

**Notes on the Executive Councils appointed by the Governors of Burma,
Sir Reginald Dorman-Smith and Sir Hubert Rance 1945-1947**

On 2 November 1945 a Reuters report from Rangoon was published in "The Times"
[London]. It read:

The Times 2 November 1945

**EXECUTIVE COUNCIL
FOR BURMA**

TWO BRITISH MEMBERS

A Reuter telegram from Rangoon says that the Governor of Burma, Sir Reginald Dorman-Smith, has appointed an Executive Council of 10 members.

It comprises five Burmese, three representatives of the indigenous minorities, and two Britons. Holders of portfolios, which have not yet been allotted, will be sworn in on Saturday. The appointments are as follows:—

U BA ON.—He was in the House of Representatives before the war and joined the Myochit (Patriotic) Party in 1938. For a few months before the Japanese invasion he was Labour Minister.

U AYE.—A barrister. In U Saw's Government in 1940 he was Minister for Judicial Affairs and later for Home Affairs. During the Japanese occupation he was on Ba Maw's Independence Preparatory Committee, and later was Minister for Taxation.

MAUNG BA KHIN.—He is a Karen, and together with U Ba On and U Aye, belonged to the Anti-Fascist People's League, from which they all resigned yesterday.

U PU.—He served on the Legislative Council intermittently from 1923. He was Foreign Minister in 1925 and again in 1937. He held the Premiership in 1939 and 1940, when U Saw succeeded him. He is a barrister.

U LUN.—He was a member of the House of Representatives and a Parliamentary Secretary before the occupation.

THAKIN YAN AUNG.—He is stated to have been formerly employed by the Rangoon Corporation.

SIR PAW TUN.—He was Home Minister in 1937 and Minister for Lands and Revenue in 1939. He became Prime Minister after the detention of U Saw in January, 1942. He left Burma with the Governor and became one of his advisers at Simla.

SIR HTOON AUNG GYAW.—Another barrister. He was Finance Minister from 1937 until the evacuation of Burma, when he accompanied the Governor to India as an adviser.

MAJOR-GENERAL C. F. B. PEARCE.—He has been in the Civil Affairs Service and was Chief Secretary to Government.

SIR RAIBEART MACDOUGALL.—He has been serving as Counsellor to the Governor of Burma.

The report was not entirely accurate, but as the Governor, Sir Reginald Dorman-Smith, had not yet confirmed the details, there was no other immediately available source of information. The two main errors were the statement that three representatives of the indigenous minorities had been appointed, when in fact Maung Ba Khin was the only non-Burman, and he was Karen. The other error was the statement that the two Britons Major-General Pearce and Sir Raibeart MacDougall were among the nine Councillors formally sworn in on the following day (3 November 1945). They were not. The formal photograph of the ten Councillors, including the Governor, may be found opposite Page 325 of Volume I of the two-volume collection of documents published in "Burma: The Struggle for Independence 1944-1948" edited by Professor Hugh Tinker (HMSO 1981) and to which I shall refer from time to time. ¹

The names included in the Reuters report had probably been supplied by the Governor's Office. In his telegram of 27 October 1945 to the Secretary of State for India and Burma, Lord Pethick-Lawrence, (Tinker I 522-525) Dorman-Smith had listed twelve names apart from his own "which I suggest for the Council". These included Pearce, MacDougall and Wise, as well as Thakin Mya and Saw Ba U Gyi (a Karen). By 3 November 1945 the twelve had been reduced to nine, while Saw Ba U Gyi had given way to another Karen Mahn Ba Khin. ²

The Reuters report in "The Times" of 2 November 1945 noted that U Ba On, U Aye and Mahn Ba Khin (incorrectly listed as "Maung Ba Khin") "belonged to the "Anti-Fascist People's League" (more correctly "Anti-Fascist People's Freedom League" or AFPFL) from which they all resigned yesterday". What they in fact resigned from was the Supreme Council of the AFPFL which was not a political party, but a popular front of most democratic parties and organisations in Burma. The Myochit ("Patriots Party") to which U Aye and U Ba On belonged, remained however in the AFPFL where U Mya (Pyawbwe) and U Ba Win replaced U Aye and U Ba On on the AFPFL Supreme Council.

¹ The ten inaugural Councillors were: Sir Reginald Dorman-Smith (Chairman), Sir John Wise (Deputy Chairman), Sir Htoon Aung Gyaw (barrister), Sir Paw Tun (barrister), U Pu (barrister), U Aye (Myochit), U Ba On (Myochit), U Lun (nominally Myochit), Mahn Ba Khin (Karen National Union) and Thakin Yan Aung (advocate). Tinker I I-li records the inaugural composition of the Council and subsequent additions and resignations during Dorman-Smith's tenure of office.

² At a meeting of the Karen Central Organisation held in Rangoon 1-3 October 1945, Mahn Ba Khin, Saw U Ba Gyi and Sir San C Po were elected as three proposed Karen representatives on the Executive Council. In the event, only one was sworn in, but this may explain the Reuters reference to three Karens. (Tinker I 499).

Another nominal Myochit member sworn in on 3 November was U Lun, but he had no position in the AFPFL Supreme or Executive Councils.

The Myochit Party was staunchly pro-business and pro-Burmese. It sought to limit Indian immigration to Burma and redistribute foreign-owned land. Other objectives included increasing the proportion of Burmese in the civil service and foreign trade and mining companies.

The Governor's suggestions to the India and Burma Office for membership of the Executive Council reflected his recognition that it was important to keep the Office informed of his intentions. As Lord Pethick-Lawrence had reported to the India and Burma Cabinet Committee (which was chaired by the Prime Minister Clement Attlee) in a Memorandum dated 25 October 1945 (Tinker I 517-518): "I have asked the Governor to consult me, once he has reached his own conclusions as to the make-up of the Council, in the light of his discussions with the leaders, before he takes any final decision". As the Tinker documents make clear, the Governor kept the India and Burma Office fully informed about his negotiations to form his Executive Council, including details of all the persons involved. The British press and parliament took a close interest in Burmese affairs at the time. The colourful Labour politician Tom Driberg, who was close to Supreme Allied Commander Lord Louis Mountbatten and had met Aung San, had this to say during a debate in the House of Commons on 2 November 1945:

"It is opportune that this Debate should be taking place today, when, as my hon. and learned Friend [Parliamentary Under-Secretary for India and Burma Arthur Henderson M.P.] has reminded the House, "The Times" and no doubt some other newspapers have published the list of the Executive Council that has been appointed by the Governor of Burma. There are one or two points about the composition of this Executive Council which I should be grateful if my hon. and learned Friend would explain a little further to the House when he winds up the Debate. The Council consists of 10 members. The Order which we are discussing today says that it shall consist of 'not more than 15 members.' Does that mean, I wonder, that the Governor is expecting in the near future to appoint five more members to that Council, or does it mean that he considers 10 members sufficient for what we hope will be the brief transitional period to self-government? A point which is perhaps worth noting, in passing, is that the 10 members consist of five Burmese, three representatives of the indigenous minorities, and two Britons. I entirely agree with the hon. Member for Farnham that the rights of minorities must be protected, but this is certainly very generous protection; five Burmese to three representatives of the minorities is hardly proportional

representation, since the Burmese in fact outnumber the minorities by very many millions.

"The actual composition of the Executive Council of 10 members is interesting. The first three names on it are those of Burmese politicians who were members of the Anti-Fascist People's Freedom League. All three of them resigned from the League yesterday, according to the Reuter message, but two of these three had been among the League's nominees for the Executive Council. I wonder whether my hon. and learned Friend can clear up that position for the House. Possibly it is due to the fact that the League made originally rather a strong claim, and asked for 11 seats out of the 15 seats on the Executive Council, and I think also passed a resolution saying that if it could not get 11 seats it would not have any. It may be that these three members of the League resigned in order to be able to accept the Governor's invitation as individuals. It is worth noting that the first two on the list, U Ba On and U Aye, were members of U Saw's party and were politically associated with U Saw, formerly Prime Minister of Burma, who was arrested by us early in the war and has been in confinement ever since because he was found to have been in touch with the Japanese. He was arrested, as hon. Members will remember, on his way back to Burma after a visit to England. Will my hon. and learned Friend say a word or two about the position of U Saw? It is known that U Saw is very much favoured by some of the senior British officials in Burma. He is regarded as a strong man. He is, I think, rather naive politically, he has some dictatorial leanings, and I am not sure that his ideas of public honesty and integrity are any higher than those of some - unfortunately, all too many - of the older generation of Burmese politicians."

Driberg touched on the very important issue of AFPFL formal representation on the Executive Council. In principle, the Governor welcomed this. In his telegram of 27 October 1945 mentioned above, he reported that the AFPFL had submitted eleven nominations for the Council.³ The Governor had said that he would be willing to accept any seven of them, as chosen by the AFPFL, which included Aung San himself, with the sole exception of U Thein Pe.⁴ The AFPFL however insisted that all eleven of their nominees must all be included *en bloc* in the Council, adding that those who

³ The eleven were: Aung San (PBF-AFPFL), U Mya (Pyawbwe) (former Sinytha Wunthanu - AFPFL), U Razak (Muslim - AFPFL), Thakin Mya (Dobama Asi-Ayon - AFPFL), U Aye (Myochit - AFPFL), U Ba Pe (YMBA/GCBA - AFPFL), U Nyo Tun (Arakanese - AFPFL), U Thein Pe (CPB), U Ba On (Myochit - AFPFL), Mahn Ba Khin (KNU - AFPFL) and Saw Ba U Gyi (barrister - KNU - AFPFL).

