From Vision to Legacy: Walter Gellhorn and the Establishment of The Toshiba Library for Japanese Legal Research

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From Vision to Legacy: Walter Gellhorn and the Establishment of The Toshiba Library for Japanese Legal Research

Cover Page Footnote
The author, formerly East Asian Law Librarian at the Arthur W. Diamond Law Library, Columbia Law School, gratefully acknowledges the valuable comments and assistance of Phillip Greene, Sabrina Sondhi, and Nobuhisa Ishizuka.
Introduction

The Arthur W. Diamond Law Library (the Law Library) at Columbia Law School (the Law School or CLS) 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 24,000 print, digital, and microform titles including nearly 700 serials. The Toshiba Library is unique in that it was primarily built on gifts from Japan.

This paper describes how the plan for building a new Japanese law library was developed, along with my own experiences serving for 25 years (1984–1987 and 1992–2014) as the first and only curator to date. It tells the contributions of many individuals, including two Law School faculty members, the late Walter Gellhorn, without whose vision the Toshiba Library would not exist, and Michael K. Young, the first director of the Center for Japanese Legal Studies, who laid out the Toshiba Library’s foundation for the future. It explores unexpected changes as a result of shifting institutional priorities.

Background

Professor Walter Gellhorn (1906–1995), 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 1958.2

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 University, Robert A. Walker,3 Professor Gellhorn remembered it as an invitation from Jirō Tanaka (1906–1982), a fellow administrative law scholar4 who first visited him in

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1 Professor Gellhorn (Columbia Law School, LL.B. (Bachelor of Laws) 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 at 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, ...”

2 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).

3 Ibid.

4 Jirō Tanaka was 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 a “Bunka Kōrōsha (Person of Cultural Merit)” and upon
the U.S. in 1953. It was Professor Tanaka’s sponsorship that assured the Committee’s decision. Professor Gellhorn’s assignment was to teach, through interpreters, a lecture course on civil liberties and comparative constitutional law 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. 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’s reputation was already well-established in Japan. He had co-edited the third edition of the textbook, *Administrative Law: Cases and Comments* (University Casebook Series, 1954), based on his mimeographed material, originally titled *Cases and Materials on Administrative Law* (1935). He had authored treatises on civil liberties, censorship, and state secrecy, as well as numerous 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 under the leadership of Professor Gellhorn. Professor Gellhorn’s colleague at Northwestern Law School, Nathaniel L. Nathanson (1908–1983), offered words of encouragement prior to his trip, “…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.”

During the stay in Japan, Professor Gellhorn formed a life-long friendships with many scholars, including Jirō Tanaka, Nobushige Ukai (1906–1987), and Takeo Hayakawa (1914–2006). More trips to Japan ensued, each time deepening his ties with the Japanese academic, legal, and government communities. He had become a highly influential and respected leader of scholarly exchange between the United States and Japan. In 1973, in coordination with Law School faculty members, including R. Randle Edwards, who specialized in Chinese law, Willis Reese, who was Director of the Parker School of Foreign

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6 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.


8 Letter from Nathanson to Gellhorn, July 17, 1957, 3, Gellhorn Papers, Box 191, RBML.

9 After graduating from Tokyo Imperial University (currently the University of Tokyo) with a political science degree in 1930, he joined Keijō Imperial University in Seoul. While a faculty member of Keijō, 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.

10 At the time he was Assistant Professor of the Faculty of Law specializing in Anglo-American law and later Professor Emeritus, Kobe University. Having completed an LL.M. (Master of Laws) degree from the University of Michigan, he was one of the two interpreters during Professor Gellhorn’s initial stay in 1958.
and Comparative Law, and Dean Michael I. Sovern, Professor Gellhorn began realizing his grand vision of a Japanese law center at Columbia.

The team’s initial goal, described in a letter of August 31, 1973, was to raise funds primarily for an endowed chair of Japanese law and research fellowships, but their conceived law center also included Japanese language law books; in 1958, during his first visit to Japan, Professor Gellhorn was already promoting an idea of Japanese language materials in the Law Library. 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 a Japanese law center at Columbia. He 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. 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. An all-out effort was made in every direction.

