

NUMBER 1 SHIMBUN

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OLYMPIC REPORT

Could Japan better
the Vancouver Games?

+
MURDER SELLS
SLAPPING
FREE SPEECH
SELF-HATRED
WHEN MURDOCH
MOVED RIGHT



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President's message



APRIL IN JAPAN IS THE TIME FOR ENJOYING THE beauty of sakura. The cherry trees blooming all over the country bring the charm of nature for which Japan is known worldwide. The short-lived beauty of the blossoms also signals the beginning of a new life, as the flowers are soon replaced by the appearance of fresh virgin leaves.

April also marks the beginning of the new business year and a new accounting period. The March General Membership Meeting approved the Club's draft budget for FY2010, and the Club's management is now in full preparation to begin implementing the changes in our policies, including one calling for a return to a 40-hour work week. Although the Club union has expressed reservations concerning the decision, the Board has moved ahead with the plan in response to the financial difficulties the Club has been facing in recent years. I would like to assure our hard-working and dedicated staff members that should there be any sustained recovery in the near future, the Club will reconsider the decision. As for an exact time frame, the present situation makes it difficult to predict when that might happen.

The March GMM also approved the report of the Audit Panel, which cleared up much of the confusion surrounding our past expenditures and also recommended a number of measures that will help the Club strengthen the mechanism of governance and avoid the reoccurrence of possible financial irregularities in the future. All these recommendations are very timely, and they deserve the attention of the membership for early implementation. One that is worth mentioning is the recommendation to allow Associate members to run for the position of Treasurer. The panel felt that Associate members could bring professional qualifications, particularly in the accounting and treasury functions, that would add much-needed managerial and business acumen to the deliberations of the Board. The recommendation was made more or less at the same time as the President received a letter from the Associate Members' Liaison Committee pointing to the same need. I would like to thank the members of the Audit Panel on behalf of the Board and membership for their hard work on a difficult and potentially divisive issue, and request the membership to consider seriously the panel's recommendations.

Since the Shadan Hojin panel is now engaged in discussions to find the best option for the Club under the new law concerning public-interest corporations that will come into effect in two years' time, both the panel's recommendation concerning the office of Treasurer and the formal request of our associate members are worth exploring.

The Board has decided to continue with the "Troika" leadership arrangement for the management of the Club for another six months starting from April. This will give the new Board, which takes office in July, enough time to come to a definite conclusion, taking into consideration the performance evaluation made by the current Board. The 2010 budget has designated ¥8 million for the hiring of a new GM.

I already mentioned in my March message the very successful fundraising event organized by the Club to help the earthquake victims of Haiti. I've received a letter of thanks from the Chargé d'Affaires of the Embassy of the Republic of Haiti, Jean-Claude Bordes. He writes: "It was indeed a wonderful evening full of compassion and generosity. I must also pay tribute one more time to the Foreign Correspondents' Club of Japan as this is also thanks to you that an unprecedented movement of solidarity could be felt throughout Japan after my first press conference at your headquarters on last Jan. 14."

It is particularly pleasing for me to note that our small contribution to ease the suffering of the people of Haiti has been generously recognized. Thanks go to all our members and well-wishers for raising the image of the Club, which does not hesitate to act in times of need.

Ernie Salomon

There is also another piece of mail I need to tell you about. Our Club is loved and enjoyed by all our members, and whatever we do is to try and make the Club a better place for everyone who joins the collective. We sometimes do not realize how deep people's attachment to the Club is. A letter that the Board received from long-time member Ernie Salomon reflects perfectly that attachment with a rather sad tone. Ernie wrote the letter following an operation after being hospitalized. He expressed his desire to resign from the Club effective March 31 as he felt he would not be able to use the Club again. There was more. Ernie wrote:

"I thoroughly enjoyed the members and the activities of the Club since my first day on 26 November 1950 until now. As a token of my devotion I'm transferring ¥1 million to your bank account as a donation. Please use it as you see fit. Goodbye to all and cheerio."

In a follow-up letter addressed to his relatives, friends and buddies, Ernie asked everyone: "Just forget about the unpleasantness that you had with me and remember the good moments. I'm sure we will all meet again, and I will have new jokes for you."

As I was about to finish compiling this regular monthly message, I received the news of Ernie's final departure on the night of March 21.

Thanks, Ernie, for being so nice to our Club. I'm sure what our members would like to say is, you remain in our memories as the same jolly good friend. And we definitely will meet again.

Goodbye until then, Ernie.

— Monzurul Huq

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How Rupert Murdoch shifted from left

By Gregory Clark

At last count, there were about half a dozen books devoted entirely or partially to the life and deeds of Rupert Murdoch. But none explore a crucial mystery: how and why the mild-mannered, somewhat progressive Australian newspaper publisher of the 1960s came to be the right-wing crusader and scourge of the left wing that he is today. Since I was there at the creation, so to speak, let me give my version.

AT TIMES, MURDOCH SEEMED TEMPTED TO GO THE POPULIST ROUTE TO TRY TO BOOST SALES. BUT EVEN AS LATE AS 1969, THE PAPER'S PROGRESSIVE TINGE WAS STILL FAIRLY UNSULLIED

I first met Rupert in Canberra in 1965. I was a refugee from an Australian Foreign Ministry that had decreed the Vietnam War to be Chinese aggression, with Beijing using Hanoi as a proxy to advance into Asia. Murdoch was using Canberra as the editorial headquarters for launching a brand-new national newspaper called *The Australian*. The idea was that being based in Canberra, then an overgrown village of some 60,000 souls, would give him national credentials. Some friends introduced me to his progressive-minded editor, Adrian Deamer, who then arranged for me to meet Murdoch.

Others have written about how Murdoch, as a student at Oxford, had embraced left-wing causes. When I met him he was still that way inclined. He was keen to see his newspaper as the one voice of progressive opinion in Australia's very conservative society. He and Deamer gave me space for a series of articles criticizing Canberra's Cold War attitudes and predicting U.S. defeat in Vietnam. Later, they were to give me a lot of space, and some editorial support, to float what I called

the "enclave" solution to the Vietnam War – to partition off an area where the anti-communist Vietnamese could regroup and hope to repeat Taiwan's success. (That idea got nowhere fast. It was taken for granted that U.S. victory was assured, provided it continued to drop bombs.)

In mid-1969 we were to meet again, this time in Sydney where he had had to move his editorial headquarters. When in Canberra his paper may have been able to boast national credentials, but he had no printing facilities there. This meant that plates prepared in Canberra had to be rushed to Sydney for late-night printing, with newspapers then put on early morning planes for distribution around Australia. The slightest hiccup – fog at Canberra airport, for example, forcing a mad four-hour dash by car to Sydney – would cause printing chaos. These, after all, were the days when even fax machines did not exist. Being in Sydney at least avoided the fog problem.

But other problems remained. Deadlines were still cramped and budgets crimped. In much of Australia, readers had to wait till midday or even later to receive the paper. And the paper still lacked national credentials. Deamer had recruited me to be Tokyo correspondent for the paper (one of their problems was being scooped on reporting from Japan, and one of my problems was being blacklisted by Australia's conservative academia). I had been brought to News Ltd.'s grim Surry Hills headquarters in Sydney to learn something about newspapers. It was to be a very bumpy learning curve.

Creating a national newspaper for a country the size of Australia and with only 12 million people (at that time) would be hard enough at the best of times. Even today, the U.S., with its much larger population, has problems. Each state had to be given a page or two for its own local news. They had to bring in enough foreign news to justify their claim to be national. They had little access to local advertising. And even national advertising was hard to get; most of it was still going to the established provincial newspapers, *The Sydney Morning Herald* and Melbourne's *Age*, especially.

Circulation remained low. Murdoch was bleeding red ink with each edition.

Even so Murdoch battled on. At times, he seemed tempted to go the populist route to try to boost sales. But even as late as 1969, the paper's progressive tinge was still fairly unsullied. Things only began to shift later, and I remember the night when it might have all started.

Through constant chipping away at deadlines and printing schedules Murdoch had just managed to overcome his main circulation problem: the need to secure early-morning delivery nationwide. But the leeway for getting the paper to Sydney airport in time for the last evening flights to other state capitals was paper-thin. And the left-wing printing union knew this. Over the months, management had bowed to every concession they demanded, hoping to keep them happy and keep printing schedules intact.

But finally the union went too far – a demand that they should only work three days a week. Management had to say no. The union retaliated. Exactly at 6 p.m., right on deadline time, they would call

RUPERT WAS DETERMINED TO COMPLETE THE EXTERMINATION OF THE LEFT-WING PRINTING UNIONS THAT HAD MADE HIS LIFE SO MISERABLE IN THE PAST

a strike. Management would then have to dragoon all non-union labor – executives, journalists, typists, yours truly – to go down to the printing room and put the blocks into the plates ready for printing, hopefully to be at least in time for the flights the next morning.

On this occasion even Murdoch had been roped in. As we pushed the lead type into the plates, I could see the iron being pushed into Rupert's soul. "So this is how the left



to right

horses in Japan, I realized it was time to move on. Meanwhile, Rupert was also moving on – to even greater heights as global right-wing kingmaker determined to trash the Left, and complete the extermination of the left-wing printing unions that had made his life so miserable in the past.

Surprisingly, I was to meet Rupert again during his financial troubles of the early '80s. He had brought a team with him to Tokyo to try to borrow funds in the hope of a tie-up with one of the big Japanese media groups. I was pulled in as adviser and we would caucus mornings in the coffee shop in front of the Akasaka Tokyu Hotel (they could not afford anything more expensive).