⁴ Dorman-Smith commented: "Thein Pe is clearly not one whom I could accept. He is actively anti-British, his Communism is crude to a degree which make even Lenin blush, and his contacts with Indian Communists bode ill for Burma." Dorman-Smith's successor, Sir Hubert Rance, however, had no inhibitions about appointing Thein Pe to his first Executive Council on 28 September 1946, though Thein Pe resigned on 24 October 1946 as the Communist Party of Burma withdrew its cooperation from the AFPFL. On Pages 169 + of his "Memories of Burma 1934-1949", the subsequent Foreign Office diplomat Sir Leslie Glass recorded how he and Thein Pe "soon established a mutual trust and confidence" during the war against Japan. "He was an honest man" Sir Leslie observed "and in his way a more influential person than any of us recognised at the time".

accepted office must follow a policy directive to be issued by the AFPFL Supreme Council. Negotiations broke down, although three of the AFPFL's nominees - U Aye, U Ba On and Mahn Ba Khin - in fact joined the Council on their own initiative.

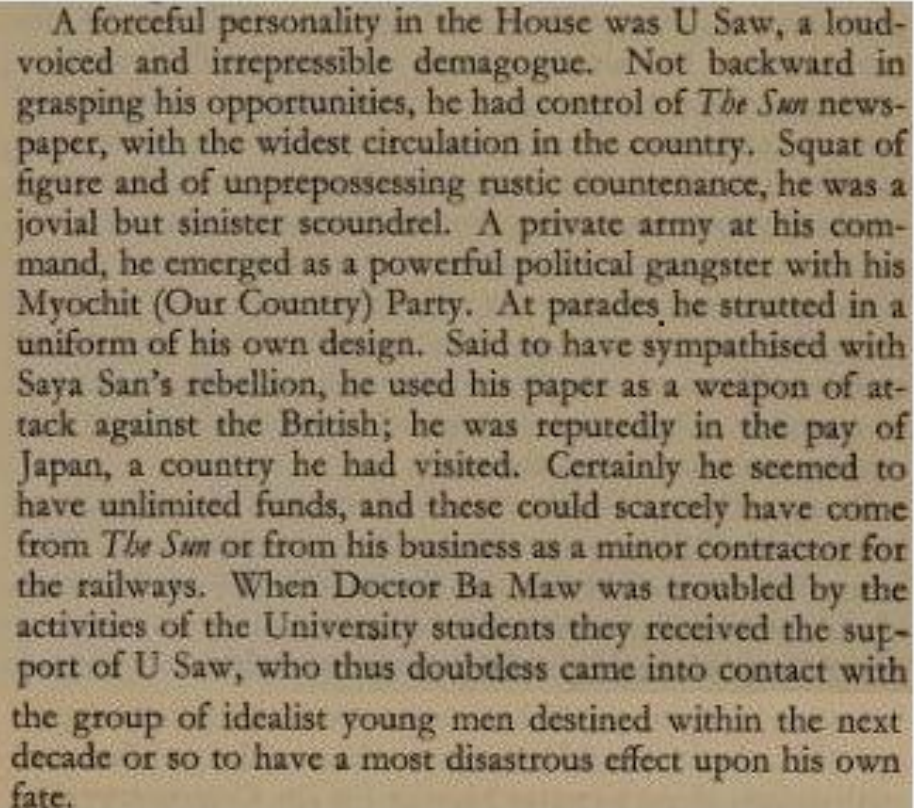
Despite the failure of the negotiations, the Governor continued to urge Aung San to join the Council right until his departure from Burma on 12 June 1946. In a draft telegram recording a conversation with Aung San on 3 June 1946, the Governor wrote:

"I suggested to him [Aung San] the statesmanlike way of handling the situation was for him to say: 'The elections are now getting pretty close. As Burmans we owe a duty to the world to produce all the food we can. We will now offer to assist Govt by joining Executive Council and Legislative Council and will thereby try to ensure Government is carried on in best interests of people.' Or words to that effect."

The Executive Council of ten was increased to eleven on 15 November 1945 when Maung Maung (Tharawaddy), an independent, was sworn in, and to twelve on 31 January 1946 when Thakin Tun Ok joined. Maung Maung had been a member of the Myochit Party before the war, but was no longer regarded as a Myochit representative. He was well known to the Governor because he had joined the Burma Government in Simla after escape from Burma in 1942. Tun Ok was a controversial appointment because of alleged atrocities, recorded in a book he wrote, against British prisoners during the war; the Japanese however exiled him to Singapore. There was disquiet in the India and Burma Office. Parliamentary Under-Secretary of State Arthur Henderson minuted to Prime Minister Clement Attlee on 1 May 1946: "He [Dorman-Smith] made a mistake in including Tun Ok in his Council, knowing what he must have known about him; but there certainly are the difficulties that he mentions in dismissing him now.....We shall ultimately have to face up to the Tun Ok issue and the Governor will have to be prepared to tell him that in view of the statements in his book and the attention they have attracted in Parliament and the Press here, he cannot retain him as a member of his Executive Council". Tun Ok nonetheless kept his place on the Council until it was reconstituted by Dorman-Smith's successor as Governor, Sir Hubert Rance, later in the year.

The Governor's 12-man Council could not be described as dynamic. It was in any case largely advisory and its Burmese members took few initiatives and rarely travelled outside Rangoon. The Governor sought to remedy this lack-lustre and ineffective image. An opportunity arose in late January 1946, when the pre-war leader of the

Myochit Party, U Saw, returned from four years' internment in Uganda where he had been held after making clandestine contact with the Japanese in Lisbon at the outbreak of war with Japan.⁵ U Saw was a consummate politician. The fourth colonial generation Rangoon barrister Emile Victor Charles Foucar described him in these terms: ⁶



A forceful personality in the House was U Saw, a loud-voiced and irrepressible demagogue. Not backward in grasping his opportunities, he had control of *The Sun* newspaper, with the widest circulation in the country. Squat of figure and of unprepossessing rustic countenance, he was a jovial but sinister scoundrel. A private army at his command, he emerged as a powerful political gangster with his Myochit (Our Country) Party. At parades he strutted in a uniform of his own design. Said to have sympathised with Saya San's rebellion, he used his paper as a weapon of attack against the British; he was reputedly in the pay of Japan, a country he had visited. Certainly he seemed to have unlimited funds, and these could scarcely have come from *The Sun* or from his business as a minor contractor for the railways. When Doctor Ba Maw was troubled by the activities of the University students they received the support of U Saw, who thus doubtless came into contact with the group of idealist young men destined within the next decade or so to have a most disastrous effect upon his own fate.

On 30 January 1946 U Saw paid a courtesy call on the Governor who reported to the India and Burma Office that U Saw was "somewhat contemptuous of my colleagues [on the Executive Council]. Criticised fact that they had neither spoken in public nor toured country, but admitted that no other choice was open to me." (Tinker I 633-634). Dorman-Smith added that U Saw "is still as determined as ever to be the only leader in Burma and will undoubtedly use every possible means to gain his end. It may be that he will consider it expedient to be against the Government. It may be too that

⁵ For an account of U Saw's role in the 1930s, see Robert H Taylor "Politics in Late Colonial Burma: The Case of U Saw", *Modern Asian Studies* 10.2 (1976), accessible on Jstor.

⁶ "I lived in Burma" by ECV Foucar, Dobson Books 1956, Pages 84-85.

he will [withdraw] the *Myochits* from my Council, a possibility which cannot be disregarded”.

Saw's return to Burma did not pass unnoticed in the British Parliament. The following exchange took place in the House of Commons on 4 February 1946:

Mr. Driberg asked the Under-Secretary of State for Burma if he will make a statement on the recent release of U Saw.

Mr. Henderson: U Saw, formerly Premier of Burma, was detained in January, 1942, on account of his deliberate contacts with the Japanese after the outbreak of war. He has since been in detention in Uganda. Now that the Japanese have been defeated, His Majesty's Government having carefully reviewed the circumstances in consultation with the Governor have decided that as a special case they would take no further action against U Saw, but would allow him to return to Burma. U Saw has now arrived in Rangoon.

Mr. Driberg: Could my hon. and learned Friend say whether U Saw is going to be allowed to take an active part in politics again? Is there going to be any attempt to build up U Saw and his party to counterbalance the overwhelming popular support enjoyed by the Anti-Fascist People's Freedom League?

Mr. Henderson: As regards the first part of the supplementary question, Burma being, like this country, a free country, it will be difficult to prevent any citizen taking part in politics. As regards the second part, I can assure my hon. Friend the answer is in the negative.

