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U.S History 102
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Opinion delivered by Justice Prado .
SUPREME COURT OF THE UNITED STATES
PROSECUTION v. DEFENSE
Argued February 13& 15, 2017- Decided February 16, 2017

JUSTICE PRADO, with whom, JUSTICE ABADA-CORDERO, JUSTICE GONZALEZ, JUSTICE MENDEZ, JUSTICE PETERS, JUSTICE RODRIGUEZ, JUSTICE SALVATIERRA, all join the occurring side.

In the Supreme Court's view, the statements and evidence provided for the justification of the atomic bomb dropped on Hiroshima and Nagasaki formulated by the Prosecution influenced the final decision of the Supreme Court Justices. After the trial and considering the evidence provided, as Justices we evaluated the performance of both teams and together came to a conclusion that the Prosecution seemed to have some of the strongest arguments for the justification of the atomic bomb therefore creating only a majority opinion. On Monday, February 13, 2017 the Prosecution had an opportunity to argue the necessity of the atomic bombing of Hiroshima and Nagasaki by the United States and why it had become a long debated subject. As we have noticed the United States has made certain decisions throughout history that have opened curiosity to the majority of its civilians and they begin to think about the motives for the decision. In most cases taking measures into account for the benefit of your own country or countries across the world will influence some of the drastic changes that will be made. For the United States the dropping of the atomic bomb on both those major Japanese cities and other following events were overall some of the foremost options that could potentially benefit the country at that point in time.

The sense of logic the Prosecution team demonstrated during the trial greatly influenced my decision and also seemed to be one of the many reasons why the other Justices chose the same team. I noticed that from the beginning of the trial the Prosecution had many justifiable reasons why they dropped the atomic bomb. In regards to their opening statements they declared and supported the reason for their actions, their statements revealed, " Some argue that America was far too hasty and or that we did it because we were power hungry. The reality of the matter however, is that there was no plausible alternative to the bombings [...] We calculated the costs of other methods, more familiar tactics and found the atomic bomb to be the best way to put an end to the war. Contrary to popular belief, we did not bomb Japan simply out of our own interests. Yes, we worried about our own lives, but we also worried about our allies, other Asian

countries and even the Japanese themselves.” This shows to prove the bomb was one of the best methods to put an end to the current situation, the United States was at war and they could not afford to have more lives lost same applies to many other countries in the world.

Each team during trial provided main points they would be discussing to support their arguments, Prosecution mentioned evidence as to why the bomb was justified and Defense had the reasons why it was not. One of the difficulties we faced as Justices was the lack of providing enough evidence to support their ideas although, they had useful information and key points it was crucial to have enough evidence that corresponded with their main points. Besides not having the evidence we would have wanted to hear from the them they managed to include useful information to convince us of the justification for the bomb. The elements Prosecution provided were, Military Tactics, Japanese Atrocities, World Power, and Post-War Japan, the objective of these factors were to prove what the United States had done not only benefited them but other countries as well. According to the first argument which was Military Tactics, Prosecution claimed the bomb saved many more lives than the strategies that were being used during World War I, their evidence revealed that tactics used such as Trench Warfare had resulted in more deaths than the actual atomic bomb could kill. Including the various diseases found during those years there were an estimated five thousand deaths daily and approximately two hundred thousand deaths in total. Certain methods of fighting proved they were harming the country and resulting in more deaths, soon new technology would be created and used for war purposes and the atomic bomb was an experiment which would push boundaries of extreme and total war (Prosecution PowerPoint).

In addition, the following element mentioned some of the reasons the war had been a fight for dominance, In the evidence they provided from Japanese Atrocities the Prosecution in fact agreed, “ The war was indeed a fight for dominance, but it was also a measurement of capability. If America had been “civil” and not dropped the bomb, we would have given Japan, a nation prone to gruesome violence the chance to become a world power. We could not afford to sit back and watch Asia fall under the rule of fascism.” (Prosecution Opening Statement). From the Japanese Atrocities it becomes evident that Japan had a goal to become the Asian superior race, some of the actions they took was the invasion of Nanking, China by the Japanese Imperial Army. In those events three hundred- thousand people were murdered, after Japan attacked the United States Navy Base at Pearl Harbor in Hawaii, on December 7, 1941 Prosecution states lead the United States to become even more involved in World War II. Japan prior to the attack of Pearl Harbor continued to fight with the United States because they had already invaded China and decided to fight against a : bigger target”. The initiative taken by the U.S more specifically Truman was the Potsdam Declaration which offered Japan an opportunity to surrender, in other words it was “ we will continue to attack you if you do not surrender” because Japan did not surrender the United States dropped the bomb on Hiroshima and Nagasaki, of course the actions could have been prevented but Japan did not obey the declaration (Military Tactics PowerPoint).

Reflecting on the important element mentioned during the trial which was the war had been a fight for dominance, before Prosecution mentions the Japanese Atrocities they reveal that if the United States had been “civil” and not dropped the bomb, they would have given Japan, a nation prone to gruesome violence the chance to become a world power. Based on the presentation the arguments on The Rape of Nanking advocated by the Japanese one notices the gruesome actions towards the Chinese civilians for example one of the experiences mentions, “Japanese troops smashed into the city on December 13, 1937, with orders issued to kill all captives.” “Their first concern was to eliminate any threat from the 90,000 Chinese soldiers who surrendered. To the Japanese, surrender was an unthinkable act of cowardice and the ultimate violation of the rigid code of military honor drilled into them from the childhood onward. Thus they looked upon Chinese POWs with utter contempt, viewing them as less than human, unworthy of life” (The History Place).

The Japanese has caused suffering to an extent upon Chinese civilians, as the evidence supports, “chinese soldiers scattered inside the city and changed into civilian clothes... the Japanese arrested anybody who was suspected to be a Chinese soldier. A large number of young men who were arrested, together with those who has been captured earlier, were sent outside the city to be massacres, from several thousand to tens of thousand at a time. In most cases, the Japanese poured gasoline onto the captives and burned them alive. In some cases, poison gas was used” (Human Arts). After Truman analyzed the act of violence Japan had made towards China and the bombing on Pearl Harbor he came to the conclusion that, “The Japanese had been the aggressors, launching the war with a sneak attack on Pearl Harbor in 1941 and subsequently systematically and flagrantly violating various international agreements and norms by employing biological and chemical warfare, torturing and murdering prisoners of war, and brutalizing civilians and forcing them to perform slave labor and prostitution” (Forbes). Because Japan did not surrender after being given the Potsdam Declaration Truman stated, “that his decision to drop the atomic bomb was purely militarily. Truman believed that the bomb saved lives as well” (US History).

According to the evidence from Prosecution although not mentioned during the trial reveals, “It was certainly a reasonable view for the United States to take, since they had suffered the loss of more than 418,000 lives, both military and civilian. To the top rank of the US the 135,000 death toll was worth it to prevent the “many thousands of American troops [that] would be killed in invading Japan” (History Extra). Transitioning to some of the counter arguments the Defense team made on the subject of the justification of the atomic bomb they solely believed the bomb was cruel and unnecessary, they also mentioned that their opposing team believed the bomb saved millions of lives however if that was the case the actions the taken upon Japan had to be held accountable for by the United States. The Defense team also had four main points to support why the dropping of the atomic bomb on Hiroshima and Nagasaki were unjustifiable. One of the main elements the team provided was on the subject of the Japanese unconditional surrender, they argued that Japan had been defeated in militarily, they also argued

that when Truman established the Potsdam Declaration Japan immediately surrendered, although the team argued they did not fully provide the Supreme Court with enough evidence to demonstrate if Japan had indeed surrendered which possibly became one of their weakest arguments.

The evidence the Prosecution gave to support why Truman decided to drop the bomb was more reasonable because he had given Japan the opportunity to surrender but they saw it as an act of cowardice, they had been taught to fight for their country and it could become a violation of the military honor if they did decide to surrender. Another argument made by the Defense team was regarding to the bombing of Hiroshima and Nagasaki and why it was just an experiment. They argued the Nazis had been working on the same experiment which was considered as the bomb, they said the bomb was used as a national defense and scientist Albert Einstein was working together with the United States on the experiment but he believed along with President Franklin D. Roosevelt that the bomb was too dangerous during times of war and would harm millions of civilians. As the team stated, it was a human experiment and there was no necessity to drop a bomb that would only be experimenting on human lives, the United States was also teaching Japanese civilians it was their fault and thus justifying the actions. In another one of the Defense's arguments which was Truman's Incompetence they did not go into depth or demonstrate enough evidence but from what they stated, "Truman was not prepared to be Vice President of Franklin D. Roosevelt, he was hateful and racist" they also included part of a letter from Truman to his wife where he writes, "the lord made white men from dust, made Negroes from mud, Negroes need to be in Africa and Japanese in Asia" he hated anyone who was not European or American and did not have enough experience or any idea what to do with politics therefore he was incapable to deal with foreign affairs.

It was also stated that, "the Nagasaki bomb would have an impact on the Japanese government, the United States was playing with human lives to see if the experiment worked, Nagasaki was not the primary target, it had been the secondary target, it was not the most favorite target." "It had been bombed about five times in the past twelve months, Hiroshima and Nagasaki did not have to be bombed, it was simply an act of curiosity." Some of the Defenses rebuttals were that every president had the option to use the bomb but they had not because it was unnecessary, Japan had been trying to surrender a couple months before the Potsdam Declaration and almost all the conditions were met except the fact they had to give up Hirohito. He was the Emperor of Japan and reigned from December 25, 1926 up to his death, to the Japanese he was considered and treated as a God, they did everything for him, Defense argues the United States had to take Hirohito away from the Japanese along with the complete surrender. Another element was that the United States only wanted to protect their power instead of their people the team provided another argument during trial which was Preventing Communism. They mentioned, "The United States was the strongest most powerful country in the world, the reason they dropped the bomb was to be superior and maintain political power and did everything they could to keep control."

The United States was supposedly powerful because of Imperialization, they wanted to end the war with dominant power and according to Defense the bomb was a warning towards Russia, and the United States dropped the bomb so Japan would surrender to the U.S and not Russia. The evidence mentions, “ every day of delay meant more land given up to Russia and therefore, a greater likelihood of communist victory in the Chinese civil war. All of Asia might go communist. It would be a strategic catastrophe for the United States to have won the war against the fascists only to hand it to its arch enemy, the communists. The U.S needed to end the war not in months, weeks, but in days” (Common Dreams). “ If the United States wanted to prevent Russia from occupying territory in east Asia the way they had it occupied territory in eastern Europe, it needed to end the war as quickly as possible” (Common Dreams). In conclusion to their argument, “ The leaders of the Western Allies decided at Potsdam in July, 1945 to resort to the ultimate expedient of the atomic bomb, it was a strange and risky decision . they knew that the bomb was the most cruel and deadly weapon that had ever been produced, and that its effects would fall indiscriminately on civilian and military targets. They knew Japan had already approached Russia with a view to peace discussions. They knew that Russia was on the point of declaring war on Japan” (Iron Ink). They also mentioned the United States wanted to prevent communism, when Russia began making the bomb the U.S saw it as a threat and intentionally dropped the bomb to restrain communism and kill thousands, they had also become fearful on the thought of Russia entering the war.

The Prosecution continued to argue and defend the evidence the Defense was mentioning throughout the trial, because they had stated the United States wanted to keep world power Prosecution defended that the U.S had just gotten out of the Great Depression and had no other reason than to enter war, they thought logically about the decisions the country would make and because they were at times of war they did not have time to stop and think they instead acted based on their instincts. The third argument was the psychological, physical, and emotional causes of the dropping of the atomic bomb and what effects they had towards civilians. Defense asserted there was no justification as to why United States attacked Hiroshima and Nagasaki and if an enemy [referring to Japan] did something terrible to your country it does not mean you should continue to act violently. War must not be towards a group of people, punishing Japan does not make sense and such atrocities should be justified, the United States needs to be held accountable for their acts. They also argued human rights were violated and it is unacceptable to hold people accountable for something they did not do, the United States simply started a race war and killed millions of Japanese civilians. Statistics proved, “ about 90,000 people were killed immediately in Hiroshima, another 40,000 were injured, many of who died in protracted agony from radiation sickness. Three days later a second attack on the city of Nagasaki killed some 37,000 people and injured another 43,000. Together the two bombs eventually killed an estimated 200,000 Japanese civilians” (Weber).

The purpose of the Defense team was to prove that the actions, pain and suffering the United States caused Japan was not justified. They believed it was unnecessary because Japan had already been militarily defeated and surrendered, no one could measure the pain, it probably did save lives but it was the quality of the death over the quantity. Their explanation over the quality of the death of those millions of civilians was not enough to convince the atomic bomb had long term effects on the country or its people. There was hardly any mention on the impact of the atomic bomb and how it is still affecting people in Japan today, it would have been helpful if they used information for the quality of deaths because it would give many more reasons and facts as to why the bomb was unjustified.

They continued to say that it was race war, the Prosecution had useful information to support it was not a race war. One of their strongest arguments was on Post-War Japan, they simply believed although lives were lost and Japan had been their enemy and attacked Pearl Harbor they were willing to support Japan and would allow them to rebuild the country. As they affirmed, “Lieutenant General Sturdie issued two... orders on 10 September, 1945: first, that the Japanese construct their own internment camps, and secondly, that the Japanese produce food and daily essentials to provide for themselves” (Tanaka Hiromi). “Japanese were able to use food reserves while new farmland was cultivated and new self-sufficiency system was established.” In the beginning Japan was self-sufficient, the United States allowed them to have more opportunities, not only did they provide them with food but also allowed them to receive education in the internment camps. Additionally, “memoirs written by the veterans indicate that lectures on the mathematics and physics were also delivered... the miraculous economic recovery of Japan could be attributed not only to domestic rehabilitation policies but also to the repatriation of nearly six million Japanese (half of whom were military personnel) who had been detained in such a way” (Tanaka Hiromi). Prosecution knew how to defend the accusation from Defense about the war being a “race war” and had enough evidence about Japan and how the United States helped them become a stable country. If it would have been a race war the United States would not have offered Japan an opportunity to improve and rebuild, they constructed the internment camps with the motive of caring for them, providing fundamental learning strategies, and overall the United States helped Japan when they were in time of need, if we look at Japan now, many years after the war they are one of the most successful countries in the world.

In conclusion, both Prosecution and Defense made reasonable statements to argue why the atomic bombing of Hiroshima and Nagasaki were justified and not justified. The information presented to the Supreme Court Justices influenced our decisions, it was difficult at times trying to decide which team made the more appropriate statements and gave the most accurate evidence. We noticed both teams had strengths and weaknesses and the most common weakness was the lack of evidence, they might have stated experiences or reasons why the countries provoked or allowed certain situations but they could not support their reasons with actual facts. At the end of the trial both teams declared their closing statements from Defense it was under stand that the atomic bomb was only a human experiment, the bomb was not justified because

it was not a necessity, the reason the United States dropped the atomic bomb on Hiroshima and Nagasaki because they wanted to maintain political power and did everything to keep control. Japan had already been defeated but the United States was too greedy, they benefited from Japan and for those reasons they should be accountable for their violent acts towards the country, it seemed Defense wanted the United States to be held accountable for their actions and therefore wanting to create that precedent.

In regards to the Prosecution their precedent seemed to be that the United States wanted to save lives, they analyzed different methods of fighting back and there was not a better alternative than to drop the atomic bomb. In their concluding statements they indicated, “ Being an American means fighting for survival and the conservation of our lives, the lives of our allies, and if worse comes to worse, than our enemies lives as well. We can be called unjust, un civil and cruel all you want, but there have been not one or two but several instances of Japan engaging in inhumane acts against their enemies during war and we simply could not risk the annihilation of our entire nation.” The Prosecution thought logically about why the United States made the decisions they did during war. They also revealed, “ when a country is at war, drastic measure will be taken, we may not approve of the tactics we must use, [...] the atomic bomb was devastating but it allowed soldiers to finally go home.” “The lives that were lost gave millions a chance to continue living, 225,000 innocent lives for the saving of millions.”

What the Prosecution stated during trial had an impact on each one of our decisions as Supreme Court Justices, yes the atomic bomb killed millions of innocent lives and those deaths are unjustifiable and could have been prevented but America attacked Japan not because they wanted to but because it was crucial to do so at the time. The motive was not to be evil towards Japan, the United States would have acted differently if they had another choice but they did not. As Prosecution also mentioned, “ If there was any other way, we would have taken it. Although the bomb was viewed as inhumane at the time, the undeniable facts are that it brought to a close a devastating chapter in Hirotsu and allowed for the growth of not only our nations, but of the nation of Japan as well.” It is true when they say, during times of war you do not have time to stop and think about your next step you just immediately start to act, all the rules are broken and Prosecution had more evidence to support why the atomic bomb on Hiroshima and Nagasaki was justified.

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