to the ship. When we got to Japan, there was no answer. What was I going to do? I had been told I would not be able to go, so I said to my wife, "We've gotta gamble." So, we got off the ship and went to the airport.

At the airport, all of a sudden, I was called out of the line. This was in Tokyo, and it was a Chinese member of the crew. I was called out of line, and he said, "Mr. Donihi, let us take your baggage." He went through my baggage with a fine-toothed comb, and he said, "Follow me, please. We want to pick out the seats that you want on the plane." It was a Russian Aeroflot airplane we were flying. So, I said, "Well, my wife is over there. Let me pick out the two seats." We sat down. They brought my wife in. There was no one else on the plane. He said, "When you get

to China, please give the deputy high minister, from whom these instructions come, our high regards." I said, "I'm not going to see him!" He said, rather menacingly, "Oh, you're going to see him, all right!" It kind of scared me.

Alexander: Was this plane just for you?

Donihi: No. We were scheduled on it. We had our tickets and the whole business, but I didn't know. I thought I was being knocked out to travel, but I was getting the "red carpet" treatment. So, when we got to Beijing [China], we got on the ground, and I was called out of line again. I was taken to what apparently was a VIP [very important persons] place. I realized that there was nobody else there, so I just made myself comfortable. I was looking out of the windows, and I saw people screaming out at the buses. Finally, I thought, "Where's my wife?" I walked back out, and she was standing in the middle of the room where we first came in, all by herself. I said, "Why are you here?" She said, "I thought they'd taken you off to jail." (chuckle)

Alexander: The international intrigue in this family is something, isn't it?

Donihi: I said, "Come on, let's go." We got on a bus and went to the hotel. I heard nothing more about it except all along the line we were given "red carpet"

treatment. Everything was just lovely. We got special treatment.

Finally, I broke loose from the Chinese. I didn't want them hanging on to me so carefully there, so I got over to what was to become our embassy. It was the same day that Woodcock was going through his confirmation hearings--this was early in 1979--and I went in there and introduced myself and asked if I could send a message out. They said, "Yes," so I conversed with them a little while. I said, "Oh, by the way, where's Mary _____?" She was the gal that I was trying to locate awhile back. They said, "She'll be here in two weeks." (chuckle) You see, I got the information there rather than from the State Department.

Then we went from there and had a wonderful time. They were very gracious people. We loved China, and we felt, "If only the Chinese people could have their freedom." It was just awful. They were interesting, but they were scared of us and insecure.

Well, we went to Hong Kong and picked up a ship there. Some weeks later we got to Alexandria [Egypt], and here comes a telegram under the door. It said, "Dear Mr. Donihi. We're working on it." Signed, Hodding Carter. (chuckle)

Alexander: (Chuckle) By this time you were all through it! Oh,

you've got to tell him that story! This has been a pleasure. It really has.

Donihi: Thank you.