By mid February 1946 Dorman-Smith had already cast a fly over the India and Burma Office about including Saw in his Executive Council (Tinker I 643). "My own view about Saw is that he will try to out-bid Aung San. We could probably easily nobble him, I think, by offering him a seat on the Executive Council. That probably would end all argument". Or not as the case might be. Dorman-Smith under-cut his own argument in the same telegram by quoting Myochit Councillor U Lun as observing that "sometimes his Myochit Party liked Saw, but not always. Saw is headstrong and inclined to be irresponsible. He is a politician but not a statesman. U Lun was by no means convinced that he could or should obey any Myochit order to resign from Executive Council. He thought he could do more good within that from without." The Secretary of State for India and Burma was far from convinced that Saw's inclusion would be a good idea. On 9 February 1946 Lord Pethick-Lawrence responded (Tinker I 646) that: "I consider that he [Saw] has still to prove himself and to purge his past offences and I would not feel justified in considering taking him into Executive Council in the near future.....These approaches to you, which are no doubt inspired by Saw, reflect, one

would imagine, the relatively low quality of the present Executive Councillors, who, being inspired mainly by desire to hold on to their positions, are anxious not to quarrel with Saw, and Saw's own anxiety to find himself rehabilitated and in a position of authority as against AFPFL and other political competitors".

Though Dorman-Smith returned to the charge in favour of the inclusion of Saw, the India and Burma Office did not waver in their resistance. Thwarted, Saw told the Hindustan Times on 1 April 1946 (Tinker I 730-731) that because of the continuing "political deadlock between Britain and Burma" he had "no alternative but to make a strong recommendation to his Myochit Party to call upon its three members [Aye, Ba On and Lun] to resign from the Governor's Executive Council. We may even form a parallel Government and a parallel Parliament....." Saw lashed out at the Executive Council saying that it has no power to spend even 1,000 Rupees without previous sanction of the British Government. He concluded: "The Executive Council as at present constituted is becoming more and more unpopular in the country. I do not think either the Governor of Burma or the British Cabinet knows how unpopular the present Executive Council is".

Throughout April and May 1946 the Tinker documents reveal a series of bewildering proposals for the reform of the Executive Council and equally bewildering reports of machinations and manoeuvrings outside the Council. By 7 May 1946 Prime Minister Attlee in a hand-written note to the Secretary State for Burma (Tinker I 773) had concluded:

"I have received another long and incoherent telegram from Dorman-Smith. It is obvious that he has lost [his] grip. He has changed his position from day to day and has no clear policy. I am convinced he must be replaced. What I hear from Mayne [General Sir Mosley Mayne, India Office] confirms this. Subject to your views I propose to call him for consultation at once."

The Governor's fate was sealed. He had lost the confidence of his political masters in London, right up to the Prime Minister. He was also suffering from debilitating amoebic dysentery. His Executive Council became virtually moribund with the resignations of two of the three Myochit Councillors, U Aye and U Ba On, but as expected not U Lun who had told Governor Dorman-Smith on 5 February 1946 that he "was by no means convinced that he would or should obey any Myochit order to resign from Executive Council. He thought he could do more from within than from without" (Tinker I 643).

The Governor reported the two resignations on 3 June 1946 (Tinker I 831-832). On 6 June 1946 the following Written Question in the House of Commons is recorded by Hansard:

Mr. Driberg asked the Under-Secretary of State for Burma if he will make a statement on the withdrawal from the Governor's Executive Council of the three Myochit Party members, U Ba On, U Aye and U Lun.

Mr. A. Henderson: I understand that two of the three Myochit members of the Governor's Executive Council, U Ba On and U Aye, have, on instructions from Myochit Party headquarters, tendered their resignations, which have been accepted by the Governor. U Lun has not, so far as I am aware, resigned. Their resignations are, I understand, consequent on a Myochit Party instruction that, failing the immediate grant to the Governor's Executive Council of the ministerial powers and privileges contained in the Government of Burma Act, Myochit support should be withdrawn. An essential preliminary to the re-establishment of a ministry with ministerial powers under the Act is, of course, the holding of democratic elections and if all goes well it is hoped that a Legislature will have been elected and a Ministry formed before June of next year.

On 31 August 1946, the newly appointed Governor Sir Hubert Rance took the oath of office. The "Line of Policy" for the new Governor provided that the Objective was "to secure within the scope of the White Paper of 1945 and the Act of 1935 an Executive Council more representative and broader based and to include if possible a representative team from AFPFL" (T I 970-972). In this Rance was successful. The negotiations were sensitive and somewhat fraught. The details are contained in Tinker II 59-64. The full list of those sworn in on 28 September 1946 and subsequent changes are given in Tinker II xlv-xlvi.⁷ Aung San accepted office right from the start. Other AFPFL appointees included Thakin Mya (Dobama Asi-Ayon), Ba Pe (YMBA/GCBA), Dorman-Smith's *bête noire* Thein Pe (Burma Communist Party) and two others. Saw stood out for two Myochit seats, but Rance resisted and Saw eventually acquiesced in one seat only, which he took; he was sworn in on 8 November 1946.

The British Press was euphoric. "The Times" reported on 27 September 1946:

⁷ The inaugural Councillors were: Aung San (AFPFL), Thakin Mya (Dobama Asi-Ayon - AFPFL), Tin Tut (Independent - AFPFL), Thein Pe (CPB- AFPFL), Ba Pe (YMBA/GCBA - AFPFL), Mahn Ba Khin (KNU - AFPFL), Saw (Myochit - AFPFL), Sir Maung Gye (barrister - YMBA/GCBA - AFPFL), Aung Zai Wai (Arakanese - AFPFL), Thakin Ba Sein (Dobama Asi-Ayon - AFPFL) and Saw Ba U Gyi (KNU - YMBA/GCBA). AFPFL). All the inaugural and subsequent Councillors were formally associated with AFPFL. See Tinker II xlv-xlvi for subsequent resignations and appointments. Nu remained as Senior Advisor to the AFPFL and only became a Councillor after the assassination of Aung San and six of his fellow Councillors.

A New Start in Burma

Yesterday's announcement of an agreement among the Anti-Fascist People's Freedom League, the Myochit Party, and certain other political groups to enter the executive council and to take an active part in the administration is the best news that has come from Burma for a long time. The adhesion of the League, with its leader, U AUNG SAN, secures the support of many of the younger men whose energy is the driving force of the nationalist movement, while the ability and experience of U SAW will commend the new Government to those who are a little apprehensive of extreme manifestations of youthful enthusiasm. Although two seats on the executive council still remain to be filled, it can already claim to be sufficiently representative of Burmese opinion to enlist popular support in the essential task of economic and political reconstruction and to dissipate the feeling of frustration which has embittered political life and cast doubts upon the sincerity of British intentions.

The three principal demands of the nationalist leaders were the elevation of the executive council to a status comparable to that of the ministries before the war together with the extension of its authority to defence and external affairs; the association of the council with the administration of the frontier areas; and the modification in favour of the local Government of the present rigid control of Burmese finances by the British Treasury. All these demands are covered in the new arrangements. The council is to serve, somewhat on the Indian precedent, as an interim national Government in practice if not yet in law; and its deputy chairman, U AUNG SAN, becomes a counsellor of the Governor for the subjects of defence and external affairs. The frontier areas and tribal territories, while remaining in the last resort the responsibility of the Governor, will come under the purview of the council, which will be kept in touch with all administrative questions. The council will further consider the financial relations between Burma and Britain in all their aspects, and will make recommendations, for which sympathetic consideration has been promised, for a largely increased measure of local autonomy.

Much of the credit for breaking the deadlock which has lately hindered the cooperation of the Government and the people in the urgent work of national reconstruction must be assigned to the Governor, SIR HUBERT RANCE. His successful handling of difficult and delicate tasks in the period immediately after the reconquest of Burma from the Japanese won for him the confidence and regard of many prominent nationalist leaders, and he has been able to break down political barriers through old personal friendships. By meeting the principal politicians on a frank and equal footing he has ascertained for himself the underlying causes of the present discontents and the remedies best calculated to remove them. In Whitehall, as the issue shows, his recommendations have been received with sympathy and sanctioned with speed; and it is apparent that his Majesty's Government are at length alive to the need of applying to Burma the plan of basing British policy upon nationalist aspirations which has been the keynote of their dealings with India. Even so, success would have been impossible if the Burmese leaders had not met the Governor's overtures as practical statesmen willing to make the best use of the machinery ready to hand. Their sense of realism is a good augury for the future.

On 21 October 1946 Parliamentary Under-Secretary of State for India and Burma Arthur Henderson made the following statement in the House of Commons:

“Before his departure from England towards the end of August, His Majesty's Government made clear to Sir Hubert Rance their readiness to see the Executive Council in Burma reconstituted on a broader and more representative basis. On 26th September the Governor announced that he had been able to re-form the Executive Council on a basis representative of the political parties and that it was his firm intention to see that it enjoyed in practice all the authority and power exercised by the Ministries in Burma between 1937 and 1942. U Aung San, the President of the Anti-Fascist People's Freedom League, is Deputy Chairman of the new Executive Council and has also become the Governor's Counsellor in charge of Defence and External Affairs. His Majesty's Government regard these developments with great satisfaction.”

