

Tokyo, Nov 13, 1948  
Saturday

Dear Sunny,

I want to take time out this evening from a period of concentrated effort to tell you a few things which might be of interest in future days.

From the time of the adjournment of the tribunal six months ago to consider their verdict until the present date, I have been the leader in advocating an approach to the Supreme Ct. of the U. S. on this case. I did not rest with my own personal reasoning, but went into a concentrated study of the law involved (with what books are available here). As I wrote you previously, my first attempts to reach the minds of the lawyers here was unavailing. But for months I've hammered away at my ideas and steadily received response, every so slight but ever increasing. Today, they were almost humble in resorting to my thoughts as the last possible measure to save the situation.

You have heard the judgment on the radio and have read it in the papers. The four defendants I now represent (ironically enough) all received the same finding of guilt on the same counts in the Indictment. Kido, Shimada, Oka & Sato were the men. Because I know you are interested in behind the scene matters I want to deviate from the theme in mind for a moment.

The Japanese people expected Tojo to be given death. Next to Tojo in this line of opinion was Shimada.

Not only Japanese thinking, but all American lawyers  
agreed! Shimada would hang. All except me!  
So, unethical as it is I suppose, I placed bets  
in Japanese Yen and U.S. dollars. The bet  
was that Shimada would not hang. What  
is left of Japanese high ranking naval personnel  
smiled at me, some even placed bets. Today  
and yesterday, after the judgments, they sheepishly  
strayed into my office to apologize and pay off.  
I refused to accept money but did accept  
their astonished congratulations. For indeed,  
to them at least, it was a victory. Thus, among  
Japanese, & I might add among American lawyers  
too, my reputation soared.

Hence it was, that today when I explained  
my petition for habeas corpus to the Supreme Ct. of the  
U.S. was to be filed soon, they all clamored to  
have me include their clients. As it now stands  
at this writing, gambling against time, I am forwarding  
my petition to Bill Logan in N.Y. with instructions  
to fly to D.C. and file it. I guess of Sup. Ct.  
rules & not successful to practice before that Ct.  
I have had to resort to this means. If by some  
slight chance the Ct. might accept my petition  
for argument, proper orders will be issued for  
my immediate return to the U.S. for argument  
before the high court.

The graphic description of the final day before  
the Tribunal, the flood-lighted courtroom, the hushed  
silence, the roar of the spectators, the trembling voice  
of Sir Wm Webb when he pronounced the final death  
sentence, the action of the defendants etc, demands  
many, many pages of writing. Perhaps I can report to  
you verbally soon, until then,

P.S. Just a moment ago I received your  
cable - thanks very much!

John

*John G. Brannon*

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