My suggestion that they should first try the Nikkei quickly backfired; Nikkei was not interested in any “yellow-press” connections, I was told. Rupert’s people had a better reception (but not much money) from Yomiuri and *Sankei*. Eventually they were to be rescued at the last minute by Western bankers.

About a decade later I had my last contact with him. A friend whom I had introduced to the News Ltd. people in London when they were seeking technical links

with Japan was, in typical News Corp. fashion, being jettisoned, without promised reward, as soon as she had created the links they wanted.

I put in a call to Rupert at his Aspen, Colorado, resort, hoping he would put an end to this atrocity. He came to the phone and promised heartily that he would look into the situation. Predictably, nothing happened. ①

wing treats the one newspaper owner who tries to put out a progressive newspaper,” he would mutter. Soon after, the paper began to cut back on progressive contributors. Deamer was gradually pushed out. A year or so later, with Madame Thatcher praising Rupert for his Wapping victory over the British printing unions, Murdoch was in full right-wing flight.

True, shifting a paper with a strong pro-

gressive image to becoming the hard-line right-wing trumpeter it is today could not happen overnight. But soon the paper was trying to imitate the blaring headlines and inflated trivia of Rupert’s London scandal rags. Hyped-up editors were sent in from London to reform us. When they asked me to start filing for London’s *Sun* from Tokyo, and to write something about mistreatment of Australian race-

It was like dreaming of a break on a sunny tropical beach during a long, lonely, icy winter. In the 33 months I was involved in a stressful legal battle with Oricon magazine (which compiles Japan's most widely referred-to music charts), I would often picture myself traveling in the United States to conduct research for a book I planned to write about the "SLAPP" (Strategic Lawsuit Against Public Participation) issue.

The first part of my dream came true in February. In just under a month, I traveled over 25,000 km around the country, conducting more than 10 intensive interviews with lawyers, state congress staff, media specialists, public-interest advocacy groups, university professors and others concerned about how SLAPPs threaten free speech.

When I received a certified letter from the Tokyo District Court in December 2006 informing me that Oricon was suing me for libel and demanding ¥50 million in damages, I innocently expected the court would quickly throw the suit out. I thought Oricon's claim was irrational and meritless, but I also understood that the lawsuit's real purpose was to intimidate me by forcing a burden (attorneys' fees, physical and mental fatigue, loss of income) on my shoulders.

First, the company sued me for an article, not written by me, that appeared in the April 2006 issue of *Cyzo* magazine. Secondly, Oricon did not sue the writer, editor or publisher of the article. Thirdly, they sued me for an article in which I was merely quoted (I was interviewed by telephone). Fourthly, and most importantly, Oricon President Koh Koike issued a press release in which he declared: "If Mr. Ugaya admits his mistakes and apologizes publicly, we would be happy to drop the case."

But the reality turned out to be the opposite of what I had expected. On April 22, 2008, the court ruled that I was guilty and had to pay ¥10 million in damages to Oricon. I found my situation too surreal to believe; it was like being in Franz Kafka's *The Trial*. If an interviewee is sued and ruled out of order for speaking to the mass media, who would dare to do so in future? Wasn't this a transparent abuse of the right to sue, one that violates the right to free speech, which is protected by Article 21 of the Constitution of Japan?

Eventually I discovered some significant facts. The legal concept of SLAPP does not exist in Japan. Not a single piece of



Getting the goods on

Text and photos by Hiro Ugaya

SLAPP-related literature has been translated into Japanese. There is no law to deter malicious lawsuits that aim to discourage public speech.

I asked various lawyers and academics said to be experts on free-speech issues, only to find that none of them was sufficiently informed about SLAPP to answer my questions. I then did a search on Google for SLAPP. Among the more than 190,000 results I found was a website titled "California Anti-SLAPP Project" (www.casp.net). Then I did the same thing on Amazon.com and found a book titled *SLAPPs: Getting Sued For Speaking Out*.

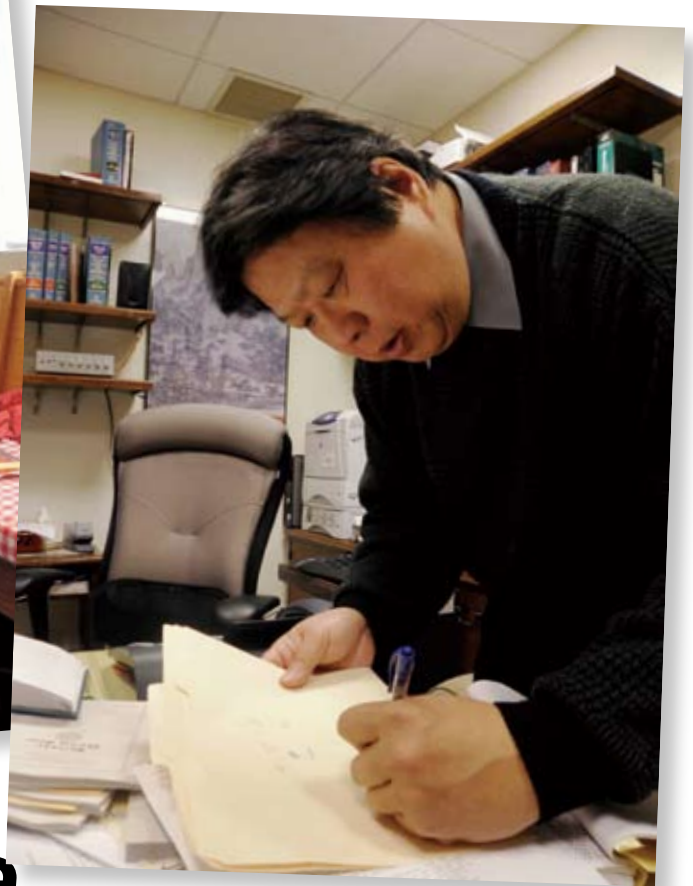
After the Tokyo District Court's ruling against me, I filed an appeal with the Tokyo High Court. On Aug. 3, 2009, that court ruled in my favor, and so I finally had time to start my SLAPP investigation in earnest. Given the lack of awareness concerning the SLAPP issue in Japan, I

thought it would be a good idea to go to the United States to conduct research into SLAPPs and tell the Japanese people what I found out. Having previously worked as *Aera* magazine's New York correspondent, I knew my way around the U.S.

I e-mailed Mark Goldowitz, director of the Berkeley-based California Anti-SLAPP Project public-interest advocacy group, and Professor George Pring of the University of Denver and Professor Penelope Cannan of the University of Central Florida, co-authors of *SLAPPs: Getting Sued For Speaking Out*. My message was simple: "I am a Japanese journalist in Tokyo who has been sued for speaking out publicly. In my country nobody knows what SLAPP is. Please lend a hand to my Marco Polo-like research mission on SLAPP so that I can share my knowledge with the Japanese public in order to tell them what they need to know to promote free speech and democracy."



Left to right, Mark Goldowitz, George Pring, Penelope Cannan and Gene Wong



SLAPP stateside

They responded quickly, and generously offered to help me. Goldowitz became my key source of information. He and I exchanged more than 100 e-mails in the four months before I visited him. During that time he tirelessly e-mailed me lists and e-mail addresses of people he suggested I see, books and articles to read and even PDF files of cases he thought I should study.

Pring and Cannan kindly took time from their busy schedules to be interviewed by me for as long as four hours. They opened the door for me in my study of the SLAPP issue in the U.S. Before I met them in person, I would often bow with a deep sense of gratitude in front of my PC at home whenever I found e-mails in my inbox they had sent to me late at night or on weekends.

As soon as I went on the road, I realized the trip would be much more physically demanding than I had imagined – the United States is just too big. I couldn't take

a day off, because I was doing interviews or traveling every day.

After I arrived in San Francisco, I spent a week driving to different places in California, traveling a total distance of some 1,000 km in that state alone. Then I flew to Washington, D.C., Orlando and Denver. At the end of my trip I became ill because of flying back and forth between time zones and the 30 C differences in temperature.

Nonetheless, I found the trip thrilling and full of discoveries. For example, in 1992 the state of California amended some parts of its Code of Civil Procedure to create the California Anti-SLAPP Law. That law allows defendants to file anti-SLAPP motions requesting courts to throw out meritless lawsuits that interfere with free speech. Whenever I described Oricon's suit against me, legal experts in California just smiled calmly and said that if my case had been heard in that state, it would have been

over in four to six months, or maybe even as quickly as one month.

I was shocked. I then asked how much I would have to pay if a SLAPP suit were brought against me in California. The answer was even more surprising. I was told that if the court found the suit to be a SLAPP action, the plaintiff would have to pay my legal fees. (The Oricon case cost me nearly ¥10 million in legal fees and lost income; the Tokyo High Court did not accept my claim that Oricon should compensate me for my financial losses.)

Moreover, I learned that 27 states and the territory of Guam have similar anti-SLAPP legal precedents or statutes, and that the first federal anti-SLAPP bill was proposed in the U.S. House of Representatives in late 2009.

I then asked about the problem of striking a balance between the right to sue and the right to free speech. I was dying to know the answer, because Japanese courts

rule out “abuse of lawsuit” counterclaims in almost all civil lawsuits (including mine) on the basis that the right to sue is protected under the Constitution of Japan.

I was moved when I heard people such as Gene Wong, chief legislative counsel to the Judiciary Committee of the California State Senate and drafter of California’s Anti-SLAPP Law, tell me without hesitation or doubt that while everyone has a constitutional right to sue, no one can abuse that right. This was exactly the position I took at the Tokyo District and High courts. But no Japanese judges accepted my argument.