Aung San had indeed eclipsed Saw in the political stakes. He was now both Councillor and Counsellor; not only was he Deputy Chairman of the Executive Council but the Governor had also appointed him Counsellor for Defence. He led the Burmese delegation to talks in London in January 1947 and signed the Attlee-Aung San Agreement setting out the constitutional principles for independent Burma enshrined later that year in the Anglo-Burmese Treaty of 17 October 1947 between the UK Government and the Provisional Government of Burma.

Though Saw was a Member of the Burmese delegation to London, he and another Councillor Ba Sein (from the Dobama Asi-ayon Party) declined to support the Attlee-Aung San Agreement, mainly on the grounds that Aung San had made too many concessions. Both resigned from the Executive Council in February 1947. From that point onwards, Saw operated independently, building up the Myochit Party as best he could against AFPFL opposition. The Myochit Party led by U Saw, the Mahabama (or Sinyetha) Party led by pre-war Prime Minister Ba Maw and the Dobama Asi-Ayon Party led by Ba Sein declined to take part in the elections to the Constituent Assembly held on 9 April 1947, though they secretly supported a score or more Independent candidates, none of whom was elected. The elections, on a 49.8% turn-out, resulted in a landslide victory for the AFPFL, who won 176 of 182 general seats in the 210 seat Assembly for “Ministerial Burma” which also included 4 Anglo-Burman seats and 24

Karen communal constituency seats.⁸ The other 6 general seats were taken by the Communist Party of Burma [CPB - "White Flags"] out of only 22 contested by the CPB, while the more militant Communist Party (Burma) [CP(B) - "Red Flags"] boycotted the elections; the CPB had put up their own candidates. Because of party withdrawals, in 56 double-member constituencies (112 seats) there was only one AFPFL candidate, who was accordingly returned unopposed (Tinker II 498-500). The Karen National Union (KNU) also boycotted the elections, though some Karen constituencies were contested.

Reporting the decision of U Saw and Ba Maw to boycott the 9 April 1947 elections to the Constituent Assembly, "The Times" on 12 April 1947 spoke of the importance of guns in Burmese politics. "The Times"'s words were prophetic:

**BURMESE ELECTIONS
CRITICIZED**

"WORSHIP OF THE GUN"
FROM OUR SPECIAL CORRESPONDENT
RANGOON, APRIL 11

The leaders of the three parties forming the "independence first" alliance which boycotted Wednesday's elections to the Constituent Assembly were to-day unanimous, as was only to be expected, in condemning the elections as unfair.

U Saw, of the Myochit Party, still wearing dark glasses because of injuries he suffered when an attempt was made to assassinate him last October, declared that the elections had been "absolutely unfair." Many would-be candidates, he said, had been forced to withdraw their nominations owing to threats from the Anti-Fascist People's Freedom League, and young armed Burmese of the People's Volunteer Organization had gone round the villages threatening the people with violence if they abstained from voting or failed to vote for the A.F.P.F.L. He expected his Myochit Party to be declared an illegal organization in the near future.

Dr. Ba Maw, head of the Maha Bama Party and Prime Minister during the Japanese occupation, said that in modern Burma "worship of the gun has become a fetish." To understand the elections it must be appreciated that the Burmese had learned two things from the Japanese: first, the technique of leadership based on mass organization; secondly, the "glamour and power of the armed man."

BELIEF IN FORCE

The British had taught the Burmese a "soft sort of politics alien to Burma's entire tradition," and the Burmese had never been allowed to carry arms in the army or the police. "The people have now come to have a great belief in force. The Japanese came into Burma—with the gun. The British drove the Japanese out—with the gun. It is not elections that are going to decide the future of Burma, but the gun. You drove the Japanese out of Burma, but you left Japanese militarism and power worship. We are thinking of greater realities than votes and elections. Whatever your declarations about the four freedoms, we have learned that there is one freedom which counts for more, the freedom of the gun." He added, "All you want in Burmese politics is to start on the winning side and to have plenty of guns." Dr. Ba Maw alleged that in addition to intimidation in the villages from 10 to 15 per cent. of the votes cast in Rangoon had been cast under assumed names.

⁸ Another 45 seats were later agreed by the Constituent Assembly for the former Frontier Areas.

A Goodwill Mission to London in June-July 1947, led by U Nu, secured agreement that the Executive Council should be re-designated the Council of Ministers of the Provisional Government of Burma, with the Chairman taking the title of Prime Minister. U Nu confirmed on 16 July 1947 that Aung San had agreed to these arrangements (Tinker II 666). On 19 July Aung San and six other Councillors (Ba Choe, Thakin Mya, Abdul Razak, Ba Win, Mahn Ba Khaing and Sao Sam Htun) were assassinated by gunmen during an Executive Council meeting. But four other Councillors escaped: Kyaw Nyein, who was overseas, Aung Zan Wai and U Mya (Pyawbwe) who escaped unhurt, and Ba Gyan who was only slightly wounded. U Nu, as Senior Adviser to the AFPFL Working Group, was not present that day, but it emerged during the trial that one of the assassins had visited U Nu's house in order to assassinate him as well, but he was not at home. Saw and some accomplices were later convicted for their murder. A new Executive Council was sworn in on 20 July with U Nu as Deputy Chairman.⁹ On 1 August the new Council of Ministers was sworn in with U Nu as Prime Minister. Aung San himself never formally held that title.

We can still only speculate about the reasons for Saw's action. He must have known that the gunmen would be traced to his residence, as indeed they were within hours. He must also have known that the Governor could not possibly have called on him to take Aung San's place on the Executive Council as he (Saw) had resigned from the Council in February, had repudiated the Attlee - Aung San Agreement and his Myochit Party had boycotted the 9 April 1947 elections. In any case, U Nu, who was increasingly prominent politically, had survived, and so had four Councillors.

Saw was now in the political wilderness, and even if he had not in any way been connected with Aung San's murder, he would have been the last politician of any substance in Burma on whom the Governor might have called to take Aung San's place. As he (Saw) had effectively ruled himself out of any role by repudiating the 17 January 1947 Agreement, I can only assume that Saw aimed to create such mayhem and confusion through Aung San's murder that he hoped to be able to take advantage of Aung San's disappearance from the political scene. What Saw apparently did not

⁹ Aung San had sought U Nu's inclusion in the London talks in January 1947 as an Executive Councillor without Portfolio, but this had not been possible. U Nu, who was President of the Constituent Assembly, remained as AFPFL Senior Adviser and Vice-President in order to placate the BCP and keep them within the AFPFL as long as possible.

know was that his house was already under observation by the Police relating to the clandestine and illegal supply of stolen weapons to Saw's private militia by lower-ranking British Officers, though there is no evidence that any of these individuals had any prior knowledge or involvement in the assassination.¹⁰

Sir Leslie Glass characterised Saw in the following terms in his book "The Changing of Kings - Memories of Burma 1934-1949":

Extract Sir Leslie Glass "Memories of Burma 1934-49" Pages 202-3

Meanwhile, U Saw, old leader of the Myochit Party, was challenging the claim of the AFPFL genuinely to represent the people of Burma. His rival claims were not entirely idle. As Prime Minister in the period 1938-40 he had used the wide powers given to him under the 1937 Constitution to fight stoutly for many nationalist aims, against British and particularly against Indian vested interests. Although 'foreign affairs' was a reserved subject, he fought a successful battle against the British, Chinese and US governments for payment to Burma of transit dues for goods shipped along the China Road. His Myochit Party gained the powerful backing of the Burmese middle classes, and he impressed the masses with his growing private army, the Galone Tat. But for the war with the Japanese, the pressure from the Myochit Party on the British Government would no doubt have produced Independence within a comparatively few years - the timing no doubt influenced by the way things might have turned out in India. Nationalist Burma would never have tolerated being behind India in Independence. If he had retained power, U Saw knew enough about the arts of demagogy and the techniques of repression to have dealt effectively with Thakin and Communist opposition. But the four years of war, when he was detained in Uganda for flirting with the Japanese, undid him. In the years under the Japanese occupation the Thakins gained real power (and the guns to back it), which they were never to lose hold of, and, practising their Marxist-influenced philosophy, they steadily reduced the strength of such Western-orientated middle class as there was in Burma. After the war U Saw, though a formidable individual, had little chance of success. But his enemies still feared him. In September 1946 he was shot at in the street, lost the sight of one eye, and retreated, like a wounded and dangerous bison, into the elephant grass to await his chance for revenge.

¹⁰ The Court Judgement dated 30 December 1947 and reproduced verbatim in Dr Maung Maung's book "A trial in Burma" records in some detail Saw's contacts with named British officers and their role in supplying arms. The judgement makes no inference whatsoever of the possible complicity by these officers in Saw's murderous intentions. It is in any case not credible that a staunch nationalist like Saw would have taken these officers into his confidence. Saw wanted the British out of Burma. Nor did allegations of complicity feature at all in the eventual trials of British officers indicted. See Annex for further details about Captain Vivian and British Council Representative John Stewart Bingley.

