

Toshiba Library for Japanese Legal Research in the Arthur W. Diamond Law Library:  
The Birth of Walter Gellhorn's Brainchild

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## Introduction

The Arthur W. Diamond Law Library (the Law Library) at Columbia Law School (the Law School) has the largest Japanese law collection among U.S. academic libraries. Officially named the Toshiba Library for Japanese Legal Research (the Toshiba Library) in 1991, it holds approximately 22,000 monographic and 600 serial titles, a total of over 40,000 volumes. The Toshiba Library is unique in that it was primarily built on gifts from Japan. This paper describes how the plan of building a new Japanese law library was developed, along with my own experiences serving as the first and only curator of 25 years (1984-1987 and 1992-2014). It focuses on the contributions of many individuals, particularly of two faculty members of the Law School, the late Professor Walter Gellhorn, without whose vision the Toshiba Library would not exist, and Professor Michael K. Young, the first director of the Center for the Japanese Legal Studies, who helped solidify the Toshiba Library's foundation for the future.

## Background

Columbia University has long-standing ties with Japan. By the early 1870s, a few years after Japan officially ended its isolationist policy in the Tokugawa feudal era, the Law School was already receiving students from Japan. In the 1930s, it became the first American law school to offer a course in Japanese law. The University's C.V. Starr East Asian Library (the East Asian Library) began operations in 1927 with book donations of 5,000 volumes from the Japanese Imperial Household Ministry.<sup>1</sup> In 1949, the East Asian Institute was created to advance teaching and research in language, culture, history, government service, business, and law. Columbia has been one of the American universities with a leading Japanese studies program.

Professor Walter Gellhorn (1906-1995),<sup>2</sup> an administrative law faculty member, traveled to Japan for the first time in March 1958 with his wife, Mrs. Kitty Gellhorn. He had accepted an appointment from the University of Tokyo as part of a three-year program funded by the Rockefeller Foundation to bring two American professors annually, for six months each, to the American Studies Center of the University. He was to be the first visiting professor from March to August 1958.<sup>3</sup>

Though the invitation was formally extended by the Executive Committee of the Rockefeller Foundation program at the University of Tokyo via the Chairman of the program at Stanford

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<sup>1</sup> "Columbia University Libraries, C.V. Starr East Asian Library, History," accessed October 18, 2019, <http://library.columbia.edu/locations/eastasian/about.html>

<sup>2</sup> Professor Gellhorn (LL.B. 1931) joined the Law School in 1933 after clerking for Justice Harlan Fiske Stone of the U.S. Supreme Court and working under Judge Thomas D. Thacher of the U.S. Solicitor General's Office. He was in the Columbia law faculty until 1995. His achievements were immense. In his obituary of December 11, 1995, the *New York Times* described him as "a fierce champion of civil liberties and a father of both modern administrative law and of the ombudsman movement in the United States, ...."

<sup>3</sup> Letter from Robert A. Walker, Chairman, Committee on General Studies Program, Stanford University to Walter Gellhorn, May 2, 1957, 1, Gellhorn Papers, Box 191, Rare Book & Manuscript Library, Columbia University (hereinafter cited RBML).

University, Professor Robert A. Walker,<sup>4</sup> Professor Gellhorn described it as an invitation from Professor Jirō Tanaka (1906-1982).<sup>5</sup> It is likely that Professor Tanaka,<sup>6</sup> who also specialized in administrative law, influenced the Committee's decision. Professor Gellhorn's assignment was to teach, through interpreters, a lecture course on civil liberties and constitutional law on a comparative basis and a seminar in administrative law at the University of Tokyo, as well as to give lectures at local universities in various cities in Japan.<sup>7</sup> In March, during the year-end break before school began the following month, he would hold an advanced seminar in the field of administrative law for Japan's law faculty members, judges, and government officials.

At the time of his visit, Professor Gellhorn already had a well-established reputation in Japan and throughout the world. He had published the third edition of the textbook, *Administrative Law: Cases and Comments* (University Case Book Series, 1954), based on his earlier mimeographed material, the first of which was titled *Cases and Materials on Administrative Law* (1935). He had authored treatises on civil liberties, censorship, state secrecy, as well as law review articles and reports on administrative law, administrative procedure, industrial arbitration, rights of workers, and other civil liberty topics. In the winter of 1950-1951, during the U.S. occupation of Japan, when a group of Japanese judges and government officials led by then Chief Justice of the Supreme Court Kōtarō Tanaka (1890-1974) visited the Law School, they participated in a special seminar on U.S. constitutional law, criminal procedure, and administrative acts under the leadership of Professor Gellhorn.<sup>8</sup> His association with Professor Jirō Tanaka began in 1953 when the two met in New York; Professor Tanaka was already familiar with Professor Gellhorn, having read his work.<sup>9</sup> Prior to his trip, Professor Gellhorn's colleague at Northwestern Law School, Professor Nathaniel L. Nathanson (1908-1983), offered words of encouragement, "... your reason for going is exactly the same as mine was, and you have the added advantage of being a very distinguished visitor whom they are extremely anxious to have."<sup>10</sup>

During the stay in Japan, Professor Gellhorn formed a life-long friendship with many scholars, including Professors Jirō Tanaka, Nobushige Ukai (1906-1987),<sup>11</sup> and Takeo

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<sup>4</sup> Ibid.

<sup>5</sup> Walter Gellhorn, "Reminiscences of Walter Gellhorn: Oral History, 1977, Part II," interview by Kitty Gellhorn, 1977, Oral History Research Office, RBML, 193-194.

<sup>6</sup> Professor of the Faculty of Law, University of Tokyo. He served on the Supreme Court of Japan from 1964 till 1973. In 1980, he was designated as a "Person of Cultural Merit," and upon his passing in 1982, was posthumously awarded the "Grand Cordon of the Order of the Rising Sun" by the government of Japan, illustrating his wide range of contributions to the country.

<sup>7</sup> Gellhorn, "Reminiscences of Walter Gellhorn," 195-196, 199, 201, and 203; letter from Gellhorn to Nathaniel L. Nathanson, Northwestern University School of Law, July 8, 1957, Gellhorn Papers, Box 191, RBML.

<sup>8</sup> Charles R. Stevens, "Koronbia (oyobi Hābādo) Daigaku Rō Sukūru ni okeru Nihon-hō no jugyō" [Courses on Japanese Law at Columbia (and Harvard) Law School]. *Jurisuto*, no. 600 (November 15, 1975), 75.

<sup>9</sup> Gellhorn, "Reminiscences of Walter Gellhorn," 194; letter from Nobushige Ukai to Gellhorn, March 31, 1982, Gellhorn Papers, Box 374, RBML.

<sup>10</sup> Letter from Nathanson to Gellhorn, July 17, 1957, 3, Gellhorn Papers, Box 191, RBML.

<sup>11</sup> After graduating from Tokyo Imperial University (currently the University of Tokyo) with a political science degree in 1930, Professor Ukai joined Keijō Imperial University in Seoul. As Keijō's faculty member, he studied American law at Harvard Law School from November 1939 through March 1941. After the war, he taught administrative law and constitutional law at the University of Tokyo. Between 1961 and 1967, he served as President of International Christian University in Tokyo.

Hayakawa (1914-2006).<sup>12</sup> More trips to Japan ensued, each time deepening his ties with the Japanese academic, legal, and government communities. He had become an influential and respected leader of scholarly exchange between the United States and Japan.

In 1973, in coordination with Law School faculty members, including Professor R. Randle Edwards, who specialized in Chinese law, Professor Willis Reese, who was Director of the Parker School of Foreign and Comparative Law, and Dean Michael I. Sovern,<sup>13</sup> Professor Gellhorn began realizing his vision of creating a Japanese law center at Columbia. At that time, they concurrently pursued the idea of setting up an international summer program on American law in Japan, sometimes referred to as “Leiden-East,” that would resemble the Law School’s summer program in Leiden, the Netherlands.<sup>14</sup> The plan for Leiden-East did not come to fruition, however.

The team’s initial goal, described in a letter of August 31, 1973, was to raise funds for an endowed chair of Japanese law and research fellowships, but their conceived law center also included Japanese language law books;<sup>15</sup> in 1958, during his first visit to Japan, Professor Gellhorn was already encouraging the Law Library director to include more Japanese language law materials.<sup>16</sup> Thenceforth, they would engage in a long indefatigable fundraising effort aimed at the Japanese business and government communities.

Professor Gellhorn had extensive connections in Japan and elsewhere. Among them were ambassadors and ministers, other high-ranking government officials, jurists, and academics, but most importantly his former students and Law School alumni who would directly connect him with business leaders. In 1973 and 1974, and again in 1978, he conducted numerous interviews with these individuals to sound out their reactions to the Japanese law center at Columbia. Professor Gellhorn would convince them that the greater goal, beyond academic exchanges, was to strengthen the relationship between the United States and Japan; they were virtually unanimous in their support. He would then leverage this enthusiasm as he approached potential donors in the Japanese business community.<sup>17</sup> Other fundraising methods included preparing and sending out promotional brochures, pamphlets, and reports in English and Japanese, arranging meetings and social gatherings in Japan and the U.S., closely being in contact with anyone who might be able to help. All-out efforts were made in every direction.

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<sup>12</sup> Assistant Professor of the Faculty of Law specializing in Anglo-American law and later Professor Emeritus, Kobe University. After leaving Kobe University, he taught at Senshū University in Tokyo. (University of Michigan, LL.M. 1952 and Columbia Law School, visiting scholar 1964).

<sup>13</sup> The deans of Columbia Law School were: 1970-1979, Michael I. Sovern; 1979-1984, Albert J. Rosenthal; 1984-1986, Benno C. Schmidt, Jr.; 1986-1991, Barbara Aronstein Black; and 1991-1996, Lance Liebman.

<sup>14</sup> Letter from Randle Edwards to Rex Coleman, Baker & McKenzie, Tokyo, August 31, 1973, 2, Gellhorn Papers, Box 368, RBML.

<sup>15</sup> Ibid.

<sup>16</sup> Letter from Gellhorn to Miles O. Price, Columbia University Law Library, July 10, 1958, Gellhorn Papers, Box 191, RBML. For example, this and three more letters from June 20 to September 15, 1958 indicate that Professor Gellhorn completed an exchange arrangement with Judge Jirō Matsuda of Japan’s Legal Training and Research Institute. Until the mid-1980s, the Institute’s materials were held by Columbia’s East Asian Library.