However, the most encouraging part of my trip was not finding about the various anti-SLAPP laws in the U.S., but the helpful and supportive people I met. Almost everybody I contacted by e-mail accepted my interview request, and if they didn’t, politely apologized. The people I interviewed patiently and tirelessly answered a long string of questions. Some of them kept their weekends open for my visit, although I had come out of nowhere, all of a sudden. I often wondered whether Japanese would be so helpful if an American reporter visited Japan and did what I was doing. When you are shown such kindness, you resolve to help others in the future – that’s how I feel now.

If I had to name the person I met on my travels for whom I had the deepest respect, it would be one-time SLAPP target Rich Meyers. He is a 65-year-old retired salesman who lives in the town of Dry Creek, near the city of Oroville in California’s Central Valley. Meyers and his wife Darlyne have a deep love of nature, growing vegetables and keeping birds and animals. When the North Continent Land and Timber mining company started operating near the community’s water source in 2007, Meyers organized a group called the Dry Creek Coalition to safeguard the town’s clean water.

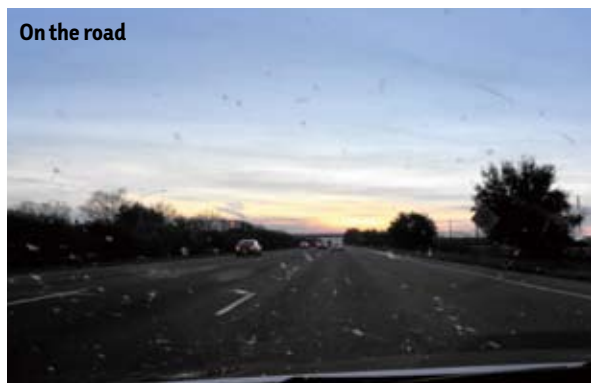
The company filed a \$1million lawsuit against him and other local residents, claiming that they had violated trade secrets by posting a photo of the company’s mining mill on the Dry Creek Coalition website (<http://saveourcreek.weebly.com/>).

When Meyers was driving his car to take me up to the ridge from



LEGAL EXPERTS IN CALIFORNIA JUST SMILED AND SAID THAT IF MY CASE HAD BEEN HEARD IN THAT STATE, IT WOULD HAVE BEEN OVER IN FOUR TO SIX MONTHS

where he planned to show me the mining site, a young man driving a pickup truck began following us. When we stopped and began taking pictures of the site, the young man started shouting, “Don’t take pictures!



You guys are not allowed to come up here!” He had been employed by the mining company but lost his job after North Continent Land and Timber stopped operations at the mine when it lost the anti-SLAPP lawsuit. He shouted: “You took my job! You took my job by filing a fuckin’ lawsuit!” I was worried, because his voice was turning violent. But Meyers stayed perfectly calm and talked to him quietly, but firmly. “No, that’s not true,” he said. “You lost your job not because of the lawsuit, but because your employer’s job was illegal.” The young man’s passion faded, and he ended up smiling and shaking hands with Meyers.

“For the first time in the 30 years we’ve lived here, we must lock our house’s gate and our cars,” Meyers said with a wistful smile. But he said that he and his wife are determined not to move out of a place they love. When I asked him if he was scared, he said no: “We didn’t violate anything. We just exercised our constitutional right.”

I found the fact that ordinary people like the Meyers firmly understand and believe in the principle of democracy (maybe better than many Japanese judges) very impressive. I was witnessing real grassroots democracy.

I financed the whole trip myself because no publisher was willing to lend a hand to my research project. I contacted more than five prominent Japanese publishers, all of whom enjoy a reputation for promoting social awareness, but unfortunately none of them supported my proposal to write a book about SLAPP. Their answers were all the same: “I know it’s important, but this book wouldn’t sell. Nobody knows the word SLAPP. You know, the publishing business is in bad shape.” In the end, I paid more than \$5,000 of my own money for transportation and accommodation.

But that doesn’t bother me at all. It’s a journalist’s nature to feel professionally happy when he or she is the first person to report the news. Plus, it’s all the more rewarding when you hope that news will enhance free speech and democracy in your own country. My next step to find someone to publish my book on SLAPP lawsuits, in either Japanese or English. ①

Media murders truth about crime

By Gavin Blair

"If it bleeds, it leads" goes the old newsroom adage. In these days of unprecedented financial pressure on media outlets, this may never have been truer. It's hardly any wonder, then, that blood and gore – for which many readers and viewers appear to have an almost insatiable appetite anyway – fills more column inches and screen time than ever.

Can the media justify "giving people what they want" in terms of salacious crime reporting even when – as in remarkably non-violent Japan – this includes creating the almost entirely erroneous perception that the country is becoming increasingly dangerous?

Earlier this year, the news "trickled out" that in 2009 there were a total of 1,097 murders, attempted murders and conspiracies to murder combined, as recorded by the National Police Agency (NPA). This was down around 200 on the previous year, and to around a third of the number recorded in 1954, when the population was about 40 million lower than it is today. Although there are questions about the low rates of autopsies carried out, and no doubt there are some staged suicides, as allegedly occurred in the recent Saitama "black widow" case, this is still an astonishingly low number. In fact, it's the lowest figure recorded in the postwar era – in the middle of the worst recession during that period.

Yet anywhere between 50 percent and 85 percent of the population think the country is becoming more dangerous, and a recent poll showed a record-high 86 percent of people support capital punishment.

Meanwhile, late last year, Financial Services Minister Shizuka Kamei launched a scathing attack on Japan Inc., accusing it of raising the murder rate within families by laying off workers to increase profits. Although Kamei spouting nonsense is hardly newsworthy in itself – and he was criticized for laying the blame at the door of corporations – the media was almost silent on the fact that he was also totally inaccurate in his statement that murders were increasing among family members.

Although there has been a recent increase in people killing elderly parents, overall, murders involving families, and people who know each other – which, of course, account for the majority of cases – have

seen the biggest falls. Child murders fell by almost half last year.

The long-term trend for homicides among people who have close relationships is also down. The NPA said that grudges were the motivation for 466 murders in 1985, but only 194 by 2008. Similarly, murders involving work-related troubles fell from 104 to 61 over the same period, while those among friends and acquaintances fell from 317 to 254.

It is not only murder, but most types of crime that have become scarcer across Japan. The overall crime rate also logged its seventh straight fall in 2009. Contrary to popular – read media-created – perception, youth crime has also been dropping. In fact, one of the few areas that is getting worse is offenses by the elderly.

Professor Koichi Hamai, a prominent criminologist at Kyoto's Ryukoku University Corrections and Rehabilitation Research Center, has done a great deal of research into the contradiction between the increasing panic about crime and the reality of the falling rate.

One of his studies tracked crime reporting in the *Asahi Shimbun* – which, being an ostensibly "liberal" newspaper, one might think would not indulge so readily in the "moral panic" brand of reporting – from 1985 to 2004. Hamai found that even as homicide rates trended downward, the frequency of articles that contained the words "heinous" and "murder" had increased exponentially, inevitably leading many to get the entirely mistaken impression that the nation was in the grip of a serious crime wave.

"The media coverage of murder cases has changed over the years; it's much more sensationalist, it portrays offenders as monsters, and focuses in much greater detail on the victims and the cruellest elements of crimes," says Hamai, who previously spent many years working in the Ministry of Justice. "It's very different to the way it was 30 or 40 years ago.

"In other research I carried out, I found that 50 percent of people thought that crime had greatly increased in Japan, but only 4 percent felt it had in their neighborhood. That's a huge gap. There are differences between those figures in other countries too, but not on that scale," he says.

One reason for the huge impact the media has is that the population has a very high level of trust in it.

"People believe what is reported in the media in Japan," says Hamai. "Around 90

percent trust newspapers and 80 percent TV. This is way higher than in other countries. For comparison, the figure for the U.K. is about 15%."

Our own Jake Adelstein, who worked for 12 years on the crime beat of the *Yomiuri Shimbun*, believes that the reasons for the increase in the body count in the media are legal and financial.

"The Personal Privacy Laws have made investigative journalism very burdensome and expensive, and a flood of court decisions against the media in libel cases further put a damper on edgy articles," says Adelstein. "Articles on crime fill the gaps, and mistakes can be blamed on the police ... thus, safe and cheap.... It's economics at work."

Adelstein also speculates that the true murder rate maybe somewhat higher, as the low percentages of autopsies carried out on suspicious deaths mean that some intentional killings are bound to go undetected. "And the yakuza are experts at making hits look like suicides."