In the House of Commons on 30 July 1947, Prime Minister Clement Attlee made a statement on the assassination, during which he said:

"I am glad to be able to inform the House that, according to the latest reports I have received, the situation throughout Burma remains quiet and under control. The rapid formation of a new provisional government under Thakin Nu has had a calming effect, and has been generally welcome. There is no doubt that the vast majority of the country is solid behind the new Prime Minister and his Cabinet. There was at first a tendency in certain quarters to spread rumours connecting His Majesty's Government and the Governor with the recent outrages. The Government of Burma have announced that they wish it to be known that these rumours are utterly unfounded, that there is close understanding between His Majesty's Government, the Governor and the Government of Burma, and that they are actively cooperating with a view to bringing the culprits to book with the least possible delay.

"The identity of the assassins and the origin and ramifications of the outrage are still under investigation. A number of arrests have been made, large quantities of arms and ammunition have been seized in various places, and effective security measures have been taken. The Government of Burma, who are pursuing their inquiries with the utmost energy, are announcing today that they have reason to believe that the persons who committed this dastardly crime are among those arrested, and that the assassinations were part of a plot to overthrow the Government.

"I regret to say that two important consignments of arms and ammunition were obtained from the Base Ordnance Depot at the end of June and from the Base Ammunition Depot on 12th July by individuals impersonating the civil police and carrying forged documents. Investigations by the police, with the co-operation of the military authorities, are being vigorously pursued in relation to these thefts. A Military Court of Inquiry was immediately instituted, and the Burma Command have emphasised that the strongest possible action will be taken against any military personnel found to be in any way guilty of negligence. Meanwhile, the officer in charge of the depots concerned has been relieved of his duties. I am glad to be able to say that the latest reports indicate that the bulk of the material stolen has now been recovered.

"The House will wish to join with me in sending a message of encouragement to Thakin Nu and to his Cabinet. They have shouldered a heavy task with courage and determination and they will have the good wishes and the sympathy of us all."

The record of the Cabinet Meeting in Rangoon on 25 August 1947 at which the Burmese Government Press Communiqué was approved may be found in Tinker II 685 (Document 465). A facsimile of the record is given:

465 *Council of Ministers, 1st Special Meeting, Minute¹*

IOR: M/4/2555

Present: Thakin Nu (in the Chair), U Mya (Pyawbwe), U Aung Zan Wai,
U Ba Gyan, Thakin Lun Baw, U Mya (Henzada), Thakin Tin, Bo Let Ya,
U Win, Bo Po Kun, U Pe Kin

CONFIDENTIAL

PRIME MINISTER'S ROOM, RANGOON, 25 July 1947

I IT WAS DECIDED: (a) that the following Press Communiqué be immediately issued both in English and Burmese to dispel the doubt in the minds of certain sections of the public that both His Majesty's Government and His Excellency the Governor of Burma have something to do with the recent dastardly murders of the Hon'ble U Aung San and some of his colleagues; and (b) that all Commissioners and Deputy Commissioners be informed by telegram that the Government are issuing this Press Communiqué and that it be given as wide publicity as possible.

PRESS COMMUNIQUE

"Rumours connecting His Majesty's Government and His Excellency the Governor of Burma with the recent dastardly murders of the Hon'ble U Aung San and others of the Executive Council, have spread into certain sections of the public. The Government of Burma wish it to be known that these rumours are utterly unfounded and that there is close understanding between His Majesty's Government, His Excellency the Governor and the Burma Government. They are actively co-operating with the view to bringing the culprits to book, with the least possible delay".

¹ Following the London agreement (see No. 429), the Executive Council was designated the Council of Ministers.

"The Times" carried the following Reuter report datelined Rangoon 25 July 1947

The Times 26 July 1947

REFUTATION OF BURMESE RUMOURS

RANGOON, July 25.—The Government of Burma issued the following statement to-night: "Rumours connecting the British Government and the Governor of Burma (Sir Hubert Rance) with the recent dastardly murders of U Aung San and others of the Executive Council have spread into certain sections of the public. The Government of Burma wish it to be known that these rumours are utterly unfounded and that there is close understanding between the British Government, the Governor, and the Burma Government. They are actively cooperating with a view to bringing the culprits to book with the least possible delay."—*Reuter*

Reporting the theft of weapons to the India and Burma Office, Governor Rance gave his own interpretation of events (Tinker II 695-698):

"The 19th July was the day of the assassination. At one of many meetings I held on that fateful day, the IGP [Inspector-General of Police] told me that plan had been made for some 200 people to be taken into protective custody the following day Sunday 20th July. It may be that the assassination was always planned for 19th July when it would be well known that there was an Executive Council meeting or it may have been that the news of the proposed round-up leaked and forced the instigators to take immediate action.

"It is difficult to appreciate what was in the minds of the instigators. My own view is that the plan of certain element of the Opposition was to collect arms by stealth and gradually to prepare the way for armed civil strife and a fight for power. It may well be that emboldened by their success in obtaining arms in small quantities without apparent detection the loss of a large quantity (but small in comparison to the holdings of the BOD [Base Ordnance Depot] and BAD [Base Ammunition Depot]) might also well escape detection especially if there were friends among the Depot's officers. I cannot believe that the Opposition would attempt a *coup d'état* at this time when Imperial troops in the country still constitute a considerable force. The logical plan would be to await a more favourable time a few months later when troops had left. It may be, however, that this seems fantastic that the Opposition expected Military Government to be reinstated as a result of a successful assassination of AFPFL leaders and that in time the loss of these leaders would result in major divisions within AFPFL. One must also not overlook possibility that the authors planned assassination first of personal enemies as a prelude to a state of anarchy without a clear-thought-out plan of the future."

In similar vein (Tinker II 712-713) General Sir Neil Ritchie (C-in-C South East Asia Land Forces in Singapore) reported to Field Marshal Montgomery, quoting Lt Gen Briggs (Burma Command) who happened to be visiting Singapore at the time:

"4. Understand Aung San was informed by CID of plot against ministers for 20 July, and in consequence was actually discussing with ministers large scale arrests including U Saw at moment of assassinations. Presumably U Saw had notice of this and put forward assassinations. It is important to note that arms used were a different type to those obtained from AOU." [sic: AOD?].¹¹

According to an interview given by Governor Rance in 1960:¹²

¹¹ AOD = Area/Army Ordnance Depot. It was confirmed at the trial of Saw and accomplices that the weapons used in the assassinations were not taken from those stolen from the armoury. The weapons used were produced in court as evidence. Dr Maung Maung's reproduces court photographs in his book.

¹² "U Nu of Burma" - Stanford University Press, Second Edition 1969, Pages 56-57. See also Rance's report to the India and Burma Office of this meeting with Aung San and Mya (Pyabwe) which actually took place on 15, not 16 July 1947, according to Tinker I 665-666. Rance reported: "Aung San is naturally

“Men disguised as police had stolen some 200 guns, and this meant that something was up. I saw Aung San on Wednesday July 16, and warned him. We both knew that U Saw was at the bottom of it all. Aung San said that 250 men would be rounded up on Sunday, July 20. He said that he couldn't move before then because the police could not manage it.”

In his 1962 book “A Trial in Burma”, Dr Maung Maung put it this way:

“Dark rumours of impending disaster drifted, meanwhile, in Rangoon. There were stories that a large number of guns had been stolen from the garrison armoury and some political parties were plotting a coup. People whispered that the life of the Bogyoke was in danger. The police put on special sentinels to watch over the anxious city. They wanted to put on special guards around Aung San, but he only laughed and shook them off, saying nobody would murder him.”

In assessing the engagement of Burmese advisory and executive support for the Governor up to independence on 4 January 1948, it is important to examine separately the composition and functions of Executive Council I formed by Governor Dorman-Smith on 3 November 1945, Executive Council II formed by Governor Rance on 28 September 1946, Executive Council III ¹³ also formed by Governor Rance on 20 July 1947 immediately after the assassination of Aung San and six other Councillors, and finally the Council of Ministers sworn in on 1 August 1947 with U Nu as Prime Minister. ¹⁴ The Myochit Party had little influence through its three members within Executive Council I, even less through its sole member (Saw) within Executive Council II, none at all within Executive Council III and also none at all within the Council of Ministers. Indeed, after the arrest of Saw, the Myochit Party disintegrated and ceased to exist well before Independence Day. Some of its long-serving members though, like U Mya (Henzada), transferred their allegiances to the AFPFL soon after the British Governor returned in 1945. U Mya (Henzada) became Councillor for Commerce and Supplies in Executive Council III (after the assassination of Aung San and the arrest of U Saw) and Minister of National Planning in U Nu's Council of Ministers. He also held ministerial

very worried and he is thinking of setting up a tribunal to investigate the matter but had not yet come to a definite decision”. The report does not say that Rance gave Aung San any specific warning, but it can be surmised that he did so in view of the extent of the theft and the serious concern expressed by Aung San to Rance. Nor does the report mention Saw as the suspected recipient of the stolen arms.