<sup>17</sup> Some hundred letters and interview records were identified in Box 368 of the Gellhorn Papers.

## Establishment of the Fuyo Professorship and the Center for Japanese Legal Studies at Columbia Law School: 1980

Despite Professor Gellhorn's determination and connections, an endowment was hard to come by. Rather, it was a gift of \$150,000 in 1977 from the Japan-U.S. Friendship Commission, a grant-making agency funded by the Japanese government, that provided a salary for a Japanese law professor and two or more graduate fellowships.<sup>18</sup> The gift enabled Michael K. Young (Harvard, J.D. 1976), who was just completing a clerkship with Justice William H. Rehnquist of the U.S. Supreme Court, to join the Columbia law faculty in July 1978.

This meant fundraising had to continue. Finally, in 1980, the Law School secured a \$1.5 million endowment from the Fuyo Group,<sup>19</sup> which was delivered by another grant-making government agency, the Japan Foundation. On October 10, 1980, Columbia University President Michael Sovern, who was the Dean of the Law School until the beginning of 1979, announced with great fanfare the establishment of the Fuyo Professorship of Japanese Law and Legal Institutions and the Center for Japanese Legal Studies (the Center), the first such institution in the United States.<sup>20</sup> Professor Young was appointed as its Director.

## Groundwork for the Development of a Japanese Law Collection: 1978-1984

Now that the Center was firmly in place, the Law School shifted its focus to building a vernacular collection in the Law Library. It was based on Professor Gellhorn's conviction, shared by Professor Young, that the Center would succeed only if backed up by comprehensive research resources. They set two goals to achieve this: one to collect free materials from publishers, Japanese government agencies, and legal scholars, namely to launch a book drive, and the other to raise funds, preferably an endowment. Professor Young, who was Columbia's visiting scholar at the University of Tokyo during his initial two years from 1978 to 1980, enthusiastically spearheaded these efforts.

This was a tremendous commitment for both professors. For example, in the evening of January 14, 1981 in Tokyo, while writing a long progress report to Dean Albert J. Rosenthal (1919-2010), Professor Gellhorn describes his difficult circumstances.

Please share this scribble with Mike [Young]. I am too weary to write separately. I have really worked hard and continuously since arriving here last Friday night [on January 9<sup>th</sup>]. Being "entertained" is not a relaxation (as you yourself well

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<sup>18</sup> Letter from Gellhorn to Hon. Taizō Watanabe, Cultural Affairs Office of the Embassy of Japan, Washington, D.C., March 20, 1978, and letter from Randle Edwards to Frank Upham, November 29, 1977, Gellhorn Papers, Box 367, RBML.

<sup>19</sup> The Fuyo Group consisted of 29 companies at that time. Among the largest or most well-known of which are Fuji Bank (currently Mizuho Bank), Marubeni Corp., Nissan Motors, Canon Inc., Hitachi, Ltd., Nippon Kokan (currently JFE Holdings), Showa Denko, Oki Electric, Yasuda Mutual Life Insurance (currently Meiji Yasuda Life) and Sapporo Breweries.

<sup>20</sup> "Japanese Group Endows Chair in Japanese Law," *Columbia Spectator*, October 13, 1980. This news was also reported by at least the *New York Times*, *New York Law Journal*, and *WCBS Newsradio 88* on October 13, *Times-Picayune* (New Orleans) on October 14, and *Columbia University Record* with a photo on October 17, 1980.

know), when one is functioning as an institutional representative and not purely on the personal plane. I am not moaning about it, you understand. I appreciate the frequent manifestations of good will. Still, being bubblingly appreciative is indeed hard work for an old fellow. Tomorrow is a national holiday. I had looked forward to loafing. Instead, a good-hearted person is going to take Kitty and me for an eight-hour drive. Of course we shall enjoy it, genuinely. But, I doubt that we'll be refreshed by being politely attentive for so long a stretch.<sup>21</sup>

But their hard work was paying off. The first goal, the book drive, was met with great success, and the second one, raising funds, with limited success.

### Donations via Book Drive

There were many willing donors, but collecting books from multiple individuals in a foreign country can be an arduous task. With the help of the American Embassy of Japan, Professor Gellhorn attempted to have the Asia Foundation in Tokyo gather donated books and send them to the Japan Foundation's warehouse for shipment to New York.<sup>22</sup> No record was found, however, as to whether the Asia Foundation played this role. In the end, the Japan Foundation and donors themselves seemed to have paid for shipping. Many letters were written, and many phone calls were made to discuss logistics, revealing enormous work behind the ultimate success.

#### 1. From Individual Scholars including Professor Takeo Hayakawa

Professors Young and Gellhorn solicited book donations from their friends, knowing that Japanese scholars tended to build their own private collections. Their earnest entreaties must have been convincing. By mid-1981, 350-400 books and periodical issues from Professor Takeo Hayakawa (1914-2006) were considered forthcoming, and there was a hint that Justice Jirō Tanaka (1906-1982) might also help.<sup>23</sup> Professor Young inquired of his senior colleague if he could think of other collections held by his old friends from the University of Tokyo, such as Nobushige Ukai (1906-1987), Kichiemon Ishikawa (1919-2005),<sup>24</sup> and Takeo Suzuki (1905-1995), and aptly speculated, "I think this is potentially the most productive way in which to obtain the retrospective part of our library collection."<sup>25</sup>

Professor Hayakawa was supportive of Columbia's book drive from the beginning, and he not only proposed to give his books by installments but also believed that others might be

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<sup>21</sup> Letter from Gellhorn to Rosenthal, January 14, 1981, 3, Gellhorn Papers, Box 368, RBML.

<sup>22</sup> Letter from Gellhorn to Tsuyoshi Chida of the Japan Foundation, Tokyo, February 19, 1981, 1, Gellhorn Papers, Box 368, RBML.

<sup>23</sup> Letter from Young to Chida, June 16, 1981, 1-2, Gellhorn Papers, Box 367, RBML.

<sup>24</sup> Professor Ishikawa specialized in labor law at the University of Tokyo. He travelled to Columbia to represent the Japanese community and gave an eloquent eulogy at the ceremony in tribute to Professor Gellhorn on March 28, 1996.

<sup>25</sup> Memorandum by Young, "Activities in Japan," to Gellhorn, December 23, 1980, 6, Gellhorn Papers, Box 368, RBML.

encouraged to follow suit.<sup>26</sup> Indeed, Professor Hayakawa seemed to have influenced his colleagues, Professors Ichirō Kawamoto (1923-2017) and Shōhachirō Hishiki (1929-2004).<sup>27</sup> At his request, the deans of law faculties of Kobe University and Senshū University<sup>28</sup> agreed to send some of their institutions' publications to the Center.<sup>29</sup> Kazushige Ushimura of the think-tank, Kokusai Shōji Hōmu Kenkyūjo (Japanese Institute of International Business Law), also contacted Professor Hayakawa to find out how to send their publications through the Japan Foundation.<sup>30</sup> Sometime between 1981 and 1983, via the Japan Foundation, Professor Hayakawa gave Columbia the gift he had pledged earlier, with plans to ship more installments later.<sup>31</sup>

It is possible that many more individuals donated through the book drive. There is strong evidence that Professor Kichiemon Ishikawa was one of them: books on labor law carrying his handwritten name were among the gifts delivered to the Law Library by Professor Young. For the most part, however, these gifts were unmarked and moved around inside the Law Library, making it impossible to identify the donors.

## 2. From Publishing Institutions through Personal Connections

Professor Young's library work, aided by faculty members of the University of Tokyo where he was a visiting scholar from 1978 through 1980 and in 1983, resulted in sizable donations. He was introduced to the Chief Librarian of the Supreme Court Library, Judge Tsuyoshi Abe, and negotiated a favorable exchange of publications while "impressing upon them the advantage of having" their publications in New York.<sup>32</sup> Thanks to Professors Ichirō Ogawa and Akira Mikazuki, a gift from Yūhikaku Publishing Co., a reputable legal publisher of long-standing, was made possible,<sup>33</sup> and as usual, a letter of thanks to the publishing house from Dean Rosenthal followed.<sup>34</sup> Professor Masanobu Katō of Nagoya University, a University of Tokyo alumnus, introduced Professor Young to Shun'ichi Himeno, Managing Director of the Japanese Institute of International Business Law.<sup>35</sup> As a result of these networking activities of a few decades ago, the official reporters by the Supreme Court and the flagship monthly publication *Kokusai Shōji Hōmu* (Journal of the Japanese Institute of International Business Law) have scrupulously been arriving at the Law Library free of charge to this day.

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<sup>26</sup> Letter from Gellhorn to Francis Gates, Professor of Law and Law Librarian, Columbia Law School Library, January 17, 1978, Gellhorn Papers, Box 367, RBML; letters from Hayakawa to Gellhorn, December 18, 1980 and from Hayakawa to Young, June 17, 1981, Gellhorn Papers, Box 368, RBML.

<sup>27</sup> Letter from Hayakawa to Young, June 17, 1981, Gellhorn Papers, Box 368, RBML.

<sup>28</sup> At that time, the dean of the law faculty at Kobe University was Ichirō Kawamoto and at Senshū University, Takuji Sunada (1923-2009).

<sup>29</sup> Letter from Gellhorn to Rosenthal, February 1, 1981, Gellhorn Papers, Box 368, RBML.

<sup>30</sup> Letter from Hayakawa to Gellhorn, December 18, 1980, Gellhorn Papers, Box 368, RBML.

<sup>31</sup> Letter from Hayakawa to Gellhorn, June 21, 1983, Gellhorn Papers, Box 374, RBML.

<sup>32</sup> Letter from Young to Rosenthal, December 17, 1979, 1, Gellhorn Papers, Box 368, RBML.

<sup>33</sup> Letter from Gellhorn to Ogawa, October 6, 1980, Gellhorn Papers, Box 330, RBML.

<sup>34</sup> Letter from Rosenthal to Tadeatsu Egusa, President of Yūhikaku Publishing, December 19, 1980, Gellhorn Papers, Box 368, RBML.

<sup>35</sup> Letter from Young to Himeno, August 2, 1984, Date Files May-August 1984, Center for Japanese Legal Studies, Columbia Law School (hereinafter cited CJLS).