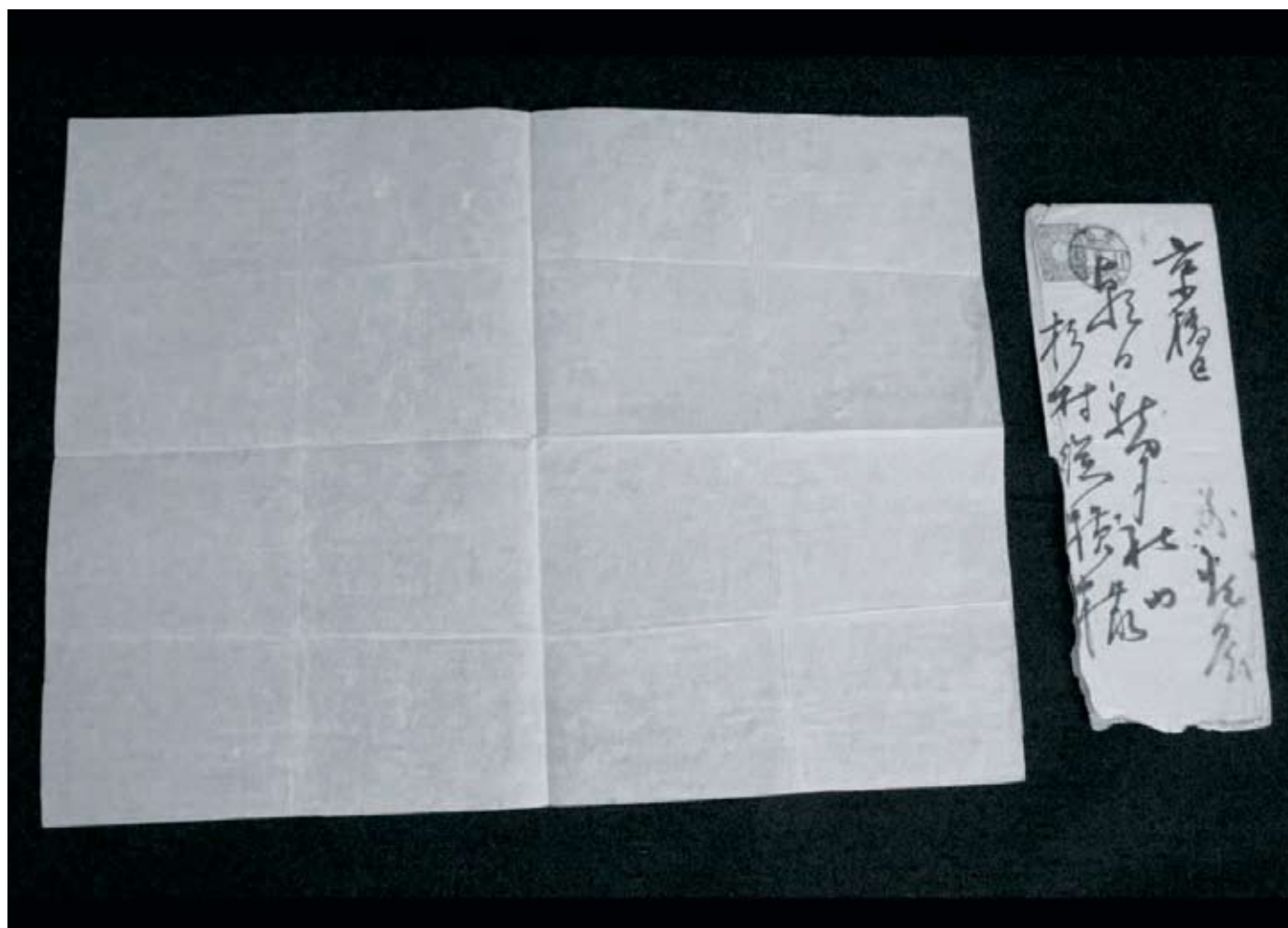
Despite this, the level of violence remains very low in Japanese society and is even dropping, despite the tough economic times. There has been remarkably little analysis of this in the domestic media, though the *Yomiuri* did run one story along such lines. It would certainly be difficult for the newspapers and television programs that spend so much of their time telling people how dangerous things are getting to suddenly explain that the opposite is actually true.

One reason for the drop in murders may actually be weakening interpersonal relationships. Some commentators have suggested that in an increasingly impersonal society, fewer people actually appear to care enough about others to kill them.

Nobuko Sago, who helps run a telephone counseling service in Tokyo for people facing difficulties in their lives, believes there has been a weakening of ties, particularly between younger people in recent years.

Another cause is demographics, says Hamai. "One reason for the fall is the aging society, the number of people in their 20s – which is the peak age for murder – is falling, and with it, the murder rate is falling steadily."

Some older Japanese people like to reminisce about how people used to leave their doors unlocked in their neighborhoods back in the "good old days." The truth is they are probably safer doing that these days – though don't expect the media to let them know it. ❶



THE MAINICHI SHIMBUN

New evidence surfaces in century-old 'Great Treason Incident'

By Mark Schreiber

Imagine this scenario: One of your country's most prominent journalists – a fearless rebel who refuses to knuckle under to government pressure despite heavy fines, police harassment and imprisonment – is suddenly arrested on suspicion of plotting against the monarchy. And after a closed trial by the highest court in the land, in which his defense can neither summon witnesses nor appeal the verdict, is found guilty based on circumstantial evidence and promptly hanged.

That, in a nutshell, sums up the "Great Treason Incident," one of the most significant events in Japan's modern history.

A century ago this year, Denjiro Kotoku (1871-1911), a journalist, prolific writer and one of Japan's most radical thinkers, was arrested on the charge of conspiring to assassinate the Meiji Emperor.

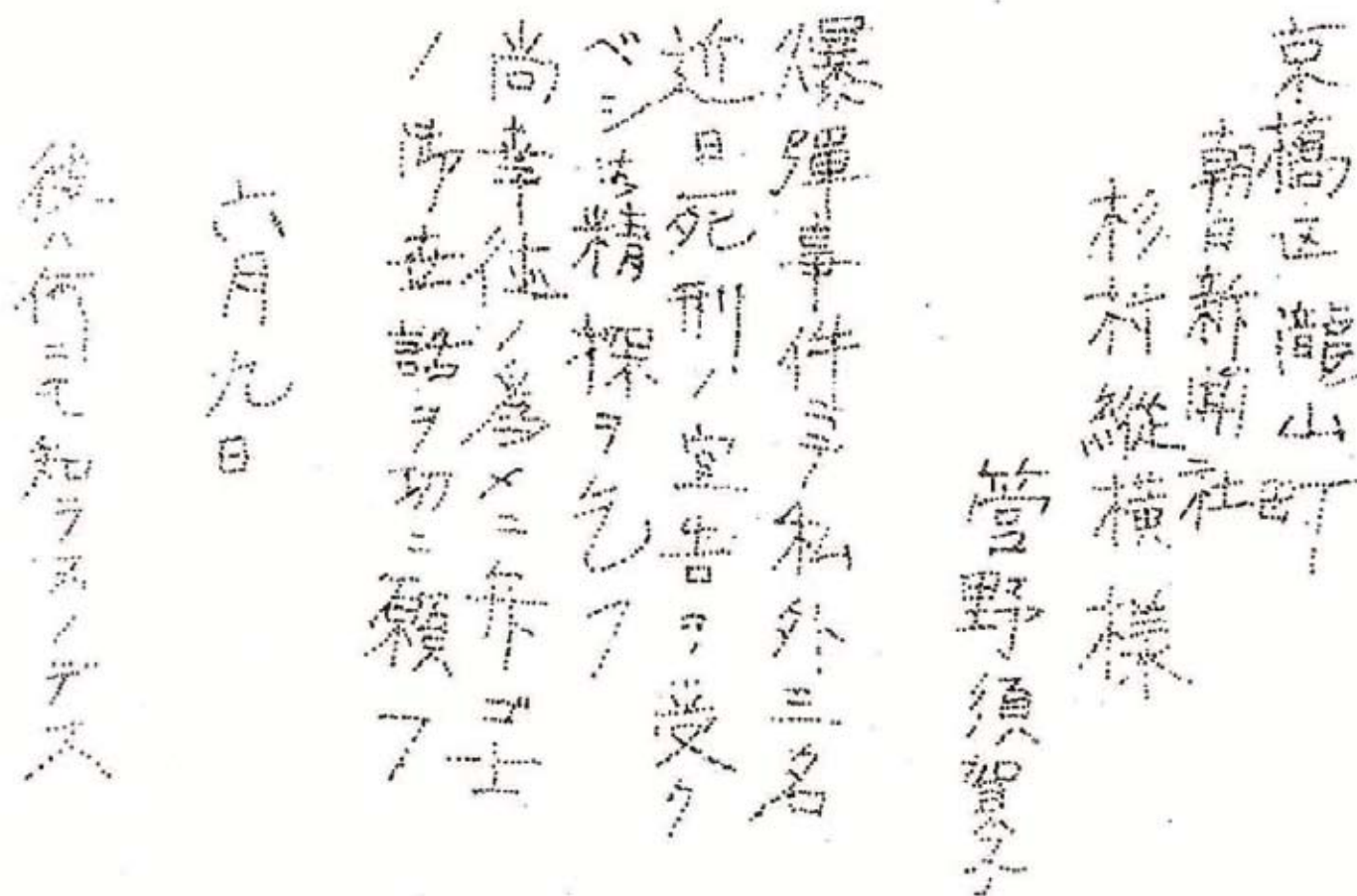
Kotoku, a 39-year-old native of Nakamura City, Kochi Prefecture, wrote under the literary name Kotoku Shusui. Shusui, written with the characters "autumn water," means an exquisitely sharp sword, and via Tokyo's muckraking, left-leaning *Yorozu Choho* daily newspaper, Kotoku used his figurative blade to take constant swipes at the autocratic Meiji government, particularly the military.

He later founded the *Heimin Shimbun*

newspaper in Tokyo, which vehemently opposed the Russo-Japanese War and espoused such then-radical ideas as universal suffrage. He also denounced the emperor system at a time when the Constitution defined the monarch as "sacred and inviolable."

Earlier this year, discovery of a letter from prison shed new light on the Kotoku case, as reported in the *Mainichi Shimbun* of Jan. 29.

First some background: In mid-May 1910, a small cell of radicals, including feminist writer and Kotoku's former lover, Sugako Kanno, was arrested and charged with plotting to assassinate the



The secret letter appears blank, opposite, but reveals its message through punched holes, above

Meiji Emperor during a public procession on Nov. 3.

Kotoku and Kanno had openly engaged in a love affair, and she was denounced as a harlot.