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. In the absence of an endowment, it was a gift of $150,000 in 1977 from the Japan-U.S. Friendship Commission that provided a salary for a Japanese law professor and two or more graduate fellowships. 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.

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12 Letter from Randle Edwards to Rex Coleman, Baker & McKenzie, Tokyo, August 31, 1973, 2, Gellhorn Papers, Box 368, RBML.
13 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.
14 Some hundred letters and interview records were identified in Box 368 of the Gellhorn Papers.
This meant fundraising had to continue. Finally, in 1980, the Law School secured a $1.5 million endowment from the Fuyo Group, which was delivered by the Japan Foundation. On October 10, 1980, Columbia University President Michael Sovern, formerly 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. Professor Young was appointed as its director.


Now that the Center was firmly in place, the Law School shifted its focus to building a vernacular collection in the Law Library. Both Professor Gellhorn and Professor Young believed that the centerpiece of the program in Japanese legal studies would be scholarly library 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, on the evening of January 14, 1981, in Tokyo, while writing a long progress report to Dean Sovern’s successor, 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 9th]. Being “entertained” is not a relaxation (as you yourself well 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.

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.

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16 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 Kōkan (currently JFE Holdings), Shōwa Denkō, Oki Electric, Yasuda Mutual Life Insurance Company (currently Meiji Yasuda Life Insurance Company) and Sapporo Breweries.


18 Letter from Gellhorn to Rosenthal, January 14, 1981, 3, Gellhorn Papers, Box 368, RBML.
A. 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 in Japan, Professor Gellhorn arranged to have the Asia Foundation in Tokyo gather donated books and send them to the Japan Foundation's warehouse for shipment to New York.\(^{19}\) Professor Young's letters more than a year later to Professor Hayakawa, the Asia Foundation, and the Japan Foundation suggest that this collaborative method of shipping was underway.\(^{20}\) Many letters were written and many phone calls made to discuss logistics, revealing the enormous work behind the ultimate success.

1. From Individual Scholars

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 Hayakawa were considered forthcoming, and there was a hint that Professor Tanaka might also help.\(^{21}\) 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, Kichiemon Ishikawa (1919–2005),\(^{22}\) 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."\(^{23}\)

It is very likely that many more individuals donated. Occasional handwritten notes, personal seals, or inscriptions suggested former ownerships. For the most part, however, these gifts were unmarked, making it impossible to accurately 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.\(^{24}\) Thanks to Ichirō Ogawa (1920–1985) and Akira Mikazuki (1921–2010), a gift from Yūhikaku Publishing Co., a reputable legal

\(^{19}\) Letter from Gellhorn to Tsuyoshi Chida of the Japan Foundation, February 19, 1981, 1, Gellhorn Papers, Box 368, RBML.


\(^{21}\) Letter from Young to Chida, June 16, 1981, 1–2, Gellhorn Papers, Box 367, RBML.

\(^{22}\) Professor Ishikawa specialized in labor law at the University of Tokyo. He traveled to Columbia to represent the Japanese community and gave an eloquent eulogy at the ceremony in tribute to Professor Gellhorn on March 28, 1996.

\(^{23}\) Memorandum by Young, "Activities in Japan," to Gellhorn, December 23, 1980, 6, Gellhorn Papers, Box 368, RBML.

\(^{24}\) Letter from Young to Rosenthal, December 17, 1979, 1, Gellhorn Papers, Box 368, RBML.
publisher of long-standing, was made possible, and as usual, a letter of thanks to the publishing house from Dean Rosenthal followed. A University of Tokyo alumnus, Masanobu Katō of Nagoya University, introduced Professor Young to Shun’ichi Himeno, Managing Director of the Japanese Institute of International Business Law. As a result of these networking activities decades ago, the official reporters published by the Supreme Court have scrupulously been arriving at the Law Library as had the reputable flagship monthly publication Kokusai Shōji Hōmu (Journal of the Japanese Institute of International Business Law), via air courier, until Mr. Himeno left the Institute in 2022. These are a few examples among many.

B. 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 for a Japanese law collection consisting of 27 essential statutory sets, official reporters, commentaries, treatises, and law journals—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 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.