## Professor Michael K. Young: First Director of the Center for Japanese Legal Studies

In January 1979, a youthful Professor Young, who had graduated from law school only two and a half years earlier, was drawing up a framework of a Japanese law collection consisting of 27 essential statutory sets, official reporters, commentaries, treatises, and law journals<sup>36</sup>—in addition to busily collaborating with Professor Gellhorn and Dean Rosenthal to induce probable donors of the endowment for the Japanese law center. He solicited donations of these materials through the book drive, attempted to fill gaps found in the holdings of Columbia’s East Asian Library, dealt with logistics of shipping materials from Japan to New York, and publicized incoming donations to encourage more donations, as if he were a seasoned librarian. To him, as well as to Professor Gellhorn, success in building the library was integral to the Center’s advancement. He devoted nearly two pages out of seven in the “Activity Report 1982” of the Center to library affairs. Dean Rosenthal’s responsiveness to Professor Young’s every request was perhaps the most impressive validation of his effectiveness. To Professor Gellhorn, his young colleague had become a reliable and trusted partner.

As Director of the Center for Japanese Legal Studies and Fuyo Professor of Japanese Law and Legal Institutions, even after my joining the Law Library in 1984, he continued to assist in fostering the growth of the Japanese law collection.

For example, when no computers in the U.S. were compatible with Japanese language software in 1996, Columbia became the first and only library outside of Japan to own CD-ROM based reporters, thanks to Professor Young. For a few years, I had been exploring the feasibility of acquiring such a device. And, in 1995, Akihiko Wani (LL.M. 1982) of Mitsui, Yasuda, Wani & Maeda in Tokyo responded to Professor Young’s appeal for assistance. As I studied available software and hardware options with the help of the firm’s librarian, Ms. Nahoko Hara, Mr. Wani collected funds among Law School alumni and purchased the entire system to run the reporter collection, *Hanrei Taikei* (Reporter system), as well as *Hōhitsu Hanrei Bunken Jōhō = Current Legal Information* [Index to legal periodicals and cases]. In August of 1996, Professor Young and three of his students, who were finishing their summer work in Tokyo, physically brought the system back to New York. It included 10 CD-ROMs, a Toshiba laptop, an Epson printer, two CD-ROM changers, a volt changer, electric cables for the laptop, and other peripherals, all at no cost to the Law Library.

The *Hanrei Taikei* contained Supreme Court civil cases from 1875 and all printed cases from 1946, a total of over 120,000 cases published in approximately 90 reporters and periodicals, and was the most comprehensive legal research system ever developed in Japan. In a print dominant environment, it was a technological innovation. I inherited this gift subscription and maintained it, in varied forms, for the next 20 years. In 1998, Professor Young left Columbia to become Dean of George Washington University Law School.<sup>37</sup>

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<sup>36</sup> Letter from Young to Sovern, January 20, 1979, 2-5, Gellhorn Papers, Box 367, RBML.

<sup>37</sup> After serving as Dean of George Washington University Law School, Professor Young moved on to become President of the University of Utah and of the University of Washington successively. He has been the President of Texas A&M University since 2015.



## 1. Friendship of Three Horses

In 1977, Professor Gellhorn reminisced with his wife, Mrs. Kitty Gellhorn, about their first trip to Japan in 1958, how the invitation to teach at the University of Tokyo was offered by Professor Jirō Tanaka and, once in Japan, how he and Mrs. Gellhorn traveled extensively to local universities, often accompanied by a group of professors and assistants, including Professor Ukai and/or Professor Tanaka, fellow administrative law specialists.<sup>38</sup> All three were born in the Year of the Horse, 1906, and they seemed to have decided humorously that the Year was particularly propitious for them. Were they destined to be good friends? After the first trip, Professor Gellhorn not only wrote enthusiastically to the permanent Chairman of the Rockefeller Foundation program at Stanford that “I count the months in Japan among the most rewarding of those I have spent during the past twenty-five years as a professor,”<sup>39</sup> but also remembered fondly some 20 years later, “I think that trip to Japan, and the trip within Japan, surely in total was one of the great experiences of my life, ....”<sup>40</sup>

Professor Gellhorn’s first trip to Japan was also a productive one. A book based on his lectures was published by Yūhikaku Publishing in 1959, entitled *Kihonteki Jinken: Nichi-Bei Kenpō no Hikakuhōteki Kenkyū no Tame ni = Civil Liberties: an Introductory Comparison of American and Japanese Constitutional Law*. It was translated by the two interpreters of his lectures at that time: Professors Takeo Hayakawa and Yukio Yamada, both from Kobe University and University of Tokyo alumni. An American version of the book was published by Macmillan in 1960, entitled *American Rights: the Constitution in Action*.

Professor Gellhorn had become very close to Professor Ukai, no doubt because the latter was fluent in English, but perhaps also because of shared interests beyond their common professional focus on administrative law; they both left behind extensive works on civil liberties. Indeed, in 1982, Professor Gellhorn’s English-speaking friend would play a crucial role in bringing the Tanaka library to Columbia Law School.

## 2. Professor Gellhorn’s Visit to the Tanaka Library in Kugenuma, Fujisawa City

On December 13, 1980, Professor Ukai relayed to Professor Gellhorn, prior to the latter’s trip to Japan, Justice Tanaka’s kindly yet nonchalant position, “... if Columbia needs some materials from his large collection ..., he is happy to arrange it, ....”<sup>41</sup> On January 14, 1981, Professor Ukai and some others accompanied Professor and Mrs. Gellhorn to the Tanaka residence in Kugenuma, about an hour by train from Tokyo.<sup>42</sup> After seeing the collection, Professor Gellhorn enthusiastically reported to Dean Rosenthal.

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<sup>38</sup> Gellhorn, “Reminiscences of Walter Gellhorn,” 203-204.

<sup>39</sup> Letter from Gellhorn to Professor John D. Goheen, September 15, 1958, Gellhorn Papers, Box 191, RBML.

<sup>40</sup> Gellhorn, “Reminiscences of Walter Gellhorn,” 197.

<sup>41</sup> Letter from Ukai to Gellhorn, December 13, 1980, Gellhorn Papers, Box 368, RBML.

<sup>42</sup> Nobushige Ukai, “Kakegae no nai tomo o ushinau,” [Loss of an Irreplaceable Friend]. *Hōgaku Kyōshitsu*, no. 19 (April 1982), 83.

I have seen Justice Tanaka's library—three rooms that resemble library stacks, each shelf containing two thicknesses of books and periodicals. If we receive his collection (as I hope we shall), it will be a major acquisition. One of his elderly colleagues said to me in an envious tone: "Tanaka went all through the war without losing a book. Most of us were burned out at some point and had to begin our libraries all over again." In short, I am in hot pursuit.<sup>43</sup>

Still, at this stage, there was a large gap between Columbia's and Justice Tanaka's intentions regarding the probable gift. As of February 1981, Professor Gellhorn did not set high expectations. While proposing to Tsuyoshi Chida of the Japan Foundation that his organization bear the cost of shipping and handling, Professor Gellhorn merely stated that Justice Tanaka would be giving Columbia a collection of statutes and journal titles to fill gaps in Columbia's existing holdings.<sup>44</sup> The size of the Tanaka gift was made more specific by Professor Young several months later. It would include a complete set of Japan's popular and authoritative statutory title *Roppō Zensho* (Compendium of six codes) for the past thirty years and the missing numbers of *Juristo* (Jurists) and *Minshōhō Zasshi* (Journal of civil and commercial law) and two monographic series *Chūshaku Minpō* (Commentaries on the Civil Code) and *Hōritsugaku Zenshū* (Complete works of jurisprudence) to supplement the materials donated by Yūhikaku Publishing in 1980,<sup>45</sup> roughly 45 monographs and 130 periodical issues.<sup>46</sup>

### 3. Professor Nobushige Ukai's Role

Then, sad news emerged. Justice Tanaka was hospitalized in December 1981. On January 16, he passed away from gallbladder cancer.<sup>47</sup>

Professor Gellhorn recalled in 1977 his impression of Justice Tanaka from the first visit to the University of Tokyo in 1958, "He was undoubtedly the most consequential law professor of that period in Japan."<sup>48</sup> The high regard others held for him must partly be due to his solid theoretical knowledge in academic subjects; his rigorous study is traceable in his personal collection with frequent handwritten notes and analyses. As a law teacher and scholar, he led the advancement of Japan's scholastic standards through new study groups, new learned societies, and group publications of important series sets. He was also a prolific author. After World War II, he was sought after by the Supreme Commander for the Allied Powers (SCAP) to help shape Japan's new democratic legal system; his role in drafting the Fundamental Law of Education and the School Education Law of 1947 was particularly significant. He served as a counselor to many government agencies throughout his life. He was a justice of the Supreme Court of Japan.

Professor Tanaka was a friend to many. Despite his outstanding accomplishments, he was never complacent.<sup>49</sup> Those with whom he exchanged scholarly discussions, traveled, and

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<sup>43</sup> Gellhorn to Rosenthal, "Report No. 2 from Tokyo," January 20, 1981, 3, Gellhorn Papers, Box 368, RBML.

<sup>44</sup> Letter from Gellhorn to Chida, February 19, 1981, 1, Gellhorn Papers, Box 368, RBML.

<sup>45</sup> Letter from Young to Tanaka, June 16, 1981, 1, Gellhorn Papers, Box 367, RBML.

<sup>46</sup> Letter from Young to Chida, June 16, 1981, 2, Gellhorn Papers, Box 367, RBML.

<sup>47</sup> Letter from Ukai to Gellhorn, January 16, 1982, Gellhorn Papers, Box 343, RBML.

<sup>48</sup> Gellhorn, "Reminiscences of Walter Gellhorn," 203.

<sup>49</sup> Tanaka Jirō, "Tanaka Jirō Sensei ni kiku, dai 1-kai-dai 4-kai," [Interview with Professor Jirō Tanaka, 1<sup>st</sup> series-4<sup>th</sup> series]. *Hōgaku Kyōshitsu*, nos. 9-12 (June-September 1981).

engaged in sports activities described him as a balanced and open-minded individual. Professor Ukai was one of his closest friends, and after Justice Tanaka's passing, he continued the role of an advocate for their American friend. Though several Japanese institutions and universities coveted the Tanaka library for purchase, his intention was clear. He hoped to persuade the Tanaka family to donate it to Columbia.<sup>50</sup>

On April 29, 1982, Professor Ukai met in Tokyo with: Justice Tanaka's wife, Mrs. Sawako Tanaka; his son, Mr. Tatsuo Tanaka; his daughter, Mrs. Sachiko Shiono; and Professor Hiroshi Shiono, Justice Tanaka's son-in-law and his protégé at the University of Tokyo. On that same day, Professor Ukai delivered great news to Professor Gellhorn. The Tanaka family reached a decision that the Japanese language portion of the Tanaka library would go to the Center for Japanese Legal Studies at Columbia and the foreign language portion to the University of Tokyo Library. They would like a letter of acceptance from the president of Columbia University, stating that the gift would be held at the Center in memory of the late Justice. He proposed to his American friend, en route to China for the deliverance of a paper in early June, to stop in Tokyo and see the family.<sup>51</sup> Numerous letters of profound thanks from Dean Rosenthal, Professor Gellhorn, and Professor Young to the Tanaka family, Professor Ukai, and the Japan Foundation ensued.