Realizing she faced the death penalty according to Japan's Criminal Code, Kanno composed a secret message in the form of a "pinhole letter" (made by punching a pattern of holes on a sheet of washi paper), and somehow managed to slip it to a visitor, possibly via a sympathetic jailer.

The letter, enclosed in an envelope postmarked in Ushigome (Shinjuku) on June 11, 1910, was recently found among the effects of the late *Asahi Shimbun* journalist (and friend of Kotoku) Sojikan Sugimura, who died in 1945. It is not known whether Sugimura (to whom the letter was addressed) took any action regarding Kanno's message. The *Mainichi* article notes that Sugimura apparently "maintained silence about the letter's contents until his death."

Kanno's words, dated June 9, 1910, become clearly visible when held up to the light. Her message, which requested that Kotoku's attorney be contacted, suggests she was distraught over Kotoku's arrest as a co-conspirator. As a postscript

THE INCIDENT IS REMEMBERED FOR PRECIPITATING THE EXPANSION OF POLICE POWERS ... THAT EVENTUALLY SQUELCHED JAPAN'S NASCENT 'TAISHO DEMOCRACY'

she wrote, "*Kare wa nanimo shiranu no desu* (he knows nothing)." This corroborates the orthodox view of historians that Kotoku had neither instigated nor was aware of the bomb plot.

Kanno's efforts to dissociate herself from Kotoku were futile; the two, along with 10 other alleged conspirators, were found guilty of high treason by the Daishin'in — as Japan's Supreme Court was called until 1947 — on Jan. 18, 1911. Despite large protest rallies and demonstrations organized by foreign sympathizers at Japanese diplomatic legations in Europe and the U.S., all 12 were hanged at Ichigaya Prison one week later.

The Great Treason Incident of 1910 is remembered for precipitating the expansion of police powers, leading to suppression of progressives that eventually squelched Japan's nascent "Taisho Democracy," enabling the jingoist military to hold sway over the government for the next three and a half decades.

Its repercussions were profound. In *The Formation of Modern Japan* (1962), legal scholar Kichisaburo Nakamura wrote: "Through this affair, the Emperor or the Emperor system became completely taboo. ... Thus, under such circumstances, the people gradually lost the courage to insist on their rights, the power to stand up against the authorities, and the spirit of resistance. They became obedient servants."

A notable exception to the above would be among citizens of Kochi Prefecture, who pride themselves on their stubborn independence and venerate heroic local figures such as Kotoku and Sakamoto Ryoma. Realizing that Kotoku was unlikely to ever receive absolution in the courts, the Nakamura City assembly voted in December 2000 to officially rehabilitate the town's most famous native son. ①

The Japanese have a trenchant phrase for “close-relative abhorrence.” It is *kinshin-zo-o*. The very existence of this expression recognizes the fact that we often hate our own people – and by “people” I am extrapolating from relatives to members of our ethnic group or nationality – at least as much as we do “others” ... if not, in some ways, more.

My dad used to say to me, “We Jews are the biggest *gonifs* (Yid. – thieves) and *momzers* (Yid. – bastards) in the world.”

“Dad,” I remember saying to him when I was old enough to talk back (about 37), “how can you say that? We’re no worse or better than anyone else.”

“What would you know, eh?” (This was one of his favorite retorts.) “I know. I’ve been in the middle of it since I was born.”

“But you don’t really know much about people who are not Jewish. You’ve never been much among them. If you associate pretty much exclusively with other Jews, of course you’re going to see a lot of awful people as well.”

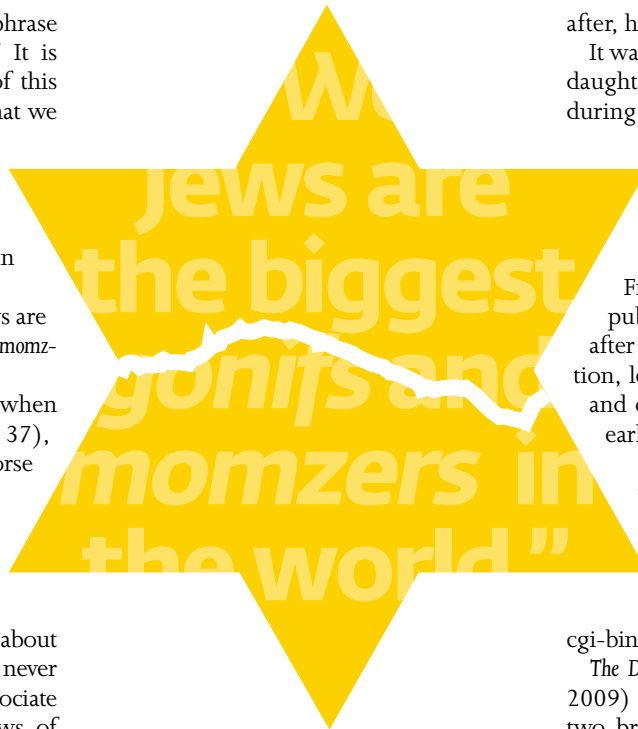
My dad, who had left school after the sixth grade and spent his life in fairly close-knit Jewish communities, saw what he considered the worst of humankind in his own kind. Were he a non-Jew saying derogatory things about Jews, he would instantly be called an “anti-Semite” and be denounced by Jewish organizations whose policy on anything that smacks of criticism of Jews or Israel is “monitor-and-pounce.”

Actually, all ethnic groups and nationalities denigrate their own, if primarily in private. I have heard stinging attacks on Norwegians, Irish, Germans and Chinese from my Norwegian, Irish, German and Chinese friends. They can get away with it, *keinahora* (Yid. – “May the Evil Eye stay away from them.”).

As for the Japanese, I could write pages listing comments I have heard here that well classify as expressions of *kinshin-zo-o*. One that springs to mind came from that astute observer of the most extreme aspects of Japanese behavior, film director Nagisa Oshima, with whom I worked as assistant on *Merry Christmas, Mr. Lawrence*.

I once asked him about the character of the father in his 1969 film *Shonen* (Boy). The father is a brute who throws his son in the path of cars in order to collect money from their drivers. Some people really did practice this as a calling; and there is a word for that calling in Japanese: *atariya*, or, roughly, “accident extorter.”

“In some ways he’s a typical Japanese



Criticizing your own

By Roger Pulvers

father,” said Oshima. “When I showed this film abroad, people were naturally appalled by his behavior. They said the Japanese were awful. But it is my role to turn my eye on to my own people, come what may. If you love your own people, you must show them in this kind of light.”

I was reminded of the theme of ethnic self-hatred by a book. *The Dogs and the Wolves* was the last book Irene Nemirovsky published in her lifetime. This novel about Jewish émigrés in Paris came out in 1940. Two years later Nemirovsky, a Jewish émigré from Kiev, was arrested in France, sent to Auschwitz and murdered. Not long

after, her husband shared the same fate.

It wasn’t until the late 1990s that her two daughters, who had remained in hiding during the war, read their mother’s unpublished manuscript of what was to become her novel *Suite Française*, that the process leading to the rediscovery of one of the greatest prose writers of 20th-century France was set in motion. That novel, published in 2004, more than 60 years after Nemirovsky’s death, caused a sensation, leading to its publication in English and other languages. Translations of her earlier works of fiction followed.

I have written in *The Japan Times* about this fascinating and brilliant author.

Readers interested in her please see:

<http://search.japantimes.co.jp/cgi-bin/fl20070916rp.html> or

<http://search.japantimes.co.jp/cgi-bin/fl20081207rp.html>.

The Dogs and the Wolves (Chatto & Windus, 2009) presents a warts-and-all portrait of two branches of a Jewish banking family in Ukraine and France. Nemirovsky’s father and husband were wealthy bankers, so she is writing about a world that she knows intimately.

“Everyone thought money a good thing,” she writes of her characters, “but to a Jew, it was a necessity, like air or water. How could they live without money?”

Nemirovsky converted to Catholicism in 1939, thinking that this might save her and her family from the black tide of fascism sweeping across Europe. She also published short works of prose in periodicals known for including anti-Semitic writing. This – and the fact that some of her Jewish characters are less than attractive – has opened her up, long after her death, to the charge of being what is called a “self-hating Jew.”

Myriam Anissimov, who describes herself as a “Yiddish writer of the French language,” said of Nemirovsky, in the introduction to the French edition of *Suite Française*, “What self-hatred she reveals in her writing!” (References to her alleged Jewish self-hatred were, by the way, omitted in the English-language Chatto & Windus edition.)

Now, the characterization of some members of any nationality or ethnic group as self-hating or self-loathing is nothing new. But what is relatively new for the Jews is the accusation of self-hatred or, worse, anti-Semitism brandished as a tactic to justify a geopolitical position, particularly one held by some people in Israel.

In Nemirovsky’s case, the label has

SELF-LOATHING IS NOTHING NEW. BUT WHAT IS RELATIVELY NEW FOR THE JEWS IS THE ACCUSATION OF SELF-HATRED AS A TACTIC TO JUSTIFY A GEOPOLITICAL POSITION

been slapped on for her candid portrayals of Jews. It is patently absurd to characterize her with such a preposterous and essentially meaningless epithet. Jewish authors from Isaac Babel and Bruno Schulz to Franz Kafka and Isaac Singer, to name only four, shine an intense light on their characters, exposing every wrinkle, foible and flaw. Whether writing in Russian, Polish, German or Yiddish, they are linked by a gift of forthright self-deprecation; they share a most robust and profound ability to search the souls of Jewish people of every age, citizenship, depth of religiosity and variety of aspiration.

