

By John G. Brannon

At 10 o'clock on the morning of December 22, 1948, I entered the office of the Clerk of the Supreme Court of the United States. In my brief case were 15 copies of a petition for rehearing of the plea of the convicted Japanese major war criminals for writs of habeas corpus. It was the last possible legal step to be taken in affording the high ranking enemy the same complete service that any American citizen could expect in a criminal trial.

For two and a half years the historic trial of Premier General Hideki Tojo and 25 other former wartime leaders of Japan had been in process. Sometimes exciting, but usually drab and drawn out, the hearing before the 11 nation Allied court, known as the International Military Tribunal for the Far East, captured the newspaper headlines when seven death verdicts and life or long term imprisonment was handed out. The trial was held in Tokyo.

Then, on the eve of the anniversary of the bombing of Pearl Harbor, December 6, 1948, the Supreme Court of the United States shocked the world by announcing it would hear argument on whether to entertain jurisdiction in a review of some of the convictions. The hangman's noose in Sugamo Prison in Tokyo had been poised for immediate action, but General MacArthur ordered a pause until America's high court could act.

Since early 1946, I had served as a member of General MacArthur's Legal Section in Japan, assigned by special appointment of the then War Department to the role of defense counsel for the top Japanese wartime governmental leaders. The American Army Chief of Staff had ordered General MacArthur to establish the 11 judge