¹³ Its members were: Nu, Bo Let Ya, Mya (Pyawbwe), Kyaw Nyein, Mya (Henzada), Win, Thakin Tun, Bo Po Kun, Aung Zan Wai, Thakin Lun Baw, Ba Gyan, Saw San Po Thin, Sao Sam Htun, Sao Hkun Hkio, Pe Khin, Tin Tut and Mahn Win Maung. Sao Sam Htun died from his wounds on the same day.

¹⁴ Its members were: Nu, Bo Let Ya, Kyaw Nyein, Tin Tut, Ba Gyan, Mya (Pyawbwe), Thakin Tin, Mahn Win Maung, Aung Zan Wai, Thakin Lun Baw, Mya (Henzada) Bo Po Kun, Saw San Po Thin and Sao Hkun Hkio,

post in the AFPFL administration after Independence and was later respected as a leading businessman and industrialist.

Wrote Robert Taylor in his 1976 essay mentioned above:

"Many of the policy proposals that Saw envisaged in the 1930s were implemented in similar form by the AFPFL. Saw's plans to gain Burmese control of the domestic economy were pushed forward. Indian immigration became much more difficult, although it is possible that the Ne Win government's policy towards Indian interested was more like Saw's than Nu's was. Certainly AFPFL's land policy as it was carried out was not very different from that of Saw. The rewarding of contracts and business licences and favours that Saw gave his supporters certainly persisted in the 1950s. Saw's plan to nationalize the rice trade was implemented by the AFPFL. His policy toward restoring discipline to the Buddhist monkhood was similar to that of Nu.....

"Myochit and the AFPFL actually developed into very similar sorts of organization. They both had their military groups, the Galon Tat and the People's Volunteer Organization. They both had their financial backers among the indigenous businessmen and landowners. They both used patronage and the civil service to build and hold together their government.....With the benefit of distance in time and place, it is possible to see that Saw was not much different from other political leaders who have attempted to build political parties and govern Burma."

Governor Rance reported on 29 September 1946 (Tinker II 65) that two days previously Aung San had said that "the composition of the new Council with an AFPFL majority no doubt is worrying British commercial interests and he asked me to arrange a meeting of all prominent commercial gentlemen and himself". A note prepared by Counsellor II Sir Raibert MacDougall in late May 1947 (Tinker II 539) gave this analysis of AFPFL's attitude towards British commercial interests:

"There appears to be no hostility to British commerce as such. There is also a recognition, at least among members of my Executive Council, that foreign capital is urgently required and must be offered adequate return if it is to be attracted at all. There is probably a preference for British firms over other non-Burmese firms but a determination to see that no non-Burmese capitalist exports what AFPFL would regard as excess profits. British commerce could without doubt make satisfactory arrangements with an independent Burmese Republic provided it is prepared to try and reconcile in discussion what it regards as minimum conditions on which it will invest further capital, with views of AFPFL on State participation in Burma's trade and industry etc. This aspect of the situation urgently requires separate examination and might in time be taken up by a small trade Mission sent out from London."

The progress of Executive Councils I, II and III and the transformation of Executive Council III into a Council of Ministers before independence were characterised by an increasing allocation

of executive power to the Councils, which were initially largely advisory. Indeed, the Council of Ministers became the Provisional Government of Burma and included only Burmese members representative of the AFPFL success at the 9 April 1947 elections to the Constituent Assembly.

Derek Tonkin

11 January 2023

Annex - PTO

Annex

Some documents relating to alleged British involvement in the assassinations.

BBC-2 Television Documentary on 17 October 1997: Who really killed Aung San?

[Who really killed Aung San? Vol 1 - YouTube](#)

[Who really killed Aung San? Vol 2 - YouTube](#)

[Who really killed Aung San? Vol 3 - YouTube](#)

[Who really killed Aung San? Vol 4 - YouTube](#)

[Who really killed Aung San? Vol 5 - YouTube](#)

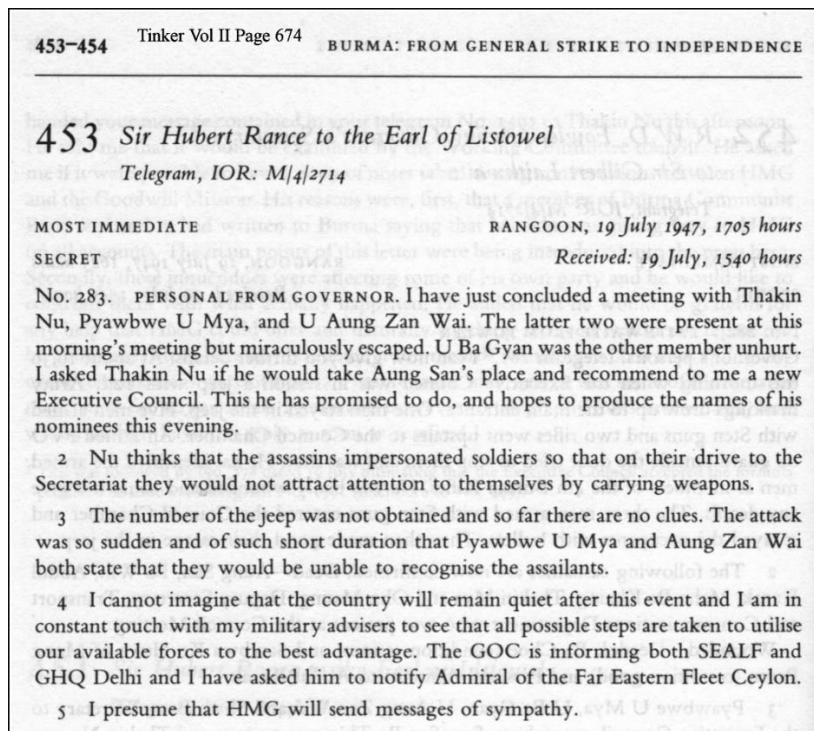
[A critique of this TV programme](#)

[Allegations of British involvement: A Note by Derek Tonkin](#)

Two other YouTube Documentaries:

[Who Killed Aung San? - The Father of Burmese Independence](#)

[Who Killed General Aung San? - in Burmese](#)



The importance of Tinker II Document 453 is that it indicates that Governor Rance approached U Nu on the very same afternoon of the assassinations to take over Aung San's place as Deputy Chairman of the Executive Council and to recommend nominees. That U Nu agreed to do so strongly suggests that he entertained no suspicions about high-level British involvement.

JULY 1947 Tinker II Page 675 455

455 *Sir Hubert Rance to the Earl of Listowel*
Telegram, IOR: M/4/2601

IMPORTANT RANGOON, 21 July 1947, 1345 hours
 SECRET Received: 21 July, 1645 hours

No. 293. PERSONAL FROM GOVERNOR. I saw Thakin Nu this morning and asked him the results of the conversation he had with Than Tun yesterday (para 1 of my telegram 290 20/7 refers).¹ Nu replied that the meeting was most amicable and in his opinion there was a distinct chance of Than Tun and his party joining up again with AFPFL. I asked if Than Tun could reconcile his own conscience, in view of the many forthright denunciations he had made against the present Government. Nu's reply to this was that he thought the proposed announcement agreed with HMG would solve [sic] Than Tun's conscience.

2 Nu then added that if he succeeded he would like Than Tun with some of lieutenants to visit England to meet his (Nu's) friends. The friends I gather are the Prime Minister, yourself, and other members of the Cabinet. To this suggestion I made no repeat no comment. I shall await developments.

3 Nu told me that just before he left his residence to visit me a CID officer had reported to him that some Tommy guns had been found in the lake by U Saw's house.²

¹ See No. 454, footnote 2.
² Rance amplified this information in his No. 296 despatched 22 July 1245 hours:
 No. 296. PERSONAL FROM GOVERNOR. As quoted in my telegram 287 20th July police raid on U Saw's house produced 18 rifles and 1 Sten gun. CID reports results of further searches as follows:
 In the lake behind U Saw's house and about ten yards from bank, packed in air-tight tins and quite dry were found 37 complete Bren guns, 59 spare barrels, 8 revolvers, .38 bore, fully loaded, 1 Colt pistol, 3 US carbines, .30 bore, 5 Tommy guns, 6 magazines for same, 3 Sten guns with 1 empty magazine, 2 Jerricans filled with approximately 7,000 rounds Sten ammo, 3 rifles, .303 bore, 7,000 rounds .303 ammo in clips of 5, 15 cases each with 1,000 rounds .303 ammo, 30 bandoliers each with 50 rounds .303 ammo and 75 British Mills hand grenades, Mark 36.
 In another house connected with same organisation in Rangoon were found:
 44 hand grenades, 49 detonators, 730 rounds .303 ammo, 3,000 rounds, Sten ammo, 7 cases of armour piercing cartridges and time switches, 7 cases of smoke hand grenades and lastly magazines for Brens, Tommy guns and carbines.