Come to the United States in the 20th century and see the way Jewish comedians like Fanny Brice, Gertrude Berg, the Marx Bros., Myron Cohen, Jerry Lewis, Jackie Mason, Lenny Bruce and Woody Allen, among many, continued this tradition of baring the complex of ethnic emotions for all to see, understand, laugh at and empathize with. If there is any one trait that unites Jews of all nationalities, it is the practice of the not-so-delicate art of self-examination in art and entertainment. For the writer, this is the primary vehicle of honest characterization. It has nothing whatsoever to do with self-hatred. To search for such a thing in order to justify some self-styled ethnic or political stance is to seek self-justification and self-aggrandizement at the expense of others.

Back in the early '80s, when I was working at the Playbox Theatre in Melbourne, I held a public reading of a play of mine set in a Jewish nursing home. *The Australian Jewish News* did an interview with me about the play and the house was full. In fact, loath as I am to admit it, it's just about the only time I filled the house for one of my plays, but let's not go there.

Sitting in the wings while the play reading was proceeding, I noticed an old couple in the front row. They noticed me, too. In fact, during the entire reading, they had an icy stare fixed on me rather than on the actors. I knew what they were thinking; and sure enough, after the reading, they were the first to raise their hands to ask those famous Jewish rhetorical questions:

"How could a Jewish boy write such awful negative stuff about his own people? What kind of parents could you have had to make you expose all this dirty laundry? Don't we have enough enemies as it is, already?"

Actually, judging by the stares piercing me like so many fondue skewers, most of the people in the audience were thinking

the very same thing.

I recall answering by bringing up Tennessee Williams, whose mother probably never understood why her son depicted people from the South as a pack of violent alcoholics, manipulative tyrants and rapists.

"If I wrote a play about how nice, kind and normal we Jews are," I said to what was a hall full of people shaking their heads in collective pity, "who would come to see it?"

Are we to close our eyes to our own shortcomings, our own rich ethnic traits and mannerisms, for fear of being branded "self-haters" by people with a self-serving agenda or a geopolitical ax to grind? If we do, then we forfeit the right to call ourselves objective and free of prejudice ourselves. We cease to be individuals and become spokespeople for some pseudo-ethnic cause, blinded by self-righteousness and a trumped-up notion of exclusivity. At that point, all art becomes propaganda; all opinion, bias.

The creative ideal, from belles-lettres

ARE THERE COUNTRIES OTHER THAN JAPAN WHERE PEOPLE ACTUALLY ENJOY HEARING SCATHING REMARKS ABOUT THEMSELVES FROM NON-NATIVES?

through to brash and iconoclastic comedy, is predicated on the discovery and revelation, with uninhibited candor, of the self.

As for the works of Nemirovsky, one can hardly find more insightful, moving and honest depictions of the plight of refugees in anyone's literature than those of the vulnerable and terrified people fleeing Paris in *Suite Française* and those of the people lost in emigration in *The Dogs and the Wolves*. Her Jewish characters in the latter book have monstrous faults, like all human beings, but they also possess a universal longing for happiness and peace of mind.

"Surely everyone carries such mad dreams deep within themselves," she writes there. "Or perhaps only the Jews are like that? We are such a hungry race, starving for so long that reality is not enough to satisfy us. We must have the impossible."

That Nemirovsky's literature was rediscovered so many decades after her tragic death is a triumph. It is the most powerful feat of survival and ultimate self-affirmation an artist of any nationality can dream of.

In the current geopolitical climate, the hair-trigger of accusation against alleged self-haters is encountered in many countries. Right-wing Americans reach for their revolvers whenever anyone appears to be "anti-American." In some countries, such as China and Russia, elites invariably strive to bolster their entrenched power by labeling any opposition as "anti-Russian" or "un-Chinese."

But this does not obscure the fact that we are, and should always be, our own harshest critics. Give that trait up, and you forfeit your people's literature.

My parents lived their lives in a Jewish milieu and wouldn't have had it any other way. There are plenty of *gonifs* and *momzers* everywhere. They just never had the dubious pleasure of meeting them.

As far as Japanese *kinshin-zo-o* is concerned, one TV producer said to me just before I went on his talk show in the 1980s, "Please say bad things (*warukuchi*) about the Japanese."

"But I love Japan!"

"I know. But no one wants to hear that sort of thing on TV."

You could have knocked me over with a neutrino. In what other country is there such gleeful masochism? Are there countries other than Japan where people actually enjoy hearing scathing remarks about themselves from non-natives? If there are, I haven't been to them.

Kinshin-zo-o is alive and kicking in Japan. ①

The 'No Fun Games' – or what Japan can learn from the Vancouver Olympics



PHILLIP JEFFREY

By Christopher Johnson

If Japan wants to host an Olympics again, it could learn a lot from Vancouver about how to hold a party.

The Vancouver Winter Games started out terribly on a rainy Friday, with a Georgian luger crashing to his death off a track that lacked safety netting and padded walls. The opening ceremonies embarrassed many Canadians with clichés and a cauldron that refused to rise from the floor. VANOC, the Vancouver Organizing Committee, seemed like the Ministry of Silly Walks, run by a leprechaun and an insane mentality that 20,000 volunteers should work 12-hour days 30 days straight, in violation of British Columbia provincial labor laws. But then the sun came out on Sunday, a French-Canadian freestyler won Canada's first-ever gold medal on home soil, and forward-thinking city officials, tolerant police and beer-

fueled youth turned the Olympics into the biggest street party in Canadian history.

For many Canadians, the Olympics were the greatest moment in history, at least since Canada became a nation in 1867. Throngs of young Canadians who don't know the words to *Oh Canada* sang the anthem on buses and trains, even shouting down the Dutch, who often refused to allow locals into their speed-skating victory raves at the Heineken House. Canadians whose parents emigrated from Hong Kong, Manila, Punjab and Osaka proudly wore red hockey jerseys and maple leaves painted on their cheeks. Even white people got excited about Canada, waving flags with a cannabis plant in place of the maple leaf, and perfuming the streets with what became for many the "official smell of the 2010 Olympic Winter Games."

Thanks to nightly free outdoor concerts

featuring Canada's best bands, the Vancouver Olympics was perhaps the greatest pot smoke-off in televised history, an organically grown hydroponic hybrid of sporting events and a Jamaican Sunsplash. After trouncing Russia in the hockey semi-finals, Canadians celebrated by dancing half-naked in David Lam Park to the reggae vibes of Damien Marley, son of Bob. When Canada finally beat the U.S. 3-2 in sudden-death overtime to win the hockey gold, an estimated 150,000 people poured into the downtown core under warm blue skies, to high-five cops and play street hockey in front of the Law Courts building. Despite fears of a 1994-style hockey riot, Granville Street in Vancouver was so incredibly packed with drunken, singing and puking youth that it almost rivaled Shibuya on a Thursday night.

For Japan, however, it was the 'No Fun

Olympics.' The Japanese won no gold medals. As consolation, they picked up three silvers and two bronze. But by comparison, South Korea took home six golds and China five, while Canada set a record with 14. In figure skating, Mao Asada lost to Kim Yu-Na of South Korea, who had the support of the crowd (and possibly the judges) because she trained in Vancouver with a Canadian skating legend. Pursing her lips on the podium, Asada couldn't hide her chagrin after mistakes in the final free skate. "I am glad that I was able to land two triple axels, but I had mistakes in other areas," Asada said. "I am not at all satisfied with my performance." After settling for bronze in men's figure skating, Daisuke Takahashi apologized by saying, "I went for it because my goal for this Olympics was to skate a perfect program. But I flubbed the quad, and there were other mistakes."

Japan had high hopes of owning future podiums after it won five gold and five other medals at the 1998 Winter Games in Nagano. Since then, Japan has almost disappeared from victory ceremonies, managing only one medal in 2006, when Shizuka Arakawa saved the nation from embarrassment by taking the gold in figure skating toward the end of the Torino Games.

To make matters worse, Japanese often felt left out of the party atmosphere in Vancouver. While thousands lined up outside the Irish House and the German House downtown, the Japan House didn't even invite in many of the Japanese ESL students and expats who call Vancouver home, not to mention the thousands of Japanese-Canadians rooted in the area for more than 100 years. Afraid of scandals, Japanese athletes were rarely ever seen having fun or drinking, let alone smoking B.C.'s leading unofficial export crop.

The only Japanese guy who seemed ready to fit into the Vansterdam vibe was dreadlocked snowboarder Kazuhiro Kokubo. But the Japan Olympic Committee barred him from the opening ceremonies for not tucking in his shirt at Narita and Vancouver airports (hardly a crime compared to Canadian underage women smoking victory cigars and drinking champagne on the ice rink). Even Kokubo's own Tokai University stopped publicly supporting him, and he finished eighth in the men's half-pipe. For his part, Kokubo dismissed the Olympics as "nothing special" and "just another snowboarding event."

Afraid of failure, shy Japanese athletes spoke to reporters in hushed apologetic tones. Joji Kato, a former 500-meter speed-skating world-record holder who

captured bronze in Richmond, seemed more likely to win gold in the unofficial competition for repeatedly saying "hai, hai, hai" to reporters' questions.

"They are not enjoying the sport, they are not comfortable," remarked Manto Nakamura, an illustrator and freelance sportswriter who moved from Japan to Vancouver 18 years ago. "There's too much pressure. It makes them crazy. They are trying to be perfect in order to win."