While replying to Professor Ukai's letter of April 29, 1982, Professor Gellhorn wrote:

The Tanaka collection will indeed commemorate a great Japanese jurist. Beyond that, it will further what we confidently anticipate will be a persistent endeavor to knit our two countries ever closer together by interchanging ideas and experiences in the realms of law and government.<sup>52</sup>

One dated October 5, 1982, shortly before the arrival of the gift collection at Columbia, is from Professor Gellhorn to Mrs. Tanaka.

Dear Mrs. Tanaka:

Professor Ukai wrote me a day or two ago that you and your family's generous gift is now on its way to Columbia. I have told you before, and I now repeat, how deeply grateful all of us at Columbia are for this major addition to our University's scholarly resources. On the purely personal plane, I am deeply grateful for and pleased by the prospect of Columbia's becoming the home of my friend Jiro Tanaka's books. You know how profoundly I respected him and how warm has been the affection he inspired in me. Having a continuing tie with him means much to me.

I am confident that Columbia will cherish the Tanaka collection and will indeed maintain it as a symbol of respected admiration.

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<sup>50</sup> Letter from Ukai to Gellhorn, March 31, 1982, Gellhorn Papers, Box 343, RBML.

<sup>51</sup> Letter from Ukai to Gellhorn, April 29, 1982, Gellhorn Papers, Box 374, RBML. James Hoover, Professor of Law and Law Librarian, also stopped by in Tokyo, on his way to China, to thank the family.

<sup>52</sup> Letter from Gellhorn to Ukai, May 6, 1982, 1, Gellhorn Papers, Box 374, RBML.

With all good wishes,

Faithfully yours,

Walter Gellhorn<sup>53</sup>

Another letter dated October 19, 1982 is from Dean Rosenthal to Professor Ukai. He was astounded by the dimensions of the Tanaka family's gift, and goes on.

Both Professor Gellhorn and Professor Michael Young have informed me on a number of occasions that you are preeminently the person who encouraged the making of the magnificent Tanaka gift and who then performed all the feats of diplomacy needed to bring the matters to a happy completion. Be assured that we at Columbia are mindful of our indebtedness to you.<sup>54</sup>

Professor Ukai reflected graciously upon the overwhelming expression of joy at Columbia.

Since the end of the war, our legal studies in Japan have received a great deal of both financial and intellectual support from the United States. Professor Tanaka would be pleased to see his collection contribute to the mutual understanding between our two countries.<sup>55</sup>

In a letter of October 5, 1982, Motohiro Shichida, Executive Director of the Japan Foundation, reported to Professor Gellhorn, "... 15,672 volumes from the Tanaka library will be shipped October 10 on the 'Ever Victory' .... this vessel will arrive in New York on November 5 and the books will be delivered to Columbia on November 12 or 13." The Japan Foundation paid a total of 2,132,555 yen (approximately US\$20,000 at current exchange rate) for wages for 15 temporary workers to prepare an inventory list in 7 days, packing and handling, local transportation, shipping, and insurance from Japan to New York. For the logistics as well, Professor Ukai extended assistance: the former Ministry of Education, Michio Nagai, his friend or acquaintance, facilitated the shipping through the Japan Foundation.<sup>56</sup>

The inventory list prepared at Justice Tanaka's home in Kugenuma by those temporary workers, called in Japanese "arubaito" may not be accurate.<sup>57</sup> There were many items, especially serial issues, that were not included in the list. For example, out of more than 1,200 items of the reports of the Constitutional Commission (1957-1964) received, only 505 were counted. It is reasonable to assume that the actual number was at least 16,500 items.

Japan's largest newspaper by circulation, *Yomiuri Shimbun* (Yomiuri Newspaper), described the Tanaka library as nearly a complete collection of public law rivaling an academic library, which the owner spent over 50 years steadily building from the time of his graduation from

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<sup>53</sup> Letter from Gellhorn to Sawako Tanaka, October 5, 1982, Gellhorn Papers, Box 374, RBML.

<sup>54</sup> Letter from Rosenthal to Ukai, October 19, 1982, Gellhorn Papers, Box 374, RBML.

<sup>55</sup> "Bei de no Nihon hōsei kenkyū ni 'chiteki zaisan' okuru" ['Intellectual Bequest' for Japanese Legal Research in the U.S.A.]. *Yomiuri Shimbun* (Yomiuri Newspaper), September 27, 1982, Evening ed., 1. Professor Ukai's statement is an unpublished translation from Japanese sent by him to Professor Gellhorn.

<sup>56</sup> Letter from Ukai to Gellhorn, May 20, 1982, Gellhorn Papers, Box 374, RBML.

<sup>57</sup> A photocopy of the original inventory list is held in the Toshiba Library with the title, *Tanaka Jirō Hanji Kizō Toshō Risuto, 1982* (List of the Donated Collection of Justice Jiro Tanaka, 1982).

Tokyo Imperial University (currently the University of Tokyo) in 1929. The Yomiuri Newspaper further reported:

When Professor Tanaka retired in 1973, after nine years as a justice of the Supreme Court, he built the library which had long been his dream at his residence at Fujisawa-shi in Kanagawa Prefecture (near Yokohama). The library was housed in a two-story structure with a total floor space of 66 square meters.<sup>58</sup>

Everyone at Columbia knew that in addition to Professor Gellhorn's passion and perseverance, the matter might not have materialized had it not been for Professor Ukai's tactical intervention. The latter's contribution was repeatedly praised in letters, but not publicly noted either in *The Columbia Law Alumni OBSERVER*<sup>59</sup> or the Yomiuri Newspaper. Recognizing this, Professor Gellhorn wrote to his friend, "The story [in the *OBSERVER*] is deficient in not having identified you as the prime mover in this important affair."<sup>60</sup> Both articles were inaccurate describing the gift as a "promise" between the late Justice Tanaka and Professor Gellhorn. The promise was for only a tiny fraction of the massive collection.

Professor Gellhorn assured Professor Ukai that the Law Library would honor the late Justice in each volume by attaching a special bookplate.<sup>61</sup> The expression, "From the Library of Justice Jirō Tanaka: Distinguished jurist, revered professor, respected counsellor," was chosen after first contemplated by Professors Gellhorn and Young and presented to the Tanaka family for approval.<sup>62</sup> A suitable plaque was also considered at this time; instead, a simple recognition frame was prepared in the end.

Several months after the Japan Foundation shipped the Tanaka library, the Tanaka family's thoughtfulness was extended further. Professor Shiono, Justice Tanaka's son-in-law, offered to fill in serial gaps in the collection. In February of 1983, the Japan Foundation reported to Professor Young that, at Professor Shiono's request, two cartons containing 150 issues would be on board the Japan Air Lines Flight #42 of February 26, and they would be delivered to Columbia on March 2 or 3.<sup>63</sup>

It may not be unusual that enthusiasm presented to potential donors while soliciting a gift can fade away once it is received. The eagerness and energy so apparent in pursuing the Tanaka library seemed to have vanished, at least temporarily. In March 1983, a year and four months after the arrival of the gift, the 250 boxes shipped by the Japan Foundation were not yet open. The Law Library director, James Hoover, writes to Dean Rosenthal.

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<sup>58</sup> "Bei de no Nihon hōsei kenkyū ni 'chiteki zaisan' okuru" ['Intellectual Bequest' for Japanese Legal Research in the U.S.A.]. *Yomiuri Shimbun* (Yomiuri Newspaper), September 27, 1982, Evening ed., 1.

<sup>59</sup> "Tanaka Collection Front-Page News in Japan's Largest Newspaper," *The Columbia Law Alumni OBSERVER* 12, no. 3 (June 1983), 11.

<sup>60</sup> Letter from Gellhorn to Professor and Mrs. Nobushige Ukai, June 14, 1983, Gellhorn Papers, Box 374, RBML. The Yomiuri article, on which the *OBSERVER* based its article, leaves room for speculation that Professor Ukai might have preferred the gift to have been a promise between his two friends.

<sup>61</sup> Letter from Gellhorn to Ukai, May 6, 1982, 1, Gellhorn Papers, Box 374, RBML.

<sup>62</sup> Letter from Young to Sawako Tanaka, October 5, 1982, Gellhorn Papers, Box 374, RBML.

<sup>63</sup> Letter from Satoshi Nakamura, Head of the Cultural Materials Division, Publications Department, the Japan Foundation, to Young, February 23, 1983, Date Files November 1982-December 1983, CJLS.

Walter Gellhorn has suggested that we proceed by borrowing money from the unfilled Fuyo chair.... If we could borrow some money, I could proceed to hire a student who reads Japanese to unpack the boxes and start arranging the collection.... I know Walter feels it is a significant embarrassment that nothing has yet been done. He is right. Last week a representative of the Japan Foundation visited us and we were not able to show him this large and very valuable collection.<sup>64</sup>

#### 4. Tanaka Library's Western Language Collection at the University of Tokyo Library

In a 1981 interview, Justice Tanaka remembers his assistantship years under the renowned Tatsukichi Minobe (1873-1948) after graduating from Tokyo Imperial University in 1929.<sup>65</sup> He bought and immersed himself in books in German by Germanic authorities of public law and legal philosophy, such as Otto Mayer (1846-1924), Georg Jellinek (1851-1911), Fritz Fleiner (1867-1937), Hans Kelsen (1881-1973), and Adolf Merkl (1890-1970).<sup>66</sup> During the pre-war years, Justice Tanaka's studies focused on theoretical analyses of Continental European law; for instance, one of his protégés, Ichirō Ogawa (1920-1985), points to Justice Tanaka's intensive reading of foreign sources as a root of his application of private law theories to the public law principles.<sup>67</sup> Justice Tanaka undoubtedly inherited Professor Minobe's liberal spirit; besides, his in-depth reading of foreign legal and political concepts seems to have led him to interpret Japan's administrative law with a more lenient, rational approach even under the pre-war Meiji Constitution.

