

in Tokyo to consult and advise with him on the sentences. He was empowered to reduce any sentences as he saw fit but not to increase their severity. On November 24 he announced that he was satisfied that the verdicts were fair and that he "could conceive of no judicial process where greater safeguard was made to evolve justice". Accordingly, he made no changes in the sentences. Counsel for two who were sentenced to death, Doihara and Hirota, sent appeals to the Supreme Court of the United States, which agreed to entertain the appeals on December 16. The Supreme Court, voting 6 to 1 on December 20, decided it had no jurisdiction over the International Military Tribunal for the Far East. Execution of sentence was carried out upon the seven condemned to death on the morning of December 23, 1948.

TRIBUNAL COMPARED WITH NUREMBERG

In procedure this Tribunal differed noticeably from Nuremberg. Most obvious of all was the participation of eleven instead of four powers in the Far Eastern Tribunal. The Nuremberg trial was completed in just under a year whereas from the opening of the Tribunal to the date of judgment in Tokyo, over two and a half years had elapsed. In the case of Nuremberg the accused were indicted on four counts only as opposed to the fifty-five in the original indictment in Tokyo (reduced as explained above with the elimination of counts 6 through 17 and 18 through 26).

The linguistic problem was much greater in the case of the Tokyo trial. The European languages used in Nuremberg are closely related and thus could be rapidly and accurately translated from one to the other, whereas the precise rendering of Japanese into English and vice versa presents formidable difficulties even to a panel of experts. In Tokyo the Tribunal was fortunate in employing the services of highly competent linguists as court interpreters. Because of the possibilities of error, however, all interpretation was monitored by a small group of experts who intervened to make corrections whenever the interpreters stumbled over a difficult phrase or departed significantly from the meaning of the original.

70 Million Words

In proportion to the greater length of the Tokyo trial was the vastly larger body of evidence taken. The stenographic record of the proceedings in Tokyo runs into more than 300 volumes of 33,000 pages, with a total of 70,000,000 words. In addition, the documentary evidence covers more than 3,400 pages, not including the very valuable Kido diary, which was run off in a copy of 5,600 pages. In Nuremberg the total number of witnesses for both prosecution and defence numbered less than a hundred; 1,800 affidavits were presented. In the case of Japan both witnesses and affidavits numbered more than this.

The basic difference between the problem presented at the trial at Nuremberg and at Tokyo lies in the relatively simple political structure of the Nazi state, built pyramidally, from the Fuehrer at the top down through descending chains of command to the lower organizations of the state and party, whereas no such simple state structure existed in Japan. The court chose January, 1928 as a convenient starting point for its analysis of Japanese aggression; actually the first overt act in the history of that aggression was the assassination of Marshal Chang Tso-lin in Manchuria in June of that year.