Dear Sonny,

The two great themes of existence are Life and Death. A full discussion of each would encompass almost everything I can think of. Everything else is relatively connected with these two fundamentals. The only other possible theme would be The Hereafter. But, through religious ideologues, it is so closely akin to the subject of Death, I would not make it a separate subject.

With this philosophical approach in hand, the way to start a letter is interesting and, indeed, definite. Since I have lately become either emancipated in thought or, conversely, definitely chained, my mind seems to wonder to fundamentals. Believe it or not, this can now be reading American history and pondering American political philosophy. Why? Well, I suppose it is the natural sequel of an attempt to weigh the values of America with the other lands of the world today.

Any such study of the cultures, ideologues or religions of the world only
accelerates the supremacy of good old American fundamentals. And placing its hold high among our precious fundamentals is the concept of justice. That concept is so godly holy that I am willing to become (shaking courage as I do) a crusader against its corruption.

Never let it be said that this trial does not have many of the aspects of American justice. But at the same time it must be recognized that it is basically non-American, despairing so many of our most cherished principles of justice. It is our participation in the trial, more yet, our leadership in it, that will lend to a misconception by the other nations of our concept of fair trial. To be sure, they do not understand American justice for they have never seen it be dispensed by our courts at home. But what they are witnessing, and accepting it as American in toto, is American military justice.

While American military jurisprudence may appear to be slight when compared with that of other countries, it needs the shining example of what we are.
intended by our Constitution and its Bill of Rights. And necessarily so, for it is designed to promote military efficiency among our military personnel. But if its application be broadened to other fields, and it can only be done where existing circumstances of national security dictate that immediate danger is impending, the crop of justice harvested is often a sorry example of what you and I would like to believe is American justice.

Since this trial, therefore, was held before nothing more than an exalted Military Commission (see Virginia S. R., Vol. 33, p. 679, where Francis Biddle, Attorney General, judge at Nuremberg comments that the German trial was held before a military tribunal and was, therefore, a military proceeding) the true issue is whether America is willing to have culturally important, far-reaching and precedent-setting international jurisprudence disregarded by the Army—without even casual consultation with the legislative and judicial branches of your Government. It would seem to me that such a course of conduct could not be well digested by even the strongest stomach of clear thinking American.
During my last few letters I have gone on at length speaking abstractly of the injustice of this trial. I imagine you would now like to hear of the exact and specific reasons why I consider it as unwise and not in keeping with American Constitutional safeguards. Accordingly, I'll send the pages of my next correspondence toward this end.

As far as the Supreme Court approach is concerned, I am woefully unprepared. Few books and lack of opportunity for research is a major obstacle. But on reflection, who else is better prepared? So soon you may expect that I shall make a definite move.

I no longer have any desire to sit here and hear the bloody judgment that is sure to be rendered. I'd much rather be doing something about it. And in the event I am misunderstood? I want you to remember that I have never defended what these Japanese defendants did, but have only attacked the manner and means by which they were tried.
Tokyo, Sept. 6, 1948

The two great themes (of existence) are Life and Death. A full discussion of each would encompass about everything I can think of. Everything is relatively connected with these two fundamentals. The only other possible theme would be the Hereafter. But, through religious ideologies, it is so closely akin to the subject of Death, I would not make it a separate subject.

Now this philosophical approach is hardly the way to start a letter. An interesting one, that is. But since I have lately become either emancipated in thought or, conversely, definitely chained, my mind seems to wander to fundamentals. Believe it or not, this case now has me reading American history and pondering American political philosophy. Why? Well, I suppose it is the natural result of an attempt to weigh the values of Americanism with the other "isms" of the world today.

Any small study of the cultures, ideologies or religions of the world only accentuates the supremacy of good old American fundamentals. And rearing its head high among our precious fundamentals is our concept of justice. That concept is so Godly holy that I am willing to become (lacking courage as I do) a crusader against its corruption.

Never let it be said that this trial does not have many of the aspects of American justice. But at the same time it must be recognized that it is basically non-American, despoiling so many of our most cherished principles of justice. It is our participation in the trial, more yet, our leadership in it, that will lead to a disastrous misunderstanding by the other nations of our concepts of fair trial. To be sure, they do not understand American justice for they have
never seen it as dispensed by our courts at home. But what they are witnessing, and accepting it as American in toto, is American Military justice.

While American Military jurisprudence is as Heaven to Hell when compared with that of other countries, it nevertheless is no shining example of what was intended by our Constitution and its Bill of Rights. And necessarily so, for it is designed to promote military efficiency among our military personnel. But if its application is broadened to other fields, and it can only be done when existing circumstances of national security dictate that immediate danger is impending, the crop of justice harvested is often a sorry example of what you and I would like to believe is American justice.

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