After being assigned to work closely with SCAP from 1945 to 1952, Professor Tanaka became increasingly exposed to Anglo-American law.<sup>68</sup> By the time he invited Professor Gellhorn to the University of Tokyo in 1958, he had read his work as well.<sup>69</sup> And, it appears he typically bought and read his own books. His western language collection consisting of 2,478 volumes is housed physically intact in the University of Tokyo Library.<sup>70</sup>

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<sup>64</sup> Letter from Hoover to Rosenthal, March 29, 1983, Gellhorn Papers, Box 374, RBML. James Hoover served as director of the Law Library (Professor of Law and Law Librarian) from 1981 to 1993, succeeding Francis Gates. Before leaving the Law Library to become Vice Dean for Information and Library Service in January 1994, he handed me the inventory list of the Tanaka gift.

<sup>65</sup> "Tanaka Jirō Sensei ni kiku, dai 1-kai," [Interview with Professor Jirō Tanaka, 1<sup>st</sup> series]. *Hōgaku Kyōshitsu*, no. 9 (June 1981), 77. Professor Minobe specialized in administrative law and constitutional law. His name was ubiquitous due to his unconventional, progressive stance on the emperor's role. In 1912, he set out the emperor organ theory in *Kenpō Kōwa* that sovereignty belonged to the state and the emperor was merely an organ of the state, rather than a divine power.

<sup>66</sup> *Ibid.*, 79-80.

<sup>67</sup> "Tanaka Sensei no gyosei hōgaku no ayumi" [Professor Tanaka's Journey of Administrative Jurisprudence]. *Jurisuto*, no. 767 (June 1, 1982), 21-22.

<sup>68</sup> "Tanaka Jirō Sensei ni kiku, dai 3-kai," [Interview with Professor Jirō Tanaka, 3<sup>rd</sup> series]. *Hōgaku Kyōshitsu*, no. 11 (August 1981), 69-70.

<sup>69</sup> Gellhorn, "Reminiscences of Walter Gellhorn," 194.

<sup>70</sup> "Nihon no Daigaku Shozō Tokushu Korekushon = Universitäre Sondersammlungen in Japan," Deutsches Institut für Japanstudien, accessed October 18, 2019, [https://tksosa.dijtokyo.org/?page=collection\\_detail.php&p\\_id=424&lang=ja](https://tksosa.dijtokyo.org/?page=collection_detail.php&p_id=424&lang=ja)

## Funds from the Tokai Bank (Currently MUFG Bank)

When the Law School first attempted to raise an endowment to create a Japanese law center in 1973, the Tokai Bank was one of the institutions that reacted positively, but according to the bank, the time was not quite ripe.<sup>71</sup> Fundraising requires tenacity. In May 1979, Professor Gellhorn returned to the bank, visited its headquarters in Nagoya, asking for a \$1.5 million donation. Yet again, his request was politely declined.<sup>72</sup>

After the \$1.5 million Fuyo endowment became certain in the fall of 1980, Professors Young and Gellhorn switched the beneficiary of a possible Tokai gift from the Center for Japanese Legal Studies to a library development program. A lesson had been learned from the two previous failures. Columbia would not approach the bank directly, but rather through a well-connected colleague, Morio Uematsu, of a Law School alumnus, Shin'ichi Saitō of Tokyo Aoyama Law Office (LL.M. 1977). In November 1980, Professor Young wrote to the latter.

I leave the amount to be requested from the Tokai Bank to you and Mr. Uematsu's discretion. I would, however, encourage you to think big. We estimate we will need at least \$300,000 for the first five years and, if you think appropriate, we would be delighted to see the Tokai Bank contribute \$150,000 of that amount. We will, of course, gladly accept any lesser or greater amounts.<sup>73</sup>

By the time Professor Gellhorn made yet another trip to Japan in January 1981, Columbia's target was \$150,000.<sup>74</sup> It is notable that this lowered figure is the same amount Columbia received from the Japan-U.S. Friendship Commission in 1977, which enabled it to launch a Japanese law program in 1978. Four respective letters of thanks dated September 15, 1981, from Dean Rosenthal to two officials of the Tokai Bank, Morio Uematsu, and Shin'ichi Saitō, mark a successful ending. I was unable to confirm the exact amount the Law School received. It could have been \$200,000, as I recall being told by James Hoover in 1984. A final receipt letter dated September 17, 1984 from Judith Burrell, Professor Young's administrative assistant, to Mr. Okazaki of the Tokai Bank in New York indicates that the gift was made by installment.<sup>75</sup> So many memoranda and letters reveal that as before, Dean Rosenthal provided unstinting support to Professors Gellhorn and Young every step of the way. The Law School could proceed with the library program at last!

## Building the Japanese Law Collection in the Law Library: 1984-1987

### Personnel: Curator of the Japanese Law Collection

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<sup>71</sup> Letter from Gellhorn to Rex Coleman, November 27, 1973, Gellhorn Papers, Box 368, RBML.

<sup>72</sup> Letter from Gellhorn to Yoshihiko Tajima of the Tokai Bank, May 4, 1979, and letter from Tajima to Gellhorn, July 30, 1979, Gellhorn Papers, Box 367, RBML.

<sup>73</sup> Letter from Young to Saitō, November 7, 1980, 2, Gellhorn Papers, Box 367, RBML.

<sup>74</sup> Letter from Gellhorn to Rosenthal, January 14, 1981, 2.

<sup>75</sup> Letter from Burrell to Okazaki, the Tokai Bank, New York Branch, September 17, 1984, Date Files September-December 1984, CJLS.

In the spring of 1984, I was a student at Columbia's School of Library Service and a part-time student assistant in the serials section of the East Asian Library. The Japanese studies librarian, Ryōko Toyama, had described to me a major gift collection in the Law Library. I would be working there during the spring break, I was told. The enormous collection was held in the sixth floor cage in the Law School building. My job was to inventory the serials on 6 x 4 index cards with an English translation. It took exactly one week to finish some 120 titles.

The job posting for the curator of the Japanese law collection appeared in May. I was interviewed by Law Library personnel, as well as Professor Young, and was hired in August 1984 for a two-year position with the possibility of extension. I did not know any of the long, arduous fundraising efforts that had preceded my arrival, but James Hoover explained the circumstances that resulted in my temporary position.

It was within the Cataloging Division of the Technical Services Department, reporting to the Cataloging head, Robert Wolven. My responsibilities included cataloging, purchasing new materials, and providing reference services; I would learn a great deal about cataloging from Robert Wolven, and Frank Mokry, my senior cataloger colleague. Due to Professor Young's interest in Korean legal studies, I was made responsible for the Korean law collection as well. Additionally, I would pitch in whenever Japanese language skills were needed in the Law School. Confident with the Tokai gift, the Law School was already expanding its objective to build the finest Japanese law collection in the U.S.<sup>76</sup> I would hear about it much later in 1993 from an alumnus, Ken Tsunematsu (M.C.L. 1963).

### Retrospective Materials

Professor Gellhorn's concept of the Center included Japanese language sources to support its teaching and research from the start. It is not clear, however, how the plan to relocate the legal materials from Columbia's East Asian Library to the Law Library evolved. Since the 1950s, Professor Gellhorn had been a recipient of vernacular materials from friends and admirers and had been forwarding them to the East Asian Library. Did he wish he could have been forwarding them to the Law Library, besides his later commitment to creating an exemplary Japanese law center at the Law School? On January 20, 1979, Professor Young wrote a long letter from Tokyo to Dean Michael Sovern of the Law School about a Japanese law collection scheme with the holdings of the East Asian Library in mind.<sup>77</sup> He wanted to know what was already available at Columbia. The fact that the reply letter from Francis Gates, then Law Library director, was copied to Miwa Kai, Japanese Section head of the East Asian Library, Professor Gellhorn, and Dean Rosenthal who succeeded Dean Sovern suggests that at least by this time, the relocation plan was moving forward.<sup>78</sup>

Consequently, the consolidated Japanese retrospective collection in the Law Library would consist of: (1) the Tanaka gift, including missing journal issues from Professor Shiono, (2) other

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<sup>76</sup> Letter from Benno C. Schmidt, Jr. Dean, Columbia Law School, to Shin'ichi Saitō, August 3, 1984, Date Files May-August 1984, CJLS.

<sup>77</sup> Letter from Young to Sovern, January 20, 1979, 1-6.

<sup>78</sup> Letter from Gates to Young, May 23, 1979, Gellhorn Papers, Box 367, RBML.



gifts secured by Professors Gellhorn and Young through the book drive, and (3) the legal materials transferred from the East Asian Library—a total of roughly 23,000 pieces. The plan was to integrate them all, regardless of their origins.

### 1. Tanaka Collection

Of the more than 16,500 pieces Columbia received, there were approximately 3,500 titles of monographs and monographic series (4,500 volumes) and 120 serial titles. The gift consisted of: statutory sets; case reporters; legal periodicals; commentaries; treatises on domestic, foreign, and international law, including western legal classics in Japanese translation; textbooks; bibliographies; indexes; dictionaries; and government agency reports. It was a structured academic collection, with extensive serials holdings and primary sources.

Yet, there was a personal touch. Certain older monographs, which Justice Tanaka seemed to have acquired early on, carried a call number on the spine, manually stylized in black ink as “EXLIBRIS [number] TANAKA,” in three lines with horizontal lines above and below the number. His reddish orange-colored seal, 田中二郎所藏 (Owned by Jirō Tanaka), was uniformly stamped on the title page and the first page of the main text. Inside many volumes, there were handwritten inscriptions, some even in brush calligraphy, often by authors well-known in their respective fields. Occasionally inserted personal pictures and letters were returned to Professor Shiono when he was visiting Columbia in 1995.

Almost all monographs were published in the time span of about 70 years from the beginning of the Taishō era (1912-1926) through the year of Professor Tanaka’s passing in 1982. The wide-ranging subject matters both in public and private laws reflect his broad academic interests and the extensive professional and social networks he maintained. His specialized fields are naturally well-represented—namely, administrative law, administrative procedure, local autonomy law, municipal law, tax law, police law, and land law. There is a large collection of constitutional law as well. At Tokyo Imperial University, he majored in political science, finishing as a student of Professor Tatsukichi Minobe in 1929, and subsequently working under him. The Tanaka Collection contains 36 titles (51 volumes) by Professor Minobe in which their pages are filled with Justice Tanaka’s handwritten notes.