As Director of the Center for Japanese Legal Studies, even after my joining the Law Library in 1984, Professor Young continued to assist in fostering the growth of the Japanese law collection. For example, in 1996, when no computers in the U.S. were fully compatible with Japanese language software, Columbia became the first library outside of Japan to own CD-ROM based reporters, thanks to Professor Young. I had been exploring the feasibility of acquiring such a device for a long time. In 1995, Akihiko Wani (CLS, 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 one of the firm’s librarians, Nahoko Hara, Mr. Wani collected funds from 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, after having worked as summer associates, three of Professor Young’s students physically brought the system—both hardware and software—back to New York.

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.

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25 Letter from Gellhorn to Ogawa, October 6, 1980, Gellhorn Papers, Box 330, RBML.
26 Letter from Rosenthal to Tadeatsu Egusa, President of Yūhikaku Publishing, December 19, 1980, Gellhorn Papers, Box 368, RBML.
27 Letter from Young to Himeno, August 2, 1984, Date Files May–August 1984, the Center.
28 Letter from Young to Sovern, January 20, 1979, 2–5, Gellhorn Papers, Box 367, RBML.
In 1998, Professor Young left Columbia to become Dean of George Washington University Law School. He then served as President of the University of Utah, the University of Washington, and Texas A&M University successively.

C. Jirō Tanaka Private Library: A Journey from Kugenuma, Fujisawa City to New York

1. Friendship of Three Horses

In 1977, Professor Gellhorn reminisced with his wife, Kitty Gellhorn, about their first trip to Japan in 1958, how the invitation to teach at the University of Tokyo was offered by 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 Professors Ukai and Tanaka. After the first trip in 1958, 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,” but also remembered fondly some 20 years later in 1977, “I think that trip to Japan, and the trip within Japan, surely in total was one of the great experiences of my life, ....”

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, Professor Tanaka’s kindly yet nonchalant position, “... if Columbia needs some materials from his large collection ..., he is happy to arrange it, ...” 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. After seeing the collection, Professor Gellhorn enthusiastically reported to Dean Rosenthal.

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

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30 “Tsuitō zuisō [Tribute Essays],” 125.
31 Letter from Gellhorn to John D. Goheen, September 15, 1958, Gellhorn Papers, Box 191, RBML.
33 Letter from Ukai to Gellhorn, December 13, 1980, Gellhorn Papers, Box 368, RBML.
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.35

At this stage, there was a large gap between Columbia’s and Professor Tanaka’s intentions regarding the probable gift. The size of the 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; the missing numbers of Jurisuto (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 1980.36 A total of roughly 45 monographs and 130 periodical issues.37

3. Professor Ukai’s Role

Before reaching an agreement, however, sad news emerged. Professor Tanaka was hospitalized in December 1981. On January 16, he passed away from gallbladder cancer.38

Professor Gellhorn recalled in 1977 his impression of Professor 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.”39 The high regard others held for him must partly be due to his solid theoretical knowledge; his rigorous study beyond national boundaries 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. After World War II, he was frequently sought after by the Supreme Commander for the Allied Powers (SCAP) to help shape Japan’s new democratic legal system; he was instrumental in drafting numerous laws among which concerned education, administrative procedure, reparations, local autonomy, and police.40 He served as a counselor to many government agencies throughout his life. He was a prolific author and a justice of the Supreme Court of Japan.

Professor Tanaka was a friend to many. Professor Ukai was one of his closest friends, and after Professor Tanaka’s passing, he became 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.41

On April 29, 1982, Professor Ukai met in Tokyo with: Professor Tanaka’s wife, Mrs. Sawako Tanaka; his son, Mr. Tatsuo Tanaka; his daughter, Mrs. Sachiko Shiono; and Professor Hiroshi Shiono, Professor Tanaka’s son-in-law and protégé at the University of

36 Letter from Young to Tanaka, June 16, 1981, 1, Gellhorn Papers, Box 367, RBML.
37 Letter from Young to Chida, June 16, 1981, 2, Gellhorn Papers, Box 367, RBML.
38 Letter from Ukai to Gellhorn, January 16, 1982, Gellhorn Papers, Box 343, RBML.
41 Letter from Ukai to Gellhorn, March 31, 1982, Gellhorn Papers, Box 343, RBML.
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 western 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 his memory. Professor Ukai proposed to his American friend, en route to China for the deliverance of a paper, to stop in Tokyo and see the family. 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.

