

35. As we moved into the Sub-Committee on Drafting after there had been general agreement on principle, we found that each article was treated, not so much as a part of the final draft, but as an entity in itself. Indeed, the whole treaty, it might be said, was reviewed in each clause. Matters of principle that we thought were settled weeks before would come up again and again for new consideration or for qualification. They would dwell so long on a single article that we feared it would take them prisoner. But not so. Each clause gave them another chance to question the principles of the treaty itself, to argue for the inalienable right of free fishing on an equal footing with all on the high seas, to battle the Canada-United States principles that would result in their exclusion from certain fisheries. They knew, as Charles James Fox said, that the same reason dished out in ten different forms was as effective in debate as ten different reasons. Each article in the Treaty therefore allowed them to revive the one idea — the right of free and equal exploitation of fisheries everywhere. In consequence their arguments were frequently free of the trammels of logic! Their argument often presupposed that reason never controls human affairs: the United States draft presumed that it always does.

36. In this atmosphere, it became a matter of outlasting them in negotiations. One of the Japanese industrial advisers warned me early in the meetings that it had taken Mr. Fujita many months to complete his negotiations with the Russians in Moscow before the war. He went on to say that following our treaty the Indonesians would be in Tokyo. I asked when the Indonesian negotiations started and was told that it would be December 17th. Our treaty was concluded on December 14th and I think negotiations had lasted by then just as long as the Japanese had wished.

37. One feature that may be worthy of note was the frequent discussions between the Japanese delegation and the Fisheries Committee of the Diet. All questions of principle had to be cleared by Fujita with the Committee during the course of the conference — a point that might indicate a growth of more democratic procedures, and new strength of the elected representatives as against bureaucrats.<sup>23</sup> Coupled with this was Fujita's occasional concern as to how he could explain away some compromise being suggested to him, and on more than one occasion he specially asked for the advice of the other delegations as to how he could interpret the particularly difficult point to the Diet.

38. For quite other reasons, it should be noted too that when the conference opened, the Chairman of the Fisheries Committee in the House of Councillors and the Chairman of the Fisheries Committee in the House of Representatives were both numbered among the advisers to the Japanese delegation. At one point in the negotiations, when the Japanese delegation conceded their willingness to abstain from the exercise of fishing rights in the Eastern Pacific, these elected representatives dissociated themselves from the subsequent proceedings. This was done without fuss and at the time we were inclined to interpret this action as having only local political significance — in the sense that neither of these chairmen would wish to have their names associated with a treaty in which Japan waived its rights

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<sup>23</sup> Note marginale :/Marginal note:

Or else the Japanese have learned U.S. obstructing tactics. C.S.A.R[itchie]