The fact that the owner of the collection left so many traces of his study inside the books is a special characteristic of the Tanaka Collection. He wrote markings, charts, illustrations, and now hard-to-read notes in pencil, varied colored crayons and ink mostly in Japanese but with some in German, French, and English; these analyses alone would be a worthy research topic. Additionally, many volumes are pleasing to the eye—gilt-embossed titles, gilt and embossed covers, covers decorated with relief, gilt edges, gilded spine titles, leather binding with gold embossed spines, marbled endpapers, et cetera. In retrospect, I wondered whether rare book cataloging rules should have been applied to select materials from the beginning. When the entire Tanaka Collection was shipped to offsite storage in 2017-2018, I requested that these notes be added to the catalog record, but given the short timeline of the shipping operation, only a handful of them received the attention.

## 2. Donations via Book Drive Continue

One very handsome gift arrived at the Law Library around 1985 from the father of Judge Itsurō Terada (LL.M. 1976). It contained attractive and carefully selected primary source materials, treatises, festschriften honoring prominent legal scholars, such as Sakae Wagatsuma (1897-1973), Teruhisa Ishii (1906-1973), Tomohei Taniguchi (1906-1989), and a complete run of the journal *Shihō* (Private law), reminding me of Japan's deep-rooted gift-giving custom in which the high quality and presentation are of the utmost importance. Judge Itsurō Terada, who would serve as Justice and Chief Justice of the Supreme Court of Japan between 2010 and 2018, had persuaded his father, Jirō Terada (1915-2002), Justice and Chief Justice of the same court between 1980 and 1985, to make this gift. It was a result of Professor Michael Young's skillful diplomacy.<sup>79</sup>

Many others, in addition to those noted earlier, donated over the years. Professor Young regularly forwarded books to the Law Library; my records indicate that in the years between 1993 and 1996 alone, the batches from his office comprised 282 Japanese, 53 Korean, 78 English language monographs, and 308 Japanese, 7 Korean, and 24 English language serial issues. To this day, gifts initially addressed to the Center for Japanese Legal Studies continue to arrive. One noteworthy contributor includes the Institute of Comparative Law in Japan at Chuo University, whose renowned leaders were friendly with Professor Young.<sup>80</sup>

## 3. Legal Titles Transferred from the C.V. Starr East Asian Library of Columbia University

As of May 1979, a conservative estimate of the Japanese legal collection in the East Asian Library was 5,700 volumes.<sup>81</sup> Probably by the end of 1980, their relocation to the Law Library was considered a matter of fact as part of the Center's expansion.<sup>82</sup> Shortly after I joined Columbia, the meeting to formalize the arrangement took place at the East Asian Library, with the directors of both Libraries, James Hoover and James Reardon-Anderson, as well as other concerned librarians, including myself.

The implementation process lasted a few more years until the fall of 1986 or the spring of 1987. For example, I recall repeatedly going to the East Asian Library with Professor Masanobu Katō of Nagoya University, the visiting Fuyo Professor of Japanese law in 1986-1987, and two or three visiting scholars to select materials for relocation; not all of our selections were honored, however. In the end, the transferred items contained: historical serial titles, including primary sources going as far back as the Meiji era (1868-1912); major current journal titles, such as *Hanrei Taimuzu* (Case reporters times) and *Hanrei Jihō* (Case reporters review); and treatises and textbooks, including Yūhikaku's notable set, *Hōritsugaku Zenshū* (Complete works of jurisprudence), which had also been donated by its publisher and Justice Tanaka. My student assistants and I handled the actual move, pushing book trucks from Kent Hall on the bumpy

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<sup>79</sup> Letter from Young to Itsurō Terada, August 18, 1982, Gellhorn Papers, Box 374, RBML.

<sup>80</sup> Letters dated August 7, 1984 from Young to two leaders of the Institute of Comparative Law in Japan at Chuo University, Takeshi Kojima and Atsumi Tōyō, Date Files May-August 1984, CJLS.

<sup>81</sup> Letter from Gates to Young, May 23, 1979.

<sup>82</sup> Michael K. Young, *Japanese Legal Studies at Columbia Law School* (New York: Columbia University School of Law, 1980?), 3, Gellhorn Papers, Box 367, RBML.

stone surface of College Walk, crossing over Amsterdam Avenue many, many times. This also meant that in the consolidation process, the Law Library accumulated a sizable number of duplicates. The first large accumulation of unwanted duplicates was sold or donated in 1987 to the UCLA Law Library, where I was soon to be employed, and the second one in 1995 to New York University School of Law Library through Professor Frank Upham.

### Towards a Coherent Research Collection

The purpose of the Japanese law collection was laid out in the *Development Proposal for the Center for Japanese Legal Studies Library Fund*, prepared around 1981 as part of the fundraising effort.

The development of a comprehensive set of Japanese legal materials will serve not only the Columbia community and the broader scholarly communities at large, but also, . . . , Japanese and American businesses and law firms, a large number of which are headquartered in New York and its environs.<sup>83</sup>

Addressing the needs of both the academic and business communities seems pertinent as an appeal to potential donors in the Japanese business community. In reality, however, the Law Library bought few business-related materials early on. My collection development plans, which were updated at various stages and submitted to Professors Young and Hoover, aimed to build a balanced academic legal collection. Only later, as the annual budget grew, did the Law Library begin adding practitioner-oriented and business-related materials, but more in response to library users' needs.

#### 1. Gifts/Exchanges for Law Reporters, Government Publications, and Law Reviews

Professor Young had a gift for reaching out to potential donors. During his stay at the University of Tokyo, he had negotiated a favorable exchange agreement with the Supreme Court Library of Japan. By the time I visited the Supreme Court in the summer of 1985, the responsible librarian, Takamasa Ono, was ready to give Columbia ten titles of the Supreme Court publications, including all official reporters, in exchange for a copy of the *Columbia Law Review* and the *Columbia Human Rights Law Review*.

To obtain university law reviews, most of which were unavailable commercially, Professor Young initiated a collaboration with Professor Yōzō Yokota (1940-2019), the Center's first visiting Fuyo Professor, Professor Young's research assistant, Constance Hamilton, and myself. We wrote a proposal in English on the Center's stationery and mailed it out, along with a copy of the latest *Columbia Law Review* to 21 law faculties selected by Professor Yokota. Out of 21, only five responded. Still, this disappointing result left room for me to pursue another method of acquisition, namely gifts. Many opportunities arose later to ask for law reviews and learned society journals from Japanese visitors and visiting scholars who kept coming to Columbia. Of

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<sup>83</sup> Albert J. Rosenthal, Francis Gates, and Michael K. Young, *Development Proposal for the Center for Japanese Legal Studies Library Fund* ([New York: Columbia University School of Law, 1981?]), 3, Gellhorn Papers, Box 368, RBML.

approximately 600 Japanese serial titles held by the Toshiba Library today, nearly half of them include all or a portion of gift issues.

## 2. Gift Soliciting for Grey Literature

The term, grey literature, refers to materials produced by non-commercial publishing institutions. I would identify Japanese and scarce English language sources in the *Japanese National Bibliography: Weekly List* issued by the National Diet Library of Japan and in the monthly bibliography section of *Hōritsu Jihō*. I would then send a letter of request in Japanese to the publishing institutions—all types and levels of government offices, research organizations, trade associations, universities, learned societies, and corporations. I would occasionally contact friends and acquaintances as well. The relatively high success rate of this approach might have been attributed to the language of communication. I continued to painstakingly seek out these materials until they became increasingly available on the Internet.

A gift of approximately 1,200 volumes from the Faculty of Law of Meiji University, arranged by Dean Kazuo Saigusa and Professor Koichi Kikuta in 1998, also contained a considerable number of internal reports which had been held by Takahiko Kimiya (1920-2012), a prosecutor and an instructor at the Research and Training Institute of the Ministry of Justice (Hōmu Sōgō Kenkyūjo), and later an attorney. Notable issuing bodies included the Research and Training Institute, the Legal Training and Research Institute of Japan (Shihō Kenshūjo), the Supreme Court of Japan, the National Personnel Authority, the National Tax Administration, the Tokyo Metropolitan Police Department, and the Lawyers Association (Hōsōkai).

## 3. Trips to Japan: Continuing Education and New Acquisitions

Soon after joining the Law Library in August of 1984, it seemed logical for me to pursue a formal education in Japanese law. The following year, I enrolled in the LL.B. correspondence program at Keio University's Faculty of Law in Tokyo. The Establishment Standard for the University Correspondence Education set by the Ministry of Education stated that 25% of credits were to be earned in the classroom setting. Keio further required all exams to be passed at one of its designated locations in Japan. These travel requirements, though grueling, were perfect opportunities to extend my stays in Japan and work there.

I sought and received practical guidance regarding material selection and acquisitions from experienced law librarians, such as Nobuo Yamamoto of Waseda University, Takamasa Ono of the Supreme Court Library, and Kōji Yamada of the Ministry of Justice Library. I visited academic libraries to learn their operations and proposed gifts whenever there was a chance. I visited many Ministries and other government offices to obtain their internal documents and legislative materials, especially those in English. With an introduction from Mr. Ono, I went to the CD-ROM producer, Nihon Hōritsu Jōhō Sentā (Japan Law Information Center) to evaluate the usability of their product in the United States, though I quickly learned that it was incompatible with U.S. hardware.

While in Tokyo, I would roam second-hand booksellers in the Kanda and Hongō Districts, looking for serial issues and volumes of monograph sets missing from Columbia's collection. I would browse the bookstores inside the buildings of the Federation of Bar Associations, the

Tokyo High Court, and the Government Publications Center in Kasumigaseki for new government or semi-government publications. I brought back my bounties to New York myself or took them to our accommodating vendor, Japan Publishing Trading Company in Kanda, to be shipped to Columbia.

### Years without Curator of the Japanese Law Collection: 1987-1992

In 1987, the two-year position of Japanese law curator offered to me in August 1984 with the funding of the Tokai Bank was still in place. Then, there emerged a favorable job opportunity in California. After I left New York to join the UCLA Law Library in September, the curator position at Columbia ceased to exist. During this period, the Japanese law collection was maintained by two successive Anglo-American catalogers. Under the guidance of one of them, Isamu Miura, who dedicated half of his time, minimal level cataloging records of uncataloged monographs in the Tanaka Collection were entered into the Law Library's online system, Millennium.<sup>84</sup> Other activities such as purchasing, cataloging, and reference continued, but the pace of the development of the Japanese law collection naturally slowed. My evaluation of the Japanese collection after my return in 1992 was unflattering: the collection was outdated, containing only a few hundred monographs published in the 1980s and 1990s. In my analysis, it was difficult to conduct serious research with the existing collection.