Frustrated analysts point to a number of reasons for Japan falling behind regional rivals South Korea and China. Tokyo and Osaka lack ice rinks and freezing temperatures, they say. Other than Hokkaido, Japan is "not a winter-sports country," says Nakamura. "We like soccer, volleyball

JAPAN'S PENCHANT FOR ALCOHOLIC EXCESS WOULD GUARANTEE THE FESTIVE ATMOSPHERE THAT SAVED VANCOUVER FROM ITS FANATICAL ORGANIZERS

and baseball – summer sports." Japanese athletes, unlike those in China or South Korea, are company employees not driven by obsessive parents, national glory or the lure of endorsements. Japanese Olympians often seem more interested in making friends with famous athletes than beating them. Figure skater Fumie Suguri, who narrowly missed medals in 2002 and 2006, wrote in the *Asahi Shimbun* about her fondest Olympic memory: lending her tights to American skater Sasha Cohen and becoming friends.

This attitude frustrated even stoic Japanese coaches. "The Olympics is all about winning medals," Yoshiri Ito, head of Japan's Ski Association, told reporters in Vancouver after his athletes came up empty-handed in skiing. "Just getting a place among the top eight finishers doesn't cut it here."

It's true that the Olympics emphasize events catering to European strengths. While Japanese people are among the most active and healthy in the world, and the Japanese media do their best to support Japanese athletes, they might not ever be able to compete with bigger, stronger, faster athletes from Europe, America and Africa playing games rooted in their cultures. Given this harsh reality, perhaps Japan's best hope is to host a future Olym-

pic Games on home soil, playing sports native to Japan.

In past bids, Japan has wrongly tried to be a European nation instead of a proud ancient culture fusing the harmonious grace of Pacific island life and the heritage of the Asian continent. The next time around, Japan should play up its strengths.

Japanese people – especially women from Hokkaido – can drink people from Rio de Janeiro and Madrid under the table. Forget about Spanish wine and those sugary Brazilian *caipirinhas*. Japan has sake, *shochu* and a lot of cheap and hearty beers made out of beans and vegetables. Japan's penchant for alcoholic excess would guarantee the festive atmosphere that saved the Vancouver Olympics from its fanatical organizers and overworked staff.

Japan has even warmer, sunnier winters than Vancouver. While VANOC moved heaven and earth – by trucking in hay bales and helicoptering in snow at C\$900 an hour – to hold freestyle skiing at Cypress Mountain above Vancouver, Japan could promise the visual spectacle of skiers flying down Mount Fuji.

Perhaps given its climatic reality, Japan should offer to stage the first Hybrid Games, combining all winter and summer sports into one grand extravaganza. It would dwarf Beijing and Vancouver, and forever stamp Japan's *hanko* onto global consciousness. Toyota, maker of the iconic hybrid Prius, would surely sponsor the Hybrid Olympics.

Just think of the possibilities. As I write this in 19 C weather in early March, you could have beach volleyball in Kamakura and downhill skiing in Nagano. You could fuse surfing and snowboarding into one event – a "board-cross." You could have new Japan-centric events, such as *kendo* and *sumo* – maybe even *janken* – in order to pad the host nation's medal tallies (as Canada did with curling and women's hockey). Rebranding dolphin culling and (scientific) whaling as "sports" would turn on a whole new generation to the Olympic movement in the same way X Games sports have inspired skate kids from the southern climes of California and Australia. (This "new generation" of Olympic fishermen and whale researchers, of course, would be largely over 60 years old – another factor in Japan's favor.)

And if this still fails to capture the IOC's attention, Japan could simply bow out of competing in the Olympics altogether by citing Article 9 of the Constitution. After all, the goal of postwar Japan is to preserve group harmony and not, as U.S. comedian Stephen Colbert would put it, to "defeat the world." ①

THE ASSOCIATES

Kunio Hamada

By John Boyd

Speaking from experience, should you dare ask FCCJ Associate member Kunio Hamada how Japan's rule of law differs from that in the West, I recommend you bring along a *bento* or two, *waribashi* and a box of *ocha* teabags, for you will be in for a lengthy dissertation on the Meiji era and post-World War II politics. Eventually, though, hunger or the passage of time will force him to conclude, as he does for me, by suggesting that Japan is a democracy that is as much ruled by law for the convenience of the rulers (government and bureaucrats) as it is a country governed by rule of law. (Non-lawyers, please note the importance of prepositions.)

But then Hamada's bio explains all. He's been a partner in two law firms, obtained a Master of Laws degree from Harvard University and served as a justice on Japan's Supreme Court. Even as his 74th birthday and birth of a third grandchild approaches, this elegant, well-spoken internationalist continues to work as a counselor to colleagues at the Mori Hamada & Matsumoto law firm located five minutes from the FCCJ, though with admirable self-deprecation, he suggests that they keep him on "as a sort of ornament" due to his illustrious resume.

Despite the lateness of the day and gnawing hunger, I ask him to expound more on the different approaches to law. He notes Japan has avoided the rule of law turning into "ruled by lawyers," as it has in the United States and Germany, and that Japan takes a flexible approach to interpreting its statutes (some promulgated generations ago) in the context of 21st-century life, whereas in Britain the letter of the law is often literally followed, even when it may be far-

Kunio as the tenor solo in Beethoven's 9th alongside three professional soloists, with a chorus including some 60 lawyers and Tokyo City Symphony Orchestra in 2008



cical to do so. Hence, "The law is an ass," as a Dickens character succinctly summed it up.

So, is he claiming Japan's flexible approach to applying the law is without sin?

Not at all. For as he said in a keynote speech delivered at a World Justice Project meeting in Singapore not long ago, "The downside of such a system is a prevalence of old-boy networks among and between bureaucrats and business leaders and misuse of their privileges and power."

This leads me to conclude we are left with a *Rashomon*-like choice of deciding which of three flawed schemes produce the least harm: a tort lawyer's paradise where you can sue a company for a couple of million bucks because you cleverly spilled its hot coffee on yourself; live with laws made for donkeys; or accept systemic corruption and good old *amakudari* and such.

Hamada is more optimistic, for reform is under way in Japan that aims to streamline court procedures, increase the number of lawyers and allow the general public to participate in the system by becoming lay judges. It's a more "user-friendly approach," he says. Well, unless you happen to be whiling away your days on death row.

The lay-judge system calls six members of the public to court duty who,

together with three professional judges, will deliberate cases and make decisions on the innocence or guilt of the accused. They also play a part in determining the sentencing, which "makes this system unique," according to Hamada.

To date, the cases have all been relatively straightforward, but this year the lay judges will take on more complicated trials, some involving murder, which would mean pronouncing sentences of life imprisonment or the death penalty if the accused are found guilty.

"So the real test is coming," says Hamada. "In my view, based on the experience of the lay judges since May last year, the system (will) work. And there are signs that it's having a good effect on the criminal-justice system. It also promotes the concept of a democratic society."

Fine. But the hour is late and there are more important things to ask him than matters of life, death, the law and democracy. For instance, what does he like and dislike about the FCCJ?

In true legalistic fashion he answers, "Well, the FCCJ is quite an interesting association."

When I rule this as inadmissible, he qualifies it by saying that given the Club's mix of media people, other professional and non-professional members and both Japanese and foreigners, "It forms a unique international society."

I want to rest the Club's case right there, but then he overrules me by insisting on the whole truth and nothing but the truth, sworn by Japan's 8 million gods. "It's a nice place to go for a snack or dinner after a concert or some entertainment, because Japanese nightlife tends to end around 9 o'clock, and there are no places to eat except at the FCCJ." ①

The fear of living dangerously

By Julian Ryall

It is usually with a sense of mild dread that I open e-mail missives from my editor – they invariably indicate that one of our rivals has a story that we don't or I've dropped the ball in some other unspeakable manner – but his latest message was different.

Titled "Correspondent safety," and coming after the bloodiest year ever for journalists around the world, it was another pointed reminder of the dangers that some of us face.

In the first week of January, *Sunday Mirror* defense correspondent Rupert Hamer died of his injuries after an improvised explosive device went off beside the United States Marines vehicle in which he was traveling in Afghanistan's Helmand province.

Hamer was 39 years old, left a wife and three young children and was the first British media death of the current conflict in Afghanistan. His death made front pages across the United Kingdom and clearly prompted a degree of soul-searching on foreign news desks with correspondents currently in hot spots. That concern may very well have been elevated by fears among the bean-counters about rising insurance premiums for hacks headed for war zones – but that's another issue entirely.

My editor's mail went out to all his correspondents around the world, irrespective of whether they were in Baghdad or the Bahamas, Jerusalem or Japan, and made it

very clear that anyone thinking of going anywhere that might possibly include a hint of danger was expected to call in to discuss the risks attached.

"If anyone is thinking of travelling to areas where safety is an issue, then we work with you to decide whether the trip should go ahead," the e-mail read. "In most cases the answer is still yes, but the exercise is vital as it forces desk and correspondent to answer in advance questions about prepa-

'NO SERIOUS NEWS-GATHERING ORGANIZATION CAN OPERATE WITHOUT ITS REPORTERS OCCASIONALLY PUTTING THEMSELVES IN DANGEROUS SITUATIONS'

ration and contingency planning.

"No serious news-gathering organization can operate without its reporters occasionally putting themselves in dangerous situations. But we take great care here to make sure that the dangers are worth it, and minimized."

His final paragraph was the kicker.

"The last point I want to make is the most important: we do not seek copy from reporters who are taking excessive risks; we do not look favorably on great stories filed from places you should not be; no one here will think less of your career prospects if you decline to go somewhere

because of safety: on the contrary, a pragmatic and cautious approach to foreign reporting is what we seek."