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 went 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.

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.

In a letter of October 5, 1982, Motohiro Shitchida, 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$14,700 at the current exchange rate) for wages for 15 temporary workers to prepare an inventory list in seven days, packing and handling, local transportation, shipping, and insurance from Japan to New York. For the

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42 A description of the collection of 2,478 volumes can be found at: https://www.lib.u-tokyo.ac.jp/ja/library/general/collectionall/tanakajiro, accessed September 26, 2023.
43 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.
44 Letter from Gellhorn to Ukai, May 6, 1982, 1, Gellhorn Papers, Box 374, RBML.
45 Letter from Rosenthal to Ukai, October 19, 1982, Gellhorn Papers, Box 374, RBML.
47 Letter from Shitchida, Japan Foundation to Gellhorn, October 5, 1982, Gellhorn Papers, Box 374, RBML.
logistics as well, Professor Ukai extended assistance; the former Minister of Education, Michio Nagai, his friend or acquaintance, facilitated the shipping through the Japan Foundation.48

The inventory list hurriedly prepared at Professor Tanaka’s home in Kugenuma by those temporary workers, called in Japanese “arubaito” may not be accurate.49 There were many items, especially serial issues, not found in the list. It is reasonable to assume that the actual size of the gift easily exceeded 15,672 volumes.

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 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.50

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 Yomiuri Newspaper or The Columbia Law Alumni OBSERVER.51 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.”52 Both articles were inaccurate describing the gift as a “promise” between the late Professor Tanaka and Professor Gellhorn. The promise was 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.53 The inscription, “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.54 A suitable plaque was also considered at this time; but in the end, a simple framed gift acknowledgement was selected.

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48 Letter from Ukai to Gellhorn, May 20, 1982, Gellhorn Papers, Box 374, RBML.
49 A photocopy of the original inventory list is held in the Toshiba Library with the title, Tanaka Jirō Hanji Kizō Tosho Risuto, 1982 (List of the gift collection of Justice Jiro Tanaka, 1982).
51 “Tanaka Collection front-page news in Japan’s largest newspaper,” The Columbia Law Alumni OBSERVER 12, no. 3 (June 1983), 11.
52 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 seen as a promise between his two friends.
53 Letter from Gellhorn to Ukai, May 6, 1982, 1, Gellhorn Papers, Box 374, RBML.
54 Letter from Young to Sawako Tanaka, October 5, 1982, Gellhorn Papers, Box 374, RBML.
Several months after the Japan Foundation shipped the Tanaka library, the Tanaka family’s thoughtfulness was extended further. Professor Shiono, Professor 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 Japan Airlines Flight 42 of February 26, and would be delivered to Columbia on March 2 or 3.55

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, wrote to Dean Rosenthal.

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.56

D. Funds from the Tokai Bank, Ltd. (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.57 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.58

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 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 (CLS, 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

56 Letter from Hoover to Rosenthal, March 29, 1983, Gellhorn Papers, Box 374, RBML. James Hoover served as director (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.
57 Letter from Gellhorn to Rex Coleman, November 27, 1973, Gellhorn Papers, Box 368, RBML.
58 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.
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.\footnote{Letter from Young to Saitō, November 7, 1980, 2, Gellhorn Papers, Box 367, RBML.}

By the time Professor Gellhorn made yet another trip to Japan in January 1981, Columbia's target was $150,000.\footnote{Letter from Gellhorn to Rosenthal, January 14, 1981, 2.} It is notable that this lower 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 the following year. 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 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 in installments.\footnote{Letter from Burrell to Okazaki, the Tokai Bank, New York Branch, September 17, 1984, Date Files September–December 1984, the Center.} So many memoranda and letters reveal that as before, Dean Rosenthal provided full 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**

**A. Personnel: Curator of the Japanese Law Collection**

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, told me about a major gift collection in the Law Library and that I would be working there during the spring break. 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 me 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 was not aware of the long, arduous fundraising efforts that had preceded my arrival, but the library director, James Hoover, briefly 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. Though I had had some business and law background and had completed a library science program, I was a novice; I would learn a great deal about cataloging and material organization from two of Columbia’s legendary catalogers: Robert Wolven and Frank Mokry. 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.\textsuperscript{62} I would hear about it much later from an influential alumnus, Ken Tsunematsu (CLS, M.C.L.\textsuperscript{63} 1963).

**B. Retrospective Materials**

Professor Gellhorn’s concept of the Center for Japanese Legal Research included Japanese language sources to support its teaching and research from the start. On January 20, 1979, Professor Young wrote a long handwritten letter from Tokyo to Dean Sovern of the Law School about a Japanese law collection scheme with the holdings of the East Asian Library in mind.\textsuperscript{64} By September 1980, the plan to relocate the legal materials from Columbia’s East Asian Library to the Law Library was moving forward.\textsuperscript{65} Consequently, the consolidated Japanese retrospective collection in the Law Library consisted of: (1) the Tanaka gift, including missing journal issues from Professor Shiono, (2) other gift materials received by Professors Gellhorn and Young, and (3) the legal titles 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**

There were approximately 3,500 titles of monographs and monographic series (4,500 volumes) and 120 serial titles, consisting of: statutory materials; reporters; commentaries; textbooks; treatises on domestic, foreign, and international law, including western legal classics in Japanese translation; legal periodicals; bibliographies and indexes; dictionaries; and government reports. It was a structured academic collection, with extensive serials holdings and primary sources.

Yet, there was a personal touch. Certain older monographs, which Professor 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, 田中二郎所蔵 (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 a time span of about 70 years from the beginning of the Taishô 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. Furthermore, many volumes are pleasing to the eye—gilt-embossed titles, gilt and

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\textsuperscript{62} Letter from Dean Benno C. Schmidt, Jr., Columbia Law School, to Shin’ichi Saitō, August 3, 1984, Date Files May–August 1984, the Center.

\textsuperscript{63} Master of Comparative Law.

\textsuperscript{64} Letter from Young to Sovern, January 20, 1979, 1-6.

\textsuperscript{65} Rosenthal, “Memorandum to the Files,” September 29, 1980, Box 368, RBML.
embossed covers, covers decorated with relief, gilt edges, gilded spine titles, leather binding with gold embossed spines, marbled endpapers, et cetera.

There was a large collection of constitutional law as well. At Tokyo Imperial University, he majored in political science, finishing as a student of the renowned scholar Tatsukichi Minobe (1873–1948) in 1929, and subsequently working under him; the Tanaka Collection contains 46 titles by Professor Minobe in which their pages are filled with Professor 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 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.

2. Donations from scholars and publishing institutions via book drive

Incoming donations via the book drive and other sources continued. One very handsome gift arrived from the father of Judge Itsurō Terada (CLS, LL.M. 1976) around 1985. 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 Shibō (Private law), reminding me of Japan’s deep-rooted gift-giving custom in which the 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. In the end, it was a result of Professor Young’s skillful diplomacy.  

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 Columbia’s East Asian Library was 5,700 volumes. By the end of 1980, their relocation to the Law Library was considered a matter of fact. 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, and other concerned librarians. The agreement stipulated the relocation of the Chinese and Korean legal materials as well.

The implementation process lasted a few more years until the fall of 1986 or the spring of 1987. I recall repeatedly going to the East Asian Library with Professor Masanobu Katō of Nagoya University who was the visiting Fuyo Professor of Japanese law in 1986–1987, Professor Kiyoshi Aoki of Chūbu University, and one or two more visiting scholars to select materials for relocation; but not all of our selections were honored, which was understandable. In the end, the transferred items contained: historical serial titles, including

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66 “Tanaka Jirō Sensei ni kiku, dai1-kai,” [Interview with Professor Jirō Tanaka, 1st series]. Hōgaku Kyōshitsu, no. 9 (June 1981), 74, 77.
67 Letter from Young to Itsurō Terada, August 18, 1982, Gellhorn Papers, Box 374, RBML.
68 Letter from Francis Gates, Law Library director, to Young, May 23, 1979, Gellhorn Papers, Box 367, RBML.
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 Professor Tanaka. This also meant that in the consolidation process, the Law Library accumulated a sizable number of duplicates. The first 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.

C. Towards a Coherent Research Collection

The Law School produced abundant internal and external documentation while attempting to raise funds. A nine-page report titled Development Proposal for the Center for Japanese Legal Studies Library Fund, prepared around 1981, lays out the purpose of the Japanese law collection.

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, under properly controlled conditions, Japanese and American businesses and law firms, a large number of which are headquartered in New York and its environs.70

Addressing both the academic and business communities seemed pertinent as an appeal to potential donors in the Japanese business community. Without knowing its existence, 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.


Gift soliciting had to continue. Thanks to Professor Young’s connections, the Supreme Court Library donated its ten serial titles, 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 commercially unavailable at that time, 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 in Japan. Out of 21, only five responded. This disappointing result left room for me to pursue another method of acquisition, namely gifts. Many opportunities arose later to ask for law reviews, learned society journals, and internal publications from Japanese visitors and visiting scholars who kept coming to Columbia.

2. Soliciting Grey Literature

During this period, I actively sought so-called grey literature. I would hear about various acquisition methods from my colleagues of the Council of East Asian Libraries, Association for Asian Studies. 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 publishing institutions—all types and levels of government offices, research organizations, trade associations, universities, learned societies, and corporations.

Soon after joining the Law Library in August of 1984, it seemed logical for me to pursue a formal education in Japanese law. The correspondence program I was enrolled in required that I attend summer courses on campus in Tokyo. It further required that all exams be passed at one of its designated locations in Japan. These travel requirements, though grueling, were perfect opportunities to extend my stays there and work. I would telephone and visit ministries, government agencies, and government-affiliated research associations seeking donations of their unpublished materials, in particular English-language sources. I continued to seek out these materials until they became increasingly available on the Internet.

Years without a 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, but the pace of its development naturally slowed.

In Pursuit of an Endowment from the Toshiba Corporation, Tokyo

It is unclear when the fundraising for a library endowment resumed or if it had been ongoing 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 pulled off the funding of $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, formerly an employee of the Toshiba Corporation, and was on good terms with

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71 Mr. Tsunematsu, founding partner of Tsunematsu Yanase & Seine, had worked for the Toshiba Corporation for seven years after graduating from the University of Tokyo in 1955. He served on the Law School’s Board of Visitors from 1996 to 2002 and is a member emeritus.

72 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
Yoshihiko Wakumoto (1931–2015), then Vice President of the same corporation and, like Mr. Tsunematsu, a former student of Professor Gellhorn. On that same day, Professor Gellhorn delivered to Mr. Wakumoto a letter detailing the intended uses of the proposed amount, in response to the Japan Foundation’s request for “further explanation of Columbia’s plans.”

A. Walter Gellhorn’s Blueprint of a Japanese Law Library

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 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.

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 with a large table popular among students, and provided shelving space for a browsable backlog of newly arrived books. Indeed, this

donors among 68 contributors to the fund from Japan to establish the Walter Gellhorn Professorship at the Law School in 1991.

After retiring from the Toshiba Corporation, he served as Executive Director of Japan Foundation’s Center for Global Partnership between 1996 and 2002, and between 2002 and 2005 as Special Assistant to the President.

Letter from Gellhorn to Tsunematsu, October 12, 1990, Toshiba Library file.

Letter from Gellhorn to Wakumoto, October 12, 1990, Toshiba Library file.

Letter from Young to Shiono, June 25, 1982, 2, Gellhorn Papers, Box 374, RBML.
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 abroad, and form connections to propose gifts. 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 with questions—both academic and informational. 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. The 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.  

A 10-page report of February 1991 sent from Dean Barbara Black to Yusuke Watanabe of the Japan Foundation, which appears to be drafted by Professors Gellhorn and Hoover, 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.

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.

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77 Letter from Gellhorn to Wakumoto, October 12, 1990, [2].
78 Professor Young was on an extended leave of absence to the U.S. Department of State in Washington, D.C.
Additional expenditures included the cost of material acquisition, the curator’s professional associations and travel, as well as other miscellaneous expenses.\textsuperscript{80} Given that the endowment would not initially produce adequate income, these were regarded as “future expenditures” to be budgeted at a later date. In reality, however, the junior post was never created; the Law Library management continuously presented the impression that funding was inadequate to hire a Japanese library assistant.

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 of 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; 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,\textsuperscript{81} 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.\textsuperscript{82}

However, Columbia’s governing board 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 1997/98.\textsuperscript{83} It is unclear how often this prudent practice was imposed, but it paid off. The stock markets performed impressively over the last few decades. At least in 2018/19, the distribution was too big for the Law Library to consume, and a portion was offered to the Center for their use, 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, this time as a member of the Public Services Department, was a large handsome wooden slab carrying the name “Toshiba Library for Japanese Legal Research.” There was also a framed acknowledgement honoring the Tanaka donation of 1982. These objects symbolized the path the Japanese collection would take, largely relying on supporters’ goodwill.

\textsuperscript{80} Letter from Gellhorn to Wakumoto, October 12, 1990, [2].
\textsuperscript{81} Letter from Masaharu Tanino of the Toshiba Corporation to Dean Lance Liebman, September 30, 1992, Toshiba Library file.
\textsuperscript{82} Letter from Gellhorn to Wakumoto, October 12, 1990, [2–3].
\textsuperscript{83} The Office of Administration and Finance at Columbia Law School made these figures available when I was preparing a fundraising proposal for a Japanese library assistant position in November 1996.
As such, gift soliciting continued. I submitted a proposal for a library material fund to the Japan Foundation twice, but only to have both proposals rejected. In contrast, some private foundations responded favorably. In the 1980s, the concept of corporate social responsibility (CSR) started attracting the attention of Japanese multinational companies to promote Japanese businesses abroad and to ease the economic tension with developed countries. The Toshiba Library was successful in obtaining funds from the CSR divisions of Fujitsu Limited, Nissho Iwai Corporation (currently Sojitz Corporation), and the Toshiba Corporation. It also received sizable collections from: Professor Kōichi Kikuta of Meiji University (CLS, visiting scholar 1990); Justice Itsuo Sonobe (CLS, visiting scholar 1958); and the Faculty of Law of Meiji University from its own book drive on behalf of the Toshiba Library. These gifts were vital to strengthen the existing collection.

When Mr. Tsunematsu visited the Toshiba Library in 1993, he requested that I build the best Japanese law collection in the United States. As before, his backing was not limited to words. In 2003, his firm, Nagashima Ohno & Tsunematsu, donated 10 million yen (approximately US$86,000 then) through the Japan Foundation. With the donor’s approval, the gift was named “The Nagashima Ohno & Tsunematsu Fund for the Enhancement of the Toshiba Library” and was used to fill gaps of primary sources, statistical publications, and law journals dating from 1891 to 2001. The Toshiba Library commissioned a calligraphy piece and hung it to acknowledge the gift.

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 Mr. 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 was tremendous moral support. What is more, Mr. Wakumoto and the Toshiba Corporation staff continued to assist the Toshiba Library: it was Mr. Wakumoto who told me about the Toshiba International Foundation in 1998; several members of the company donated their used copies of commercially unavailable or expensive membership-only publications. I kept in touch with Mr. Wakumoto 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 had been 30 years since I began organizing the many gifts amassed by Professor Gellhorn and Professor Young.


An unexpected sudden reorganization of the Law Library in September 2014 brought new challenges to the Toshiba Library. The Technical Services Department of the Law Library had gone through frequent reorganizations. The internally announced goal of this latest

84 Professor Kikuta specializes in criminology and criminal law.
85 Justice Sonobe specializes in administrative law. He was a Supreme Court Justice from 1989 to 1999 and has been a leader and an active member of the law school alumni association in Tokyo.
reorganization was to strengthen cataloging; the East Asian cataloging, along with serials cataloging, was placed under a single centralized hierarchy.

Among other numerous changes at that time, 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 a multiple number of Technical Services generalists; and the Toshiba Library office adjacent to the Japanese law collection for staff and patron interactions was replaced by a space for binding prep. The original Toshiba Library structure was abruptly dismantled.

This restructuring significantly weakened Japanese cataloging. The Chinese language cataloger position created with much enthusiasm around 1983 was soon replaced by a European language cataloger position, and the East Asian assistant position was eliminated. A reorganization of this magnitude would normally require a careful review of all facets of the operations involved, but there was no open communication; decisions were made behind closed doors. As a result, the true purpose of reshuffling cataloging staff or dismantling the Toshiba Library structure remained unclear. The management’s overall position seemed to be that language or subject specialists were unnecessary to carry out day-to-day operations in the new digital environment.

**Lessons to be Learned.**

The reorganization was devastating to the Toshiba Library. My questions were simple. Why should such a well-funded endowed program be exposed to so many problems?—I would learn in 2021 that the endowment principal had grown to be around US$13 million from US$1.5 million in 1992. Why should the services to patrons be reduced? It was also inconceivable that the Law Library management did not let the Center know of the plan to dismantle the Toshiba Library.

I reached out to the Law School’s development and accounting offices who were willing to share whatever documents they could find. It was a startling revelation. I read for the first time Professor Gellhorn’s master plans in the two aforementioned documents: the letter of October 12, 1990, to Mr. Wakumoto and the 10-page report titled *The Proposed Library for Japanese Legal Research*, both of which emphasized the importance of personnel. Among various aspects of his plans, I decided to focus on personnel—in particular, the curator position, regardless of who might hold it. These documents confirmed my long-held belief, based on internal conversations, memoranda, and emails, that the position was intended to be permanent. However, the library management disagreed.

Eventually, the matter reached the university’s compliance office, the Office of the General Counsel, and the Law School administrator who oversaw the Law Library copied and pasted its decision to me via email on June 16, 2017.

“… the terms do not require that the endowment be used to cover specific expenses and the documents reflect an understanding that needs may change over time. The documentation does mention a curator position multiple times, but does not require that there be a permanent full time curator. We have concluded that the personnel expenses charged to the endowment are appropriate …”
It further stated:

"... the salary charged per person is in proportion to his or her time spent supporting the [Toshiba] Library and the continued integration of the [Toshiba] Library within the larger Law Library."

The outcome was a great disappointment. First, the changes originally anticipated were not to reduce the level of personnel but gradually increase it as the endowment income grew, by adding a full-time assistant to the curator and additional suitable personnel. Second, the very reason for my protest was to reverse the Toshiba Library’s declining quality, but the compliance office did not address it at all. Third, it did not independently review the accuracy of the appropriations for staff salaries; on the contrary, it simply affirmed the Law Library’s practice of dividing the endowment income into pieces to pay the salaries of general staffers. It was also disappointing that the review process itself was not transparent.

The experience with the university’s top supervisory apparatus taught me important lessons. The Office of the General Counsel made no serious efforts to determine whether the Law Library misrepresented the endowment use. Its tendency to accept the interpretation of a higher echelon within an organization was apparent. Regardless, no ambiguities would have arisen had the official agreement been more specific. The only relevant clause of the two stipulation letters from the Japan Foundation to the Law School Dean allows plenty of room for interpretation.

The award herein described shall be used exclusively for the exhibition of Library for Japanese Legal Research of the Columbia University School of Law.86

This is surprisingly brief given the size and nature of the gift. Even considering the room for interpretation, the Law Library was still out of compliance from the start; the fact that I was made responsible for the Korean law collection is an example. It is likely that the original founders relied on good faith and did not foresee drastic changes, but if they wished for the gift to be used as intended, they needed a detailed contract that laid out the recipient’s actions for many years to come.

As of September 2023, there is talk of reinstating the curator position. In the current digital age, its role would significantly be different from the one I played. I am hopeful that the new Law Library management will realize that a specialist, who is well-versed in the language and Japanese law and whose priority is to build, maintain, preserve the collection, and make it easily accessible, regardless of the time we live in, is essential for the success of the program.

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 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. 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 attributed to his determination and heartfelt enthusiasm for connecting the two countries through legal education. The respect of partners and supporters, such as Dean Rosenthal, Professor Young, Professor Hoover, Professor Ukai, the Tanaka family, Mr. Wakimoto, Mr. Tsunematsu, and many others, and their wholehearted embrace of his vision were also of great significance. I share his and their hope that, despite new challenges, the collections of the Toshiba Library will continue to help strengthen mutual understanding between the United States and Japan.