### In Pursuit of an Endowment from the Toshiba Corporation, Tokyo

It is unclear when the fundraising for a library endowment resumed or what sort of effort was made before reaching a successful conclusion. Nevertheless, a pattern is recognizable in the cases of both the Center for Japanese Legal Studies and the Law Library's Japanese law collection. Through well-connected Japanese alumni, Professor Gellhorn and the Law School obtained \$150,000 or \$200,000 to inaugurate a program. Using it as a stepping-stone, they proceeded to secure an endowment of \$1.5 million.

Professor Gellhorn's letter of October 12, 1990 to Ken Tsunematsu, who played the role of intermediary this time, suggests that Columbia's effort to raise the endowment for the Law Library was nearing an end. Mr. Tsunematsu had been a particularly supportive alumnus<sup>85</sup> and was on good terms with Yoshihiko Wakumoto (1932-2015), then Managing Director of the Toshiba Corporation and Professor Gellhorn's former student. On that same day, Professor Gellhorn delivered to Mr. Wakumoto a detailed accounting of the intended uses of the proposed

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<sup>84</sup> *The Toshiba Library for Japanese Legal Research at the Columbia University School of Law, Summary of Activities, 1991-1992*, [2], Annual Reports [file], Toshiba Library.

<sup>85</sup> Professor Gellhorn thanks Mr. Tsunematsu for "many good deeds" in this letter. Some of those deeds have been identified: Professor Gellhorn asked him to act as an interpreter when he began the fundraising activities in Tokyo in the fall of 1973; he donated, via his letter of December 30, 1977 to Professor Gellhorn, to the Arthur Schiller Library Fund which still generates income for the Law Library; he was one of the largest donors among 68 contributors to the fund from Japan to establish the Walter Gellhorn Professorship at the Law School in 1991. Furthermore, in 2003, Mr. Tsunematsu arranged a gift of 10 million yen (slightly less than US\$100,000 then and now) named "Nagashima Ohno & Tsunematsu Fund for the Enhancement of the Toshiba Library" from his firm, Nagashima Ohno & Tsunematsu, to the Toshiba Library.

amount, in response to the news from Mr. Tsunematsu that the Japan Foundation was requesting explanatory statements from Columbia.<sup>86</sup>

### Professor Gellhorn's Blueprint of a Japanese Law Library<sup>87</sup>

Professor Gellhorn's three-page letter of October 12, 1990 to Mr. Wakumoto describes carefully thought-out plans in three parts: (1) physical plant, (2) main objects of expenditure, and (3) financial plan. The last part was supplemented with two attachments prepared by James Hoover: one for an endowment provided in three installments and the other for an endowment provided in a lump sum.

#### 1. Physical Plant including Space for a Gathering Point

In his letter, Professor Gellhorn addresses rearrangement of the sixth floor for the Japanese library with improved lighting and shelving space, installation of computers for reference and cataloging, and creation of an attractively carpeted area for the staff and patrons; it would not constitute major construction and costs were estimated at less than \$50,000. His attention to space for staff and patrons is noteworthy.

Eight years earlier, in a letter thanking Professor Hiroshi Shiono for the forthcoming Tanaka library, Professor Young wrote:

Our current plan is to renovate a particular section of the Law School Library and therein house the basic working collection of Japanese legal materials, which will of course include Professor Tanaka's collection.

This part of the collection will be served by the Law School library staff and will provide a pleasant working environment as well as tremendous resources in Japanese law. We also anticipate it will become a gathering point for those interested in Japanese law to exchange ideas and opinions regarding areas of shared interest. In short, we anticipate the development of this library collection having significant benefits well beyond the mere access to vernacular resources.<sup>88</sup>

An appendix to the six-page proposal, *Development Proposal for the Center for Japanese Legal Studies Library Fund*, prepared around 1981, predicts a shared library space for the Law School program of the East Asian studies, rather than a separate space for Japan studies alone.<sup>89</sup> Maintaining a unit devoted to the East Asian region is a common practice among U.S. academic libraries with East Asian collections. At various stages, Professor Young refers to the Law School's East Asian program as a single group, and certain background facts explain the reason: in the mid-1980s, he founded the Korean Legal Studies Program in the Law School, which was the principal force behind the establishment of the Center for Korean Legal Studies in 1994; and the Chinese law faculty member, Professor Randle Edwards, taught Japanese law at Columbia

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<sup>86</sup> Letter (fax) from Gellhorn to Tsunematsu, October 12, 1990, Toshiba Endowment [file], Toshiba Library.

<sup>87</sup> Letter (fax) from Gellhorn to Wakumoto, October 12, 1990, Toshiba Endowment [file], Toshiba Library.

<sup>88</sup> Letter from Young to Shiono, June 25, 1982, 2, Gellhorn Papers, Box 374, RBML.

<sup>89</sup> Rosenthal, Gates, and Young, *Development Proposal for the Center for Japanese Legal Studies Library Fund*, Appendix.

prior to Professor Young's joining. Nevertheless, the unified East Asian library division containing Chinese, Japanese, and Korean collections did not appear to be of interest to the Law Library management.

While not all the ideas proposed by the law faculty were implemented, the Law Library renovation of 1995-1996 created a large enough working area on the second floor for patrons and visitors to freely walk in for reference questions and meetings. It was adjacent to the open stacks and study area and provided shelving space for a browsable backlog of newly arrived books. Indeed, this physical arrangement, which facilitated interactions among staff, patrons, and visitors, would play a pivotal role in the success of the Toshiba Library's development and services. Through these interactions, I would know patrons' research trends, keep abreast of legal activities in East Asia, and form connections to obtain gifts and commercially unavailable materials. From visiting scholars who specialized in varied law subjects, I would learn about a wide range of sources, authors, and subject matters. The patrons could walk in to ask all types of questions. They could browse the newest materials waiting to be cataloged.

Professor Gellhorn valued human relations and once asked me to be good to our visitors. People had been very kind during his overseas visits, but he no longer had enough energy to reciprocate their hospitality, as he once had done. I tried to do just that, with a sense of gratitude rather than obligation. Our staff office, occupied by student assistants and myself, became a place of international exchange.

## 2. Main Objects of Expenditure: Personnel including Curator and Library Assistant

In the letter, Professor Gellhorn identifies "personnel," underlined for emphasis, as the first priority in creating a Japanese law library, and specifies a curator and a library assistant. For additional "suitable personnel," he is likely referring to casual student employees to be added as financial circumstances permitted. He spells out the curator's responsibilities.

The curator, . . . , will in fact be functioning in the Japanese legal research library, in charge of cataloguing materials already at hand, analyzing future needs, and arranging acquisitions; he will also supervise the enlargement and improvement of the library's facilities, . . . ; and he will supervise the activities of the junior staff member in organizing the Japanese collection.<sup>90</sup>

A 10-page report of February 1991 sent from Dean Barbara Black to Yusuke Watanabe of the Japan Foundation, probably drafted by Professor Gellhorn, also emphasizes the importance of personnel.

A Curator who is thoroughly knowledgeable concerning Japanese legal materials, their cataloguing in accord with American library practices, the means of identifying and locating important sources that may have been inadequately indexed—a Curator of that type who is not only able but eager to assist scholars and other researchers in using the library's resources—is the first need of the new library.

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<sup>90</sup> Letter (fax) from Gellhorn to Wakumoto, October 12, 1990, [2].

Filling that post will be a high priority of the Law School as soon as funding is assured. The Curator of the Library for Japanese Legal Research will be a senior member of the Law Library's professional staff: Additional personnel in more junior posts (and, of course, at lesser salaries) will be subject to the Curator's direction.<sup>91</sup>

While the report falls short of requiring knowledge in Japanese law and the legal system, the phrase "using the library's resources" with the underscoring shows the focus has shifted from cataloging in the first curator position; this is consistent with Professor Gellhorn's comment made in 1977 that the librarian's chief role is to facilitate the use and access of books.<sup>92</sup> In addition, the new curator is given a supervisory responsibility, though, as it turned out, the junior member position was never created.<sup>93</sup>

Additional expenditures included the cost of material acquisition, the curator's professional associations and travel, as well as other miscellaneous expenses.<sup>94</sup> Given that the endowment would not initially produce adequate income, these were regarded as "future expenditures" to be budgeted at a later date.

### 3. Financial Plan

Professor Gellhorn's aim was to fund the Japanese library in perpetuity. If donated, the endowment would be pooled together with the rest of the university's endowments and the Law Library would receive a proportionate share from the investment income, as he wrote to Mr. Wakumoto. Around this time, Columbia's Trustees were directing the endowment beneficiaries to expend five percent, based on the assumption that the actual earning is about 10 to 12 percent. Thus, at least 50% of the income would be returned to the principal, thereby allowing the principal to keep growing perpetually. According to James Hoover's analysis, in 1993/94, the endowment of \$1.5 million in three installments, which the donor elected and delivered from March 1991 through the fall of 1992,<sup>95</sup> would produce a total of \$162,000, i.e., \$81,000 for the Law Library's use and another \$81,000 to be returned to principal. The Law School separately calculated that if the investment earnings were steady during the decade of 1990-1999, the proposed principal would grow to \$2,248,000 by June 1999.<sup>96</sup>

In reality, however, the endowment office appears to have been more conservative than Professor Gellhorn had described in his letter. In 1995/96, for example, out of the investment income of \$374,852 (19.5% total return), which was already much larger than the original estimate, only \$69,503 (18.54%) was distributed for spending while \$305,349 (81.46%) was returned to principal. Projected distribution figures were only slightly larger for 1996/97 and

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<sup>91</sup> [Barbara Aronstein Black], *The Proposed Library for Japanese Legal Research* ([New York: Columbia Law School], February 1991), 8, Toshiba Endowment [file], Toshiba Library.

<sup>92</sup> Gellhorn, "Reminiscences of Walter Gellhorn," 211.

<sup>93</sup> At Mr. Tsunematsu's suggestion and through him, I submitted a financial assistance proposal for the assistant position to the Toshiba Corporation in 1993. However, it was turned down.

