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Disgraced Mainichi Journalist Reopens 30-year-old Scandal Over Okinawa Reversion

By David Jacobson

More than 30 years later, a Japanese court is reconsidering an epoch-making media scandal that raised the question of whether unethical conduct by a reporter in obtaining the news should outweigh the significance of the facts he uncovered, no matter how earthshaking they might be.

The first oral hearing took place Tuesday in a suit brought by disgraced Mainichi Shimbun political reporter Nishiyama Takichi. Nishiyama, now 73, sued the government in April, claiming that it had destroyed his reputation. He seeks a government apology and 33 million yen (roughly $300,000) in damages.

The case concerns Nishiyama's reporting on the negotiations between the United States and Japan over the reversion of the southernmost islands in the Japanese archipelago, Okinawa, to Japanese sovereignty (For a detailed chronology, see Wikipedia's entry). Nishiyama uncovered documents in 1971 that revealed that Japan had secretly made a pact with the U.S. to absorb $4 million of the cost of returning Okinawa - which had been a U.S. protectorate since World War II -to Japan.

However, it was later learned that Nishiyama had obtained the documents through an affair with a married Foreign Ministry secretary. Both the secretary and Nishiyama were arrested, she for revealing state secrets and he for abetting her efforts. Each was convicted, though he appealed his case as far as the Supreme Court, which upheld his conviction.

Fired from the Mainichi, Nishiyama left journalism. Jobless and separated from his wife and children, he took up gambling and even considered suicide, according to a report in The Asahi Shimbun. He was later reunited with his family and went to work for his family business. The secretary's marriage, however, ended in divorce.

Nishiyama's luck changed after 2000 when two documents were unearthed from U.S. government archives corroborating his claim of a secret pact. One even revealed that Japan asked the U.S. not to reveal the existence of the agreement. It was on the strength of those documents that Nishiyama decided to file suit.

"I've already reached the last phase of life. For one final time, I want to go after the powers that be for perpetrating this organizational crime," Nishiyama told the Shukan Asahi, weekly magazine in May (as quoted in the Weblog written by former Ambassador Amaki Naoki)."It still irks me that they never even touched on the core of the 'secret' at my trial. I was tried for having obtained documents containing state secrets, so they should have considered the nature of the secrets. They should have made a determination as to whether the secrets themselves violated the law, whether they should have been revealed to the public."

But at Tuesday's hearing, the government would have none of it. "Even supposing that a secret pact did exist, that has no effect on the defendant's guilt or innocence," the government told the court, according to an Asahi report. It petitioned the court to drop the suit, as the 20-year statute of limitations on seeking damages had run out.

The scandal had far-reaching repercussions beyond Nishiyama's own career. It was particularly damaging to the Mainichi newspaper, even paving the way toward its bankruptcy in 1975. Following Nishiyama's arrest in 1972, the newspaper launched a national campaign in his defense, trumpeting Nishiyama's scoop of the previous year and criticizing the government for clamping down on the public's "right to know." However, the Mainichi made a grave mistake: it chose to continue the campaign after it learned that Nishiyama had obtained the scoop by seducing the secretary, but did not disclose that fact to the public. When the government revealed the existence of the affair in its charges against Nishiyama and the secretary, public opinion turned against the Mainichi.

The public was also incensed by Nishiyama's effort to make political capital of his scoop. Frustrated by the fact that his scoop had little impact following its publishing in June 1971, he handed over the incriminating documents to an opposition politician who used them in parliamentary testimony the following March. That caused an uproar, which in turn, led to his arrest.

Public anger with the Mainichi resulted in a consumer boycott, a drop in the subscription rate, and ultimately, aided by the recessionary effect of the first oil crisis, sent the newspaper into bankruptcy. The Mainichi has never completely recovered, and its circulation has not caught up to that of its rivals.

Some suspect that the Japanese government's continued refusal to confirm the existence of the secret pact suggests that it has more to hide. The Asahi's Moronaga Yuji writes that acknowledgement could lead to revelations of an even greater magnitude: for instance, a secret Japanese pact with the United States to allow the re-entry into Okinawa of nuclear weapons and materials. That would cause a sensation even today.

It also convinced journalists and academics that Japan needed a freedom of information law, as Nishiyama's case highlighted the fact that the government was under no obligation to reveal information to the public. Prompted by the scandal, a conference was held on the legal aspects of the right to information, which was said to be the "the first public call for a law to enforce that right," according to Information Clearinghