

894.0414/1-145--12-3146 - 47-48-49

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

DATE: May 13, 1946

TO : Mr. Erle R. Dickover
FROM : Mr. H. L. Trepagnier
SUBJECT: Lawyers Law

May 1, 1933 domestic law for lawyers enacted.

12 March 1936 enforcing ordinance under Article 4 of the law giving regulations regarding licensing of Alien Lawyers issued. 13 March 1936 registration regulations regarding domestic lawyers issued. A check of Kampo index from December 1945 to date shows no law abrogating the above laws.

Henry L. Trepagnier, Jr.
Documents Officer

FW 8994.0414/4-2946

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**Henry L. Trepagnier, Jr.
Documents Officer**

file

JAMES LEE KAUFFMAN
COUNSELLOR AT LAW

TELEPHONE RECTOR 2-6541
CABLE ADDRESS: "KIVORLEE"

55 Liberty Street
New York 5

April 29, 1946

and 5/14/46
CRSickover

Mr. Joseph W. Ballantine
Special Assistant to the Secretary of State
Department of State
Washington, D. C.

Dear Joe:

Thank you very much indeed for your letter of April 24.

I have no accurate description of the law, that is, I do not have the exact date or number. It was passed, I believe, in the latter part of 1935 and was known as the Lawyer's Law. On March 13, 1936 the Department of Justice issued an ordinance known as Ordinance No. 4 for the enforcement of the Lawyer's Law. As you know, over in Japan the law which is passed is in general terms and usually it is followed by an ordinance giving specific details. With this information I believe the exact law could be identified, and if it has not been repealed or stricken from the books - whatever an occupying force does with laws they do not like - I believe it would be advisable if such action was taken. I would certainly appreciate your inquiry.

I cannot understand why you could not find me in the telephone directory because I am certainly there, only you have to look under two "f's" instead of one. There are about a million Kauffmans here in New York who spell their name with one "f" and most people never realize that there also are a few who spell their names with two "f's." I am one of the small minority.

I was interested in hearing that you may go to Japan this summer. I certainly would like to go out there for three or four weeks and have a look around and see exactly what has happened. I am hopeful that it will not be too long before American business men are permitted in that country. I would like to know just as far in advance as is possible when this may take place, so that I could make definite plans along the lines which I have already written to you. I don't like to

Encl.	<i>2</i>
Re.	
Out.	<i>HW</i>
Dist.	

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Mr. Joseph W. Ballantine -2.
April 29, 1946

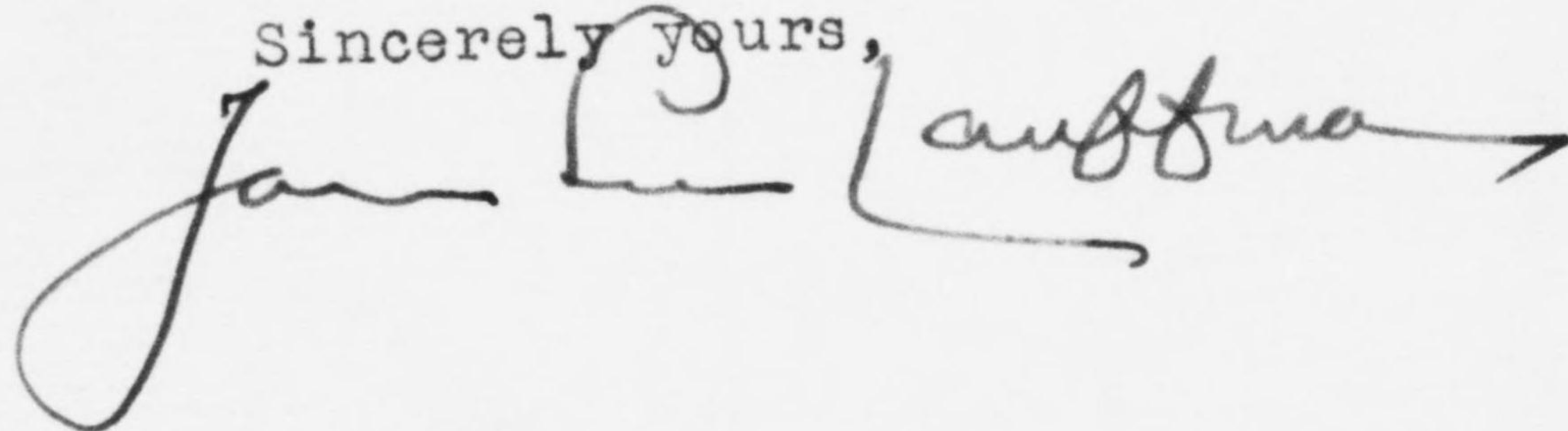
get in touch with my clients until I am sure that it is possible to open an office in Japan without too much delay.

I don't know of anyone at this time who wishes a consultant on Far Eastern affairs. As you know, business in general sort of looks down on the possibilities in Japan and most of them seem to think it will be years before Japanese business will be worth while. Personally, I think this is a mistaken point of view, because I believe the Japanese will recover quite rapidly once they are permitted again to engage in export and import trade. I will certainly keep you in mind and should I hear of anyone needing the services which I know you can render I will be very glad to put in a good word.

I hope that you will keep in touch with me and be good enough to let me know anything of interest which you may learn, and certainly when you are in New York again please look me up. My office telephone number is Rector 2-6541 and my address is 55 Liberty Street. My home telephone, which is unlisted, is Rhinelander 4-5065.

With kindest regards, I am

Sincerely yours,

A handwritten signature in cursive script that reads "Jan L. Laubman" with a long horizontal flourish extending to the right.

JLK:k

May 14, 1946

Dear George:

I have received a request for information from James Lee Kauffman, an American lawyer who once practiced in Japan and was head of the law firm of McIvor, Kauffman, Smith and Yamamoto.

Kauffman is now living in New York, but is thinking of reestablishing his Tokyo firm, if and when American businessmen are permitted to operate in Japan. Before doing so, however, he wishes to ascertain whether or not the so-called "Lawyers' Law" in Japan has been repealed. This is the law which made it practically impossible for alien lawyers to practice in Japan. I do not have the exact title or number of the law in question. The basic law was enacted on May 1, 1933, and applied to lawyers in general, Japanese as well as foreign. On March 12, 1936, an enforcing ordinance under Article 4 of the basic law was promulgated, providing regulations for the licensing of alien lawyers. Additional regulations were issued on March 13, 1936. It was these enforcing ordinances, I believe, which created difficulties for the American lawyers in Japan.

I have had a search made both of SCAP's orders to the Japanese Government and of the Kampo index from December, 1945, but no record was found of the abrogation of the basic law or the ordinances in question. Could you ascertain if anything has been done in regard to these laws? And if not, if anything is planned? Spencer should be able to give you the information. I would address him directly but I do not know how to reach him.

Sincerely yours,

Erle R. Dickover

George Atcheson, Jr., Esquire,
U.S. Political Adviser,
General Headquarters, SCAP,
Tokyo, Japan.

May 14, 1946

James Lee Kauffman, Esquire,
55 Liberty Street,
New York 5, New York.

Dear Kauffman:

Joe Ballantine has handed me your letter of April 29, 1946, regarding the "Lawyers' Law", because, being now attached to the Far Eastern Commission, I am in a better position than he is to obtain the information which you desire.

I have had a search made of the Supreme Commander's orders to the Japanese Government and of the Kampo (Official Record) index, but no mention was found of the laws in question. I have therefore written to George Atcheson to ascertain if anything has been done regarding the laws and ordinances, and, if not, if anything is planned. I shall forward to you any information which I may obtain.

Sincerely yours,

Erle R. Dickover

file

JAMES LEE KAUFFMAN
COUNSELLOR AT LAW

TELEPHONE RECTOR 2-6541
CABLE ADDRESS: "KIVORLEE"

55 Liberty Street
New York 5

May 15, 1946

Erle R. Dickover, Esquire
Far Eastern Commission
Department of State
Washington, D. C.

Dear Dickover:

Thank you very much indeed for your letter of
May 14.

I will be very much interested in learning
what you hear from Mr. Acheson about the repeal
of the "Lawyers' Law" and ordinance issued pursu-
ant thereto.

When I lectured before the classes of several
Civil Affairs Training Schools I was promised by
quite a number of the young officers that one of the
first things which would be done after we occupied
Japan would be the revocation of the "Lawyers' Law."
So I would like to see that they have carried out
their promises.

With kindest regards,

Sincerely yours,

James Lee Kauffman

JLK:k
[Handwritten initials and stamps]

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UNITED STATES POLITICAL ADVISER
FOR JAPAN

file

June 15, 1946

Dear Dick:

The Lawyers' Law concerning which you inquire in your letter of May 14, 1946 is Law No. 53 of May 1, 1933, effective as of April 1, 1936. The Enforcement Regulations for this law were likewise effective as of April 1, 1936. Both the basic law and regulations are still in effect, but from information which has been obtained unofficially, it is understood that the law may eventually be repealed. Whether a new, and perhaps more liberal, law will be enacted to replace the present one is unknown to us at this time.

The difficulty experienced by foreign lawyers under the present law arose out of Article 6 which provides for a "guarantee of reciprocity". This "guarantee of reciprocity" refers to reciprocal treatment of Japanese lawyers by the Government of the foreign lawyer concerned. This provision has hitherto been construed by the Ministry of Justice literally, and perhaps unfairly, and perhaps unfairly, construed by the Ministry of Justice. You will perhaps recall that only three foreign lawyers (Gadsby, Sebald, and Spencer) were granted very limited licenses to continue their law practices in Japan under the reciprocity provision.

With kindest regards,

Sincerely yours,

George Atcheson, Jr.
George Atcheson, Jr.

Erle R. Dickover, Esquire,
Department of State,
Washington, 25, D. C.

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FEB 16 1946

Stamp area with handwritten initials *GE* and some illegible text.

June 25, 1946

James Lee Kauffman, Esq.,
55 Liberty Street,
New York 5, New York.

Dear Kauffman:

I am enclosing a copy of a self-explanatory letter from George Atcheson, United States Political Adviser in Japan, in regard to the so-called "Lawyers' Law". Apparently the law, with its objectionable features intact, is still on the statute books. It will take some time to repeal all of the obnoxious Japanese laws - they had so many of them.

Sincerely yours,

Erle R. Dickover

Enclosure:

JOSEPH C. GREW

OFFICE OF
FAR EASTERN AFFAIRS
NOV 23 1949
THE STATE
DEPARTMENT

2840 WOODLAND DRIVE
WASHINGTON 8, D. C.

November 21, 1949

DIVISION OF
NORTHEAST ASIAN AFFAIRS

NOV 25 1949

DEPARTMENT OF STATE

Dear Walt:

At the suggestion of James Lee Kauffman I am enclosing for your information and files a copy of his application to the Secretary of the Army for permission to practice law in Japan and also a copy of his Supplemental Information.

Mr. Kauffman states in his letter to me of November 18 that he overlooked mentioning in his Curriculum Vitae that for several years during which he was a resident of Japan he was Director of the American Association of Japan and that for two years, he believes in 1921 and 1922, he was President of that Association. He feels that this is an indication of how he was regarded by the American community when he lived in Japan.

Sincerely yours,

227305

Hon. W. Walton Butterworth
Assistant Secretary of State
Department of State
Washington, D. C.

Enclosures: Application of James Lee Kauffman
Information Supplemental to Application

Handwritten notes and signatures in the bottom left corner, including a large signature and the initials "J.C.G."

Handwritten notes in the top right corner, including "FLENA", "MG", "P", "Please advise DCA", and "RMR".

894.0414/11-2149

CS/JS 894.0414/11-2149

RM/R

December 1, 1949

Dear Joe:

Reference is made to your letter of November 21 enclosing a copy of Mr. Kauffman's application for permission to practice law in Japan and a copy of his Supplemental Information.

Thank you for your thoughtfulness in making these documents available to us.

Faithfully yours,

WLB

W. Walton Butterworth

The Honorable

Joseph C. Grew,

2840 Woodland Drive,

Washington, D. C.

2/1/49
DEC 5 1949 P.M.

mg.
FE:NA:MGreen:clh
12/1/49

Asst	<i>55</i>
Ext	_____
Cal	_____

A true copy of the signed original

DEC 5 1949

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