<sup>94</sup> Letter (fax) from Gellhorn to Wakumoto, October 12, 1990, [2].

<sup>95</sup> Letter from Masaharu Tanino of the Toshiba Corporation to Dean Lance Liebman, September 30, 1992, Toshiba Endowment [file], Toshiba Library.

<sup>96</sup> Letter (fax) from Gellhorn to Wakumoto, October 12, 1990, [2-3].



1997/98.<sup>97</sup> It is unclear how often this prudent practice was imposed, but it paid off. The stock markets performed impressively over the last few decades. In 2018/19, the distribution appeared to be too large for the Law Library to consume, though it should be noted that ironically the curator position had been eliminated by this time.

### Birth of the Toshiba Library for Japanese Legal Research: 1991

After the endowment agreement was finalized by the Japan Foundation, the Toshiba Library for Japanese Legal Research was born! The most conspicuous difference when I rejoined Columbia in November 1992 was a large handsome wooden slab carrying the name “Toshiba Library for Japanese Legal Research.” There was also a plastic frame, which was later replaced by a wooden one, honoring the Tanaka donation of 1982. These objects symbolized the path the Japanese collection would take, largely relying on supporters’ goodwill.

When Ken Tsunematsu visited the Toshiba Library in 1993, he requested that I “build the best Japanese library in the United States.” In various old letters and internal reports, other superlatives such as the “finest,” “most comprehensive,” and “largest” emerge. There was already much encouragement from Professors Gellhorn and Hoover. Whenever Yoshihiko Wakumoto of the Toshiba Corporation visited the Law School, his farewell bid was always to say reassuringly, “Do take good care of the Toshiba Library.” Behind these words were tremendous moral support. And, what is more is that Mr. Wakumoto and the Toshiba Corporation staff continued to assist the Toshiba Library; for instance, it was Mr. Wakumoto who informed me of the Toshiba International Foundation in 1998, suggesting that I apply for its grant. I kept in touch with him until he passed away in 2015.

Thanks to the founders’ vision and help from the hundreds of supporters who donated materials and funds, by 2013 the Toshiba Library became the largest and most digitally connected academic Japanese law library in the United States, surpassing the oldest major Japanese law collection at the Gallagher Law Library of the University of Washington. It was 30 years after I began organizing the many gifts amassed by Professor Gellhorn and Professor Young.

### New Toshiba Library for Japanese Legal Research: 2014-

An unexpected sudden reorganization of the Law Library in September 2014 brought new challenges to the Toshiba Library. Its internal structure today does not resemble the one so eagerly envisioned by the founders.

Among numerous changes, those most keenly felt were the loss of two highly effective components which differentiated the endowed Toshiba Library from other foreign collections: the curator position was eliminated with a large portion of the decision making authority taken over by the Technical Services Department and the Law Library director; and the Toshiba Library office adjacent to the Japanese law collection for staff and patron interactions was

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<sup>97</sup> Internal office email from Ed Moroni, Associate Dean for Administration and Finance, Columbia Law School, November 22, 1996.

replaced by a space for binding prep. Changing institutional priorities also have had their effect on the Toshiba Library; for example, honoring donors—something which was central to the collection's origins—has become a low priority.

The Law Library's purpose was unclear at the time of the reorganization, except for its announced plan to focus on cataloging; conversely, however, the restructuring significantly weakened Japanese cataloging. A few more stated rationales followed later: that in the new digital age, knowledge of languages is unnecessary for technical services operation; that all major collections should be treated equally; that the Law Library has a Japanese speaking reference librarian—without distinguishing between speaking the language and reading legal materials; and that the curator position was relevant only at an early development stage of the Toshiba Library. These arguments were difficult to fathom. If the Law Library was aiming to reduce the overall costs by centralizing all operations, it was not made known.

In the context of these changes and challenges, a renewed focus on forging a clear direction for the Toshiba Library is a top priority. How might we preserve its integrity in the current structure? Could the Law Library reinstate the curator position? Would it make sense to frame the Toshiba Library within the context of the East Asian law collection, given shared skill sets applicable to handling East Asian resources and present political and economic dynamics in that geographical region? Or, could it collaborate with the East Asian Library on cataloging? Might it have a role to play in the broader scholarly community? Whichever path it follows, Professor Gellhorn's notion of a financially secure library with a vast collection, knowledgeable and enthusiastic personnel, and an effective means to link the resources to users is still very valid.

## In Closing

In 1958, only six years since the end of the U.S. occupation of Japan, Professor Gellhorn visited that unknown land. A scant 13 years earlier, the two countries had been fierce enemies. At the time of his visit, Japan was recovering from the devastation of the war and was much less developed than the United States. Despite all of this, he related well to his fellow scholars. He found among them brilliant and inquisitive minds, and over the years, would form many long-lasting friendships.

There is no denying that the start of this extraordinary relationship was facilitated by the larger external surroundings—the availability of international scholarly exchange programs by philanthropic organizations, such as the Rockefeller Foundation under whose auspices Professor Gellhorn traveled, and perhaps more broadly, the U.S.-Japan alliance in the time of the cold war. Later, when Professor Gellhorn set forth with a plan to establish a Japanese law center at the Law School in the 1970s and the 1980s, Japan's economy was in a period of robust growth. Again, it was remarkable luck that he secured a large endowment in 1991, immediately before the country's sudden economic downturn, sometimes referred to as the Lost Decades. These outside factors certainly played a role in the positive outcome.

Still, Professor Gellhorn's success in forming first the Center and later the Toshiba Library must be assigned to his determination and his heartfelt enthusiasm for connecting the two countries through legal education. The respect of partners and supporters, such as Professor Young, Professor Ukai, the Tanaka family, Mr. Wakumoto, Mr. Tsunematsu, and many others, and their wholehearted embrace of his vision were also of great significance. I share his and their hope that the collections of the Toshiba Library will continue to help strengthen mutual understanding between the United States and Japan.

In the early 1980s, Professor Young anticipated that at some point, the Toshiba Library might be used by scholars, lawyers, and government officials throughout the western world. Today, with its digital reach, its affluence, and the depth of its collection, the Toshiba Library could be made available to the entire world. Its potential is almost unlimited.

## Chronology of Donations

Dates	Gifts	Donors
October 1977	Grant (\$150,000) to launch a Japanese law program with full-time faculty	Japan-U.S. Friendship Commission, Washington, D.C.
Late 1970s-1980s	Books and journals through “Book Drive”	Friends of Walter Gellhorn and Michael Young
September 1980	Endowment (\$1.5 million) to establish Fuyo Professor of Japanese Law and Legal Institutions, and the Center for Japanese Legal Studies	Fuyo Group consisting of 29 Japanese corporations, via Japan Foundation
December 1980	Yūhikaku publications	Tadeatsu Egusa, President Yūhikaku Publishing, Tokyo
Early 1980s-present	Official reporters and journals published by the Supreme Court of Japan	Supreme Court Library of Japan
Early 1980s-present	Kokusai Shōji publications, including a subscription to <i>Kokusai Shōji Hōmu</i>	Kokusai Shōji Hōmu Kenkyūjo (Japanese Institute of International Business Law), Tokyo
ca. 1981-1983	350-400 or more volumes of books from personal collection	Prof. Takeo Hayakawa (visiting scholar 1964); shipping and handling by Japan Foundation
November 1982	Jirō Tanaka library of more than 16,500 volumes/issues of monographs and serials	Family of Jirō Tanaka, Tokyo; shipping and handling by Japan Foundation
March 1983	150 missing journal issues from Jirō Tanaka library	Prof. Hiroshi Shiono (Tanaka family member); shipping and handling by Japan Foundation
ca. 1983-1984	Funds (\$150,000 or \$200,000) to start a Japanese language law collection with curator position	Tokai Bank, Ltd., Nagoya (currently MUFG Bank, Tokyo), via Japan Foundation
1984-present	Treatises, textbooks, non-commercial reports, and subscriptions to continuing resources	Hundreds of donors, including individuals, government agencies, universities, learned societies, professional organizations, research institutes, trade organizations, and corporations
1985	Primary sources, treatises, and complete set of the journal <i>Shihō</i> from personal collection	Justice Jirō Terada, via Justice Itsurō Terada, Tokyo (LL.M. 1976)

1991-1992	Endowment (\$1.5 million) to secure permanent funding for the Japanese law collection (Toshiba Library) with curator & assistant positions	Toshiba Corporation, Tokyo, arranged by Yoshihiko Wakumoto of Toshiba Corp., via Japan Foundation
1993	Books withdrawn from the library of Nagashima & Ohno	Nagashima & Ohno, Tokyo
February 1994	Funds to purchase new books	FAIR (Fujitsu Library Program) Fujitsu, Ltd., Tokyo
November 1995	Funds to purchase new books, including English language titles	FAIR (Fujitsu Library Program) Fujitsu, Ltd., Tokyo
August 1996-2013	Subscription to CD-ROM-based reporters <i>Hanrei Taikei</i> and index to legal periodicals and cases, with hardware system; subscription to online legal database, <i>DI-Law</i>	Mitsui, Yasuda, Wani & Maeda; Linklaters Tokyo; Nagashima & Ohno; Nagashima Ohno & Tsunematsu
October 1996	Funds to purchase new books	Nisshō Iwai Foundation, Tokyo
June 1998	Funds to purchase historical primary sources and expensive new titles	Toshiba International Foundation, Tokyo
1998	Personal collection of approximately 1,100 volumes	Prof. Kōichi Kikuta, Meiji University (visiting scholar 1990)
1998	Approximately 1,200 volumes of books formerly held by Meiji University libraries, and Meiji law faculty members and their friends	Meiji University, Faculty of Law, and Meiji law faculty members and their friends, arranged by Dean Kazuo Saigusa and Prof. Kōichi Kikuta
May 2000	Funds to purchase expensive new titles	Nisshō Iwai Foundation, Tokyo
2002	Personal collection of 450 volumes	Justice Itsuo Sonobe, Tokyo (visiting scholar 1958)
2003	“Nagashima Ohno & Tsunematsu Fund for the Enhancement of the Toshiba Library” to purchase 800 volumes of historical primary sources and statistical materials	Nagashima Ohno & Tsunematsu, Tokyo, arranged by Ken Tsunematsu (M.C.L. 1963), via Japan Foundation
2013-2016	Subscription to online database, <i>TKC Law Library</i>	Nagashima Ohno & Tsunematsu, Tokyo