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Bite the Dog: cracking down on the Japanese press

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By David McNeill

The watchdog role of journalists in Japan is on trial in several cases with enormous implications for freedom of the press here

In a summer laden with portentous anniversaries, several important skirmishes between journalists and the people they keep tabs on passed by almost unnoticed.

In July, Matsuoka Toshiyasu, president of the Rokusaisha publishing company, was arrested on a deformation charge that has editors across the country nervously consulting their rolodexes for libel lawyers.

In the same month, the Tokyo District Court heard the opening salvos in an anti-government suit by former Mainichi political reporter Nishiyama Takichi, which may ultimately expand – or more likely shrink – the limits of press freedom in Japan.

And Dutch journalist Hans van der Lugt waded in with support for freelancer Yu Terasawa's suit against the press club system, which both men hope will put the final nail in the coffin of this much criticized, government-sponsored wing of Japan Inc.

All three cases have serious implications for how journalists here do their jobs, but observers say that with the possible exception of the press club fight, the balance is likely to tip in favor of the powerful.

Matsuoka's arrest followed a series of stories his company ran in a quarterly magazine in 2002 and 2003 alleging that a scout for the Hanshin Tigers was murdered after being thrown from a building by two former employees of the baseball team.

According to industry insiders, however, prosecutors were more concerned by articles that allegedly defamed Okada Kazuo, the owner of a Tokyo-based maker of slot machines called Aruze Corp. a business partner of controversial Las Vegas entrepreneur Steve Wynn. The articles criticized Aruze's business practices as unethical and suggested the executives were guilty of evading tax.

Anyone familiar with the no-holds-barred approach of publications on the competitive fringes of Japan's media knows that they sometimes have merely a passing acquaintance with journalistic ethics such as accuracy and proper sourcing. "Investigative" articles are often simply cover for the airing of dirty laundry by squabbling political or business interests, who usually remain anonymous.

But most media observers also agree that these publications are a crucial antidote to the blandness of newspaper reporting in Japan and perform a sort of clearing-house function for stories that would otherwise never see the light of day. For this reason, the implications of the Matsuoka arrest are worrying, say magazine editors. "The arrest was over the top," says Ishizaki Takahiko, an editor with Shukan Shincho. "A lot of us are concerned about who will be next."
Okadome Yasunori, former editor of now defunct muckraking magazine Uwasa no Shinso

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is also worried that the case will set a bad precedent.

"Arresting the president of a publishing company is extremely exceptional. Freedom of the press is stipulated in Article 21 of the Constitution so normally in cases like these the investigation is by consent, but Matsuoka is now in custody. I think it may allow the police to arrest people in the mass media more easily, especially when they see the rest of the media is trying to turn a blind eye."

As always, the background to the case is murky. Okadome believes the articles were prompted by a factional dispute within the industry, probably following a tip off from a rival company to Aruze. "It's worth considering that Aruze is an Amakudari company, some of whose people are former officials," he says, adding that "We will have to wait for the trial" to see what comes out. But given that arrest leads to conviction in the vast majority of cases in Japan, the signs are not good.

The Nishiyama suit will have stirred memories among older members of the foreign press in Japan who may have been here for round one of his battle with the government in 1971. The former Mainichi political reporter was famously convicted of handling state secrets after revealing a deal between Tokyo and Washington over the return of Okinawa's sovereignty in 1972.

After three decades of relentless political corruption the details of the affair today seem almost trivial: Nishiyama claimed that Tokyo secretly offered to pay $4 million to Washington as a sweetener ahead of the Okinawa handover.
But the repercussions of his scoop were not: Nishiyama revealed his source -- a married Foreign Ministry clerk with whom he was having an affair, and the government and sections of the press hounded both from their jobs. The secretary subsequently divorced, Nishiyama was lucky to save his marriage and the story stayed buried.

Now 71, Nishiyama says he is reluctantly heading to the courts again to overturn his conviction because his life was destroyed on the basis of a government lie that has gone unchallenged for three decades; recently declassified US documents support his claims of a secret Tokyo-Washington deal. "If nothing is done, the government may again make a decision about something affecting the fate of the nation, without telling the public," he says. "I'm tired but I would like to clear this up before I die."

Will he win? Many doubt it. "He will of course lose again," says Ofer Feldman, professor of political psychology at Doshisha University and author of Politics and the News Media in Japan. "The system works against people like him. The case is important because he wanted to excel in his work and do a serious journalistic investigation. The system – the government and the mass media -- didn't like it."

Feldman wonders whether much has changed since 1971. "Everybody wants to work in harmony here. If there was another Nishiyama, the editors would appreciate his work but I doubt whether they'd back him."

There is much riding then on the shoulders of Terasawa Yu who has decided, mostly in frustration, to take on the press club system that he believes discriminates against freelance writers. Terasawa has waged a risky campaign against consumer-loan company Takefuji that led to wire-tapings and attacks on him and fellow freelance writer Yamaoka Shunsuke.

[Incidentally, Yamaoka's house was firebombed in July -- an incident that he believes was inspired by his relentless pursuit of former Tokyo Metropolitan Police investigator and ex-Takefuji employee Iwane Shoji.]

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Despite doing more than most then to monitor those in power, however, Terasawa has been repeatedly barred from courts and press conferences on the grounds that he is not a registered press club journalist.

He previously sued the government in 1999 after he was barred from a court in Ehime Prefecture while working on a story, and last year again demanded compensation after again being denied trial documents and seats in courtrooms in Sapporo and Tokyo. He told the Japan Times last year: "This is total discrimination against Japanese freelance journalists and magazine writers….it is ridiculous and should be condemned."

Terasawa's latest suit involves his pursuit of the Commissioner General of the National Police Agency Uruma Iwao, who is allegedly implicated in expense-account violations while he was chief of Aichi Prefectural Police in the late 1990s.
Terasawa has been prevented from attending the Commissioner's press conferences, ostensibly because he is not a member of the police press club, in reality to prevent 'embarrassing questions,' claims the journalist.

In a recent article in Japan Media Review, Hans van der Lugt explained why he was supporting Terasawa's campaign: "In Japan, the concept of 'journalist' is not understood by public institutions. That is why institutions like kisha clubs exist, enabling a small number of specific media outlets to monopolize facilities provided them by the government.
"Anyone calling himself a journalist should be able to report on a public institution."

If he wins, the stakes are high says Terasawa. "In South Korea, in May 2001, a reporter for the OhMy News web newspaper appealed to the Incheon District Court for a similar provision, a move later approved by the court which caused that country's press club system to collapse at one stroke." The question now being asked is: could something similar happen in Japan?

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