A couple of years ago, I attended a press conference in which our colleagues Richard Lloyd Parry and Steve Herman detailed some of the situations they had found themselves in while reporting from the badlands of Afghanistan, Indonesia and Iraq. A decade earlier, inspired perhaps by the depiction of *The Sunday Times'* John Swain in *The Killing Fields* or Mel Gibson in *The Year of Living Dangerously*, I would have truly envied them. Those were precisely the sort of scrapes I dreamed of getting into when I used to listen to Robert Fox reporting for the BBC from the flight deck of HMS *Hermes* when Britain was battling it out with Argentina over the Falkland Islands in the South Atlantic in 1982.

But listening to Richard and Steve, I no longer found myself envying them even going through the hostile environment training course or the medical training – let alone doing it for real in the field.

So, as fellow writer – albeit fictional – Carrie Bradshaw always poses the rhetorical question in her "Sex and the City" column, I would like to ask: The biggest danger I face each day is the Yamanote Line; have my professional ambitions changed to the point where they revolve around the paycheck and the (relatively) easy life of hacking in Japan, or are they just in hibernation?

And if the answer is the latter, can they be achieved in Japan or is it necessary to somehow get out of this bubble? ①

Old Japan hands gather in New York

By Aimee Vitrak

More than 70 correspondents who have covered Japan from the 1940s to the present day attended the Japan Correspondents Reunion on March 18 at Club Quarters in midtown Manhattan. Those gathered were treated to stories from speakers who relayed their experiences in Japan, seeing old friends and eating sushi, soba and roast beef sand-

wiches along with a full bar that poured (officially) until 9 p.m.

William J. Holstein, one of the reunion organizers and president of the Overseas Press Club of America, welcomed everyone to the event, which commemorated 65 years of international media coverage of Japan. He said that many talented journalists have passed through Japan over the years.

"I hope we have been able to penetrate the heart of Japan," he said. "When reporting, it's always difficult to hit the right balance."

He introduced the first speaker, Ruth-

erford Poats, who was a lieutenant in the U.S. Army when he first went to Japan in December 1945 and saw the devastation of Japan from the windows of Army cars. Poats stayed on to be in charge of "everything" at United Press, where he'd found a job.

"It was a scene of utter destruction, incinerated homes, windowless buildings," Poats said. "Yet when we settled down, we saw almost no hostility toward the Americans. Compare that with today's concept of 'foreign invaders,' like American troops in Iraq. I was in charge of writing the 'non-story' of that time. There was nothing to write about

in terms of tension. Instead, I covered the reformation of Japan's economy."

The second speaker, Rafael Steinberg, was posted in Tokyo for International News Service and later *Time* during the 1950s and '60s. He spoke about what has changed between Japan and the United States since his time there, starting off with the nine or so flights required to get him near Japan. The fact that in the 1960s there was only one restaurant in New York that served sushi, but only on Wednesday afternoons. And words like *tatami* would require italics or quotes because many readers would be unfamiliar with the term. Now, there are direct flights to Japan, nearly every block has a sushi restaurant and *tatami* no longer requires a separate definition or distinction.

Steinberg said that in 1965 he wrote an article for *East* magazine with the headline: "Why No One Pays Attention to Japan."

"We could not get space in newspapers or magazines, because Japanese leaders at the time in politics, sports and business were dull people," he said. "To be a leader in Japan then, you had to be the lowest common denominator. In New York, they only wanted stories with interesting people."

For writing about this, he said he was persona non grata among his Japanese

friends. He said he redeemed himself with a report to the *Washington Post* that said the U.S. military in Okinawa was suppressing the people. President John F. Kennedy shifted the power structure as a result. "Many Japanese said, 'You are a real friend of Japan,'" Steinberg recalled. They were also surprised that an American could be critical of the government and still render change. "We were newsmen first, Americans second," he said.



Mike Tharp, executive editor of the *Merced Sun-Star* in Merced, California, took to the podium next to relay his experiences in Japan in the 1980s with *The Wall Street Journal*.

He read off a list of carousing nights in Tokyo and the roughhousing that went on at the Foreign Correspondents' Club of Japan, the FCCJ bar and the elections of the FCCJ during this period.

"While we were working our tails off, we also had fun," he said. "This is during the time when Japan-bashing hit its heyday. Our job was to keep the record straight. We did what Carl Bernstein recommended for all journalists: 'Get the best attainable version of the truth.' We were witnessing then – between the U.S. and Japan – the same thing we're witnessing now between the U.S. and China."

Eamonn Fingleton, author of *In the Jaws of the Dragon*, came all the way from Tokyo for the reunion to speak about the present journalistic climate in Japan.

"There are almost no foreign correspondents left in Japan," he said. "Nobody serious is there anymore, and that's reflected in how Japan has been covered."

He said a recent IHT report claimed that Japan was "deflation-plagued." "But what do they mean by that?" he asked. "It's the same thing that happened in the U.S. in the 1980s and '90s. It's positive deflation. Yes, the Japanese save, but not as much as the Chinese."

He said one need only look around Tokyo and see vibrant signs of consumption. He cited the fact that there are 11 Michelin three-star restaurants in Tokyo, while in New York there are only four.

Fingleton issued an invitation to debate, a call to arms for the reporters in the room. "Let's have a real discussion about the importance of the West's media coverage of Japan," he said.

The steering committee that pulled the reunion together included Toshio Aritake, representing the FCCJ; Al Kaff, United Press correspondent in Tokyo, 1952-1956 and United Press International, 1963-1972; Richard Pyle, Associated Press, Asia News Editor, Tokyo, 1979-1987, and life member of the FCCJ; and Calvin Sims, *The New York Times*, Tokyo correspondent, 1999-2001. ①

Letters

Dear Editor,

We appreciate the recognition of the potential contribution to the Club from Associates, particularly in the areas of finance and human resources shown by the current Board under the presidency of Monzurul Huq. We are writing in support of the suggestion he raised in his editorial in the February issue of the Number 1 Shimbun that ways be found to enable associates to serve on the Board in these areas. This idea received unanimous support at the Jan. 18 general meeting of Associate Members.

In particular we wish to raise the possibility of opening up the position of Club Treasurer so that suitably qualified Associate Members can stand for election. We are now hearing many voices of experience and wisdom around the Club with both Regular members and Associates expressing this view, and feel that this could be one way for Associates to "give something back" to the Club.

In particular, we feel that in light of the current economic situation, recent issues that have required investigation, and the need for future stability and sound financial management as well as the upcoming change in legislation related to the Club's *shadan* hojin status, it is vital for the Club to have a Treasurer with appropriate professional experience and qualifications.

Our proposal would be that the position of Treasurer be made open to candidates from among the Associate membership. Such a candidate would then stand for election with voting by Regular members as usual.

We know that adopting this proposal would require alteration to the Articles of Association of the Club, but we hope that Regular Members may agree that the

potential benefits of this change would justify the effort involved in doing so.

Yours truly,

Joan Anderson

Co-chair, on behalf of the Associate Members
Liaison Committee

Dear Sir,

Having worked as a proofreader at a translation firm in the past, I admit that I've developed an acute sensitivity to the insults inflicted on the English language by our Japanese hosts. All the same, I was disheartened – nay, dismayed – to receive an announcement today for an event at the FCCJ entitled "Heartful Concert in Spring." Heartful? It's one thing for this kind of lexical tosh to pop up in poorly translated press releases that nobody bothers to read, but it's a sad day when the Club stoops to tolerating it in its official communications. We should be setting a gold standard for English, not embracing the rot.

Regards,

James Hadfield

NEW MEMBERS



HENRY TRICKS is *The Economist's* bureau chief in Tokyo, covering Japan and North and South Korea. Before moving to Japan, he was the paper's finance editor in London from 2006 until 2009 during the global financial crisis, and before that he was briefly capital markets' editor. Tricks worked at the *Financial Times* from 1997-2005. In London he wrote for the FT's Lex column, as well as covering the property industry and British business. He was also the FT's bureau chief in Mexico from 1997 until 2000. Tricks started his career at Reuters in Mexico, New York and Washington. He is married with two children.



DETLEF REHN, representative correspondent, Tokyo Office, Germany Trade and Invest (GTAI), was born in 1949 and is an economist by profession. He graduated from Bonn University in 1976. From 1976 to 1978 he studied the Chinese language in Bonn and Beijing on a scholarship from the German Academic Exchange Service. Following that, he carried out research on China's economic and high-tech development before joining the German

Federal Office for Foreign Trade (BFAI) in 1988. Rehn worked for BFAI first as a correspondent in Taiwan and then in Japan, South Korea and Japan again. In his work, he writes reports mainly on the development of industrial sectors. Rehn's articles and reports are published on the home page of the company as well as in various newspapers and magazines in Germany. In Japan, his articles may be found in the *Japanmarket* magazine published by the German Chamber of Commerce and Industry. BFAI was merged with "Invest in Germany" in January 2009 into a new body called "Germany Trade and Invest." Besides German and Chinese, Rehn speaks English and Japanese. Married, with no children, his hobbies are movies, long-distance running and photography.



TAKASHI MIYAKE writes editorials and columns, mainly on European and Middle Eastern affairs, for the *Yomiuri Shimbun*. He studied European history at Tokyo University and joined the *Yomiuri* in 1980. His career as a foreign correspondent began by witnessing the fall of the Berlin Wall, German unification and the first Gulf War while based in Rome. He then moved to Bonn to cover the efforts of Europe and the newly unified Germany

to search for integration and a new world order. From Jerusalem, he covered the Oslo peace process. In Berlin, he concentrated on describing the integration of East and West Germany in addition to feature stories. In his last overseas assignment, as Middle East correspondent-in-chief, he tried to convey from Baghdad a true picture of Iraq, and then covered the opposition movement after the recent presidential election in Iran. He has been an editorial writer since September 2009.

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by Rob Gilhooly