The importance of Tinker II Document 455 is that it shows Thakin Than Tun, the leader of the Communist Party of Burma, in a cooperative mood. Than Tun married the sister of Daw Khin Kyi who was Aung San's wife. Reference is made to the "proposed announcement agreed with HMG" - the text agreed in

Rangoon on 25 July 1947 is on Page 14 of this memorandum and PM Clement Attlee's statement to Parliament on 30 July 1947 is on Page 13. The CPB left the AFPFL alliance in November 1946. U Nu clearly envisaged the possibility of reconciliation between the CPB and the AFPFL.

Extract from Judgement in The King v Saw etc. 30 December 1947

As to the ownership of the 5 firearms recovered from the bed of the lake and used in the commission of the crime, Khin Maung Yin's confession has given the necessary explanation. Sometime after the shooting incident in which U Saw suffered some injury to his eye, he came in contact with a Major Young who was in charge of a military transport camp situated in the land owned by him on Kokine Road side. With this military officer he soon developed a friendship which resulted in his acquisition of a number of firearms including a sub-machine gun, 3 American carbines, 1 Sten gun, 2 Tommy guns, 1 Luger pistol, 2 revolvers and quantities of ammunition. U Saw also became on visiting terms with a Major Lance-Dane who lived in a 2-storeyed bungalow by the side of the rubber factory at Kamayut and from him he acquired 1 Springfield rifle, 2 Tommy guns, 1 carbine and some ammunition. If this story told by Khin Maung Yin is true, then there is strong reason to believe that the firearms found in the waters under the shrine and proved to have been used in the commission of the present crime were those which U Saw had previously acquired from the above-named military officers.

The above extract ¹⁵ provides credible evidence about the source of the weapons used in the assassinations. The judgement also makes reference to Major Moore and Captain Vivian. All four miscreants (Vivian, Young, Moore and Dane/Lance-Dane/Daine) are listed in a telegram from General Ritchie (C-in-C South-East Asia Land Forces Singapore) to Sir Henry MacGeagh (Judge Advocate-General) in London:

¹⁵ The full text of the Judgement of the Court of the Special Tribunal dated 30 December 1947 may be found on Pages 71 - 117 of Dr Maung Maung's book "A Trial in Burma" printed in The Hague by Martinus Nijhof - 1962

504 General Sir Neil Ritchie to Sir Henry MacGeagh

Telegram, IOR: M/4/2715

MOST IMMEDIATE

SINGAPORE, 29 August 1947, 1920 hours

TOP SECRET

No. 18927/AG3. Personal for JAG from Ritchie.

Further to my 18778 AG3 of 25 Aug and my 18927 AG3 of 29 Aug, in order to keep you in the picture I have summarised the situation as far as I know it with regard to the theft of arms from 226 AOD Burma and ammunition from AAD Burma¹ and also the Civil Investigations into the recent assassinations.

1 Brit Military courts of enquiry into the theft of arms and ammunition are now complete and are being forwarded to you by hand of officer (see this GHQ Signal 18802 AG3 of 26 Aug). An account of the results of these inquiries was given in my 10511 AG3 of 25 Aug.

2 With regard to the civil enquiries into the assassination the following officers appear to be implicated.

- (a) Capt Vivian, Indian Army, seconded to the Rangoon Police, has been arrested by the civil police and almost certain[ly] implicated with U Saw and also probably had a good deal to do with the thefts of arms and ammunition.
- (b) Major Young IEME has been arrested by the civil police² and is suspected of selling weapons to U Saw see my 18926 AG3 of 29 Aug which gives details.
- (c) Major Moore OC, AAD, who was in hospital at the time of the thefts of ammunition, is known to have been an acquaintance of U Saw and also to have received U Saw in his house on at least one occasion. Civil police are investigating his case but so far no report of his arrest has reached me.
- (d) Major Daine, Cipher Officer, HQ Burma Command: this officer is also under suspicion as he was an amateur collector of arms, and had an unusual quantity in his possession, he is also suspected of being a possible link between U Saw and Moore. He is not under arrest.

3 The cases of all the above are being investigated by the civil police and so far information has been scarce, but will keep you informed of any further information given to the military by the civil.

¹ AOD and AAD: elsewhere termed Base Ordnance Depot and Base Ammunition Depot.

² On 24 August.

Telegram, IOR: M/4/2714

MOST IMMEDIATE

RANGOON, 25 August 1947, 1015 hours

SECRET

Received: 25 August, 1050 hours

No. 408. PERSONAL FROM GOVERNOR. On Saturday 23rd August at 9.00 pm Kyaw Nyein, Home Minister, came urgently to see me and produced copies of two letters written by U Saw in Insein Jail and handed over to authorities by jailor who though bribed by Saw to take out his correspondence is showing it (presumably unknown to Saw) to authorities.

2 These letters were dated 22nd and 23rd and were addressed to Bingley of the British Council. They asked for his aid and used curious phrases which might mean some

form of identifying code. They referred to one "(VV)" who must be Vivian.¹ They talked not only of hopes of escape but also of threats to make disclosures which would have both internal and international repercussions. They assured Bingley that the messenger bringing them could be trusted.

3 Bingley did not receive these letters. The messenger was allowed to bring one of them, but on arrival at the house was brushed aside by Bingley who was just about to leave for BOAC hostel to stay the night before leaving for UK next morning.

4 In the opinion of the Police these letters connect Bingley with the "tall gentleman" to whom reference has been made in other letters written from jail by Saw, including one to Vivian.

5 As you can imagine all this was most disturbing. I can hardly credit Bingley with intriguing, but however innocent on his side his dealings with Saw may have been it is obvious that in the light of these letters the worst interpretation could be put on them.

6 There was clearly only one course for me to take and that was to stop Bingley from leaving and to get him questioned. Accordingly at that late hour I had Bingley contacted at BOAC hostel and asked him not to leave and I requested BOAC to defer his passage.

7 Yesterday, Sunday, McGuire took Tun Hla Oung, DIG CID, to Bingley's house and left him there to question Bingley.

8 McGuire informs me that when he went to see Tun Hla Oung yesterday evening he found him with Kyaw Nyein discussing the case. He was told that Bingley had been questioned for five hours and that the result was not repeat not satisfactory though Tun Hla Oung mentioned that proof was difficult and that he did not think Bingley had been trying to get letters to Saw.

9 Kyaw Nyein also told McGuire that he would now have to place the whole matter before the Cabinet. He said that he would do this today and would try to come with Thakin Nu to see me this evening.

10 At the moment all this has been kept within the knowledge of the fewest possible persons. But naturally I am gravely concerned as to what may leak out and to the misinterpretations that might be made.

11 I am seeing Bingley this morning. I hope that after this evening's talk with Kyaw Nyein and Thakin Nu I shall have more details to enable me to assess this affair more clearly.

12 Jenkins who is Bingley's successor is sending a guarded cable to British Council.

¹ The Governor's Secretary acquainted J. P. Gibson at the Burma Office with the alleged involvement of this officer in his letter 83GS47 dated 24 July.

Captain Vivian whose house was searched, is a British Army officer who was seconded some months ago to the Civil Police and held the appointment of Arms Adviser in the Police Supply Department. He was arrested by the Civil Police on suspicion of being implicated in the thefts. Although the investigations are not complete, it appears that he has had some connections with U Saw, for example by being a partner in a lorry transport concern, another partner of which is Teik Tin Maung Gale who is well in with U Saw and who is therefore thought by the Police to be a direct link between Saw and Vivian.

There have been no other arrests of British officers. But Military Courts of Enquiry as well as CID investigations are still being held and involve certain military personnel.

IOR: M/4/2715

502 *Sir Hubert Rance to the Earl of Listowel**Telegram, IOR: M/4/2714*

IMPORTANT

RANGOON, 27 August 1947, 0930 hours

SECRET

Received: 27 August, 0045 hours

No. 419. PERSONAL FROM GOVERNOR. My telegrams 408, 410 and 412.¹ Bingley. I saw Thakin Nu and Kyaw Nyein this morning and we discussed amongst other matters the case of Bingley.

2 There is no doubt that the Ministers are intensely suspicious of Bingley and it would seem necessary that Bingley should stay here until suspicion is cleared. Points disclosed today by Kyaw Nyein and not reported in my previous telegrams are as follows.

3 Chief jailor in Saw's jail although heavily bribed by Saw is reporting all information obtained and handing all messages written by Saw to outside friends to Governor [of the jail].

4 Saw in his early days in jail communicated to other co-accused in same jail that they were not to worry as he had three ex-Governors and many ex-Ministers in England on his side. Later he mentioned a tall friend in Burma who possessed great influence and who would see that no harm came to them. Saw also mentioned this tall friend to Vivian in one of his letters and Vivian is reported in his reply to have advised Saw not repeat not to bring the tall friend into the affair at present.

5 As the days passed Saw became worried and wrote to another friend outside asking his advice regarding the tall friend. The Government, perturbed about the identity of this tall friend, now took a hand. A letter purporting to come from Saw's friend was handed to Saw advising him to contact the tall friend immediately. The ruse was successful and Saw wrote the two letters to Bingley referred to in my telegram 408 25th August.

6 A passage in Saw's second letter to Bingley and which is causing grave suspicion in the minds of the Ministers reads: "I took a grave risk as advised".

7 Other points brought out in my conversation with the two Ministers were:

- (a) Nu believes that the British Council is a cloak for some intelligence organisation. I did my best to dispel this idea but until the Bingley affair is cleared the suspicion will I think remain.
- (b) Nu was suspicious of Bingley's apparent sudden departure from Burma. Here I was able to produce a letter from Laithwaite sent to me in July which stated that Bingley was required to be in England in September for a meeting of the British Council.
- (c) Kyaw Nyein said that when Saw mentioned his tall friend to the chief jailor, the

¹ See No. 501. In No. 410 of 25 August, Rance declared his conviction that Bingley was "a victim of circumstances" though "vague in his recollections of the tea party" at Vivian's house where he met U Saw. In No. 412 Rance reported that Bingley had received an illegible letter from Saw which he tore up and flushed down the WC.

latter said: "I hope it isn't the Governor." To this Saw replied that the Governor was no use as he had already been bought by Aung San and Thakin Nu for twenty lakhs.

8 I still think Bingley a victim of circumstances but time will show.¹

¹ Listowel replied on 28 August, telegram No. 1979:

I agree that he still seems victim of circumstances. If questioning by Burmese police, which was no doubt pretty ruthless, has failed to reveal any more damaging facts against him than those mentioned I hope it will not be too long before you find it possible to get him away. Clearly, however, he must remain until suspicions either of him or of British Council have been removed from minds of your Cabinet. We must not give them any ground for supposing that we are trying to shield him and must try not to prejudice more than can be helped Council's future work in Burma.

[In No. 424 of 1 September, Rance reported: "Bingley. It has now been agreed to let Bingley go home. He leaves by BOAC Thursday, 4th [September]."]

John Stewart Bingley is characterised in some accounts as an *eminence grise* but was no more than the British Council Representative in Burma at the time. As Burma was then still a crown colony Bingley had the same status as any other British official and was in no sense immune from arrest as though he had "diplomatic" status. To the best of my knowledge (as a former FCO Representative on the UK Cabinet Office Joint Intelligence Committee) for very obvious reasons British Council staff have never been subject to the influence of UK intelligence agencies since this would have a serious impact on their activities world-wide.

Tinker II contains a wealth of information on a small handful of middle and lower rank British Army officers in Burma who came under suspicion because of illegal arms trafficking in a situation where Burma was awash with surplus military equipment at the end of the Second World War. The Earl of Listowel is reported in Tinker II Page 684 to have minuted to PM Attlee on 25 July 1947: "The governor has appealed to us for assistance with the War Office in providing facilities for the removal or the destruction of warlike stores not earmarked for the equipment and maintenance of the Burma Army, and I am most anxious to help him over this." Listowel goes on to seek "absolute priority" for the removal of these items from storage depots in Burma. Listowel "was able to inform Rancethat early action would be taken."

As regards one Captain David Vivian mentioned in the trial of Saw and accomplices, he was tried and sentenced by a regular Burmese civil court some

seven months after independence. This was reported to the UK House of Commons in September 1948. Here is an extract from Hansard, the parliamentary record:

British Officer (Sentence)

House of Commons Debates 20 September 1948 Vol 456 Column 498

Mr. E. P. Smith asked the Secretary of State for Foreign Affairs whether his attention has been drawn to the sentence of five years' rigorous imprisonment passed upon Captain David Vivian in Rangoon for smuggling arms into Burma; when, where and at what date Captain Vivian was arrested; by what type of court he was tried; and until when he held His Majesty's Commission.

Mr. Gammans asked the Secretary of State for Foreign Affairs if he has any statement to make about the handing over of a British subject, Captain David Vivian, R.E.M.E., to be tried by the Burmese Government which has resulted in a sentence of five years imprisonment for alleged gun smuggling.

Mr. Mayhew: Captain Vivian is a British officer of the old Indian Army, who was seconded for service with the Rangoon Police. Shortly before the assassination of members of the Burmese Cabinet on 19th July, 1947, he, according to his own admission, arranged the illegal issue of 200 Bren guns and a quantity of ammunition from an Army Ordnance Depot to U Saw, who was afterwards convicted and executed for the assassinations. The offence of which he was accused was clearly a civil matter of great political importance, and no question arose of his trial by a military court. He subsequently confessed to the offence with which he had been charged, and was convicted and sentenced by a regular Burmese civil court on 9th August, 1948, to five years' rigorous imprisonment.

The Rangoon lawyer Emile Charles Victor Foucar ¹⁶ had this to say about Vivian in his reminiscences "I lived in Burma" (Pages 198-199):

"Saw went ahead with his plans. He must make haste. For his purpose he needed arms. Fate brought him into contact with the infamous Captain Vivian. A small, rat-like fellow, Vivian was one of those who always remain in the Army when better men are anxious to return to their peacetime posts. He was particularly happy in his job where, apart from ample pay and allowances, there was money to be made and much surplus equipment to be 'flogged'. Checks on stores were wholly inadequate; private armies and other eager buyers were in the market for arms and ammunition. Vivian was careless of the men to whom he sold his stolen weapons. U Saw's money was as good as that of others."

It is simply not credible that a Burmese politician like Saw, who ruthlessly used people, would ever have confided his plans to a foreign scoundrel like Vivian.

¹⁶ See reference to ECV Foucar on Page 6.

The likelihood of a leak would have been too great. Vivian might well have surmised that Saw had nefarious intentions, but if the AFPFL could run its own private army, then why shouldn't the Opposition lead by Saw?

It remains for me to recall the mischievous and provocative intervention by Tom Driberg MP in the House of Commons on 21 July 1947 when the Prime Minister Clement Attlee made a statement on the 19 July 1947 assassinations in Burma. The full text reads:

BURMA (ASSASSINATIONS)

House of Commons Debates 21 July 1947 Vol 440 Columns 865-866

Mr. Eden (by Private Notice) asked the Prime Minister whether the Government have any statement to make on the grave and tragic events which have just taken place in Burma.

The Prime Minister (Mr. Attlee): I have nothing to add to the very full reports that have appeared in the Press. We are in the closest touch with the Governor, and any information received from him will at once be made available.

The House will join with me in deploring this brutal outrage which has met with universal condemnation. My colleagues and I who had long talks with U Aung San and Thakin Mya had formed a high opinion of them both. They were, in our view, men of great intelligence, courage and public spirit who could ill be spared in Burma in these critical days. U Aung San had shown high qualities of leadership. The underlying causes of the plot are not yet clear. Everything is being done to trace the culprits and to fix responsibility.

The House will have seen that a new Executive Council has now been formed by Thakin Nu, the President of the Constituent Assembly, who has, as the House is aware, very recently visited this country as the head of the Burma Goodwill Mission. The swift formation of a new Council is the best guarantee of the early restoration of normal conditions in Burma. The shocking events that have taken place will in no way deflect His Majesty's Government from their settled policy. Their attitude towards Burma and Burma's aspirations and their anxiety to see her progress to her goal, remain unchanged.

The House will wish to join with me in extending their deep sympathy to the relations of the victims and their earnest good wishes to the new Council for the successful fulfilment of its vital tasks.

Mr. Eden: While sharing the right hon. Gentleman's sentiments about this outrage, may I ask if he can give any information as to what are the position and responsibilities of any British troops in Burma, in view of the grave situation which exists there now?

The Prime Minister: The responsibility for maintaining internal security rests with the Governor of Burma. The troops 867 are available for that purpose and are, of course, under British command, and under the control of the Governor. There is no restriction on their employment. As the right hon. Gentleman realises, it is not yet a Dominion Government and, therefore, we have our responsibilities for law and order. I should add that every step is being taken to provide for reinforcements if they are needed, and a request has been sent to India for the use of Indian troops if they should be necessary. So far they have not been necessary.

Mr. Driberg: Will my right hon. Friend specially convey to the Burmese people the real and deep sorrow which is felt by Members on this side of the House who learned to respect U Aung San and his comrades, and will he bear in mind that the moral guilt of the assassination attaches less, perhaps, to the brutal gunmen in Rangoon than to the comfortable Conservative gentlemen ¹⁷ here who incited U Saw to treachery and sabotage?

Hon. Members: Oh!

Mr. Speaker: The hon. Member is not entitled to make imputations of that kind. I would point out that that is an unnecessary imputation. After all, we do expect reasonable Parliamentary manners here, and I must say that the hon. Gentleman went quite outside what is reasonable.

Mr. Driberg: With respect, when I said "here" I meant here in England. I was not specifically referring to this House.

Mr. Speaker: It would certainly appear that the hon. Member referred to hon. Members here.

Mr. Nicholson: I know the Prime Minister and the country will not pay any attention to that sort of question. May I ask the Prime Minister whether, in view of the crucial nature of the tragedy and the grave menace which it strikes at the future stability of Burma, he will give the House an opportunity for debating this matter?

The Prime Minister: I should have thought it was premature to come to any decision on that point. We will see how events proceed.

¹⁷ The barbed reference may have been to (among others) the former Governor Sir Reginald Hugh Dorman-Smith who had been a Conservative MP 1935-1941 before his appointment to Burma.