

砂川事件伊達判決

2014年10月30日(木)
埼玉会館小ホール
主催：埼玉弁護士会

INCOMING AIRGRAM

Department of State

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Action

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During recent internal conversation with Chief Justice Tanaka we had a brief discussion about the Sunkawa case. The Chief Justice said that he now hoped that the Supreme Court of Japan would be able to hand down its verdict by the first of the year although he was not yet certain of this timing. He observed that with a bench of fifteen justices the most important problem was to try to establish some common denominator to approach the case. Chief Justice Tanaka said that it was important that, if possible, all of his associate justices approach the case on the basis of agreed, appropriate and realistic ground rules as it were. He implied that some of the justices were approaching the case on a "procedural" basis whereas others were viewing it on a "loyal" basis while still others were considering the problem on a "constitutional" basis.

It gathered some of the justices seemed inclined to look for a decision on the narrow procedural ground that the court of first instance, the Tokyo District Court under Judge Date, lacked jurisdiction to rule on the constitutionality of the presence of United States forces and had exceeded both its own competence and the specific issue presented to it in the original trespassing offense;

--other justices seemed to feel that the Supreme Court should go further and itself deal with the legal issue posed by the presence of U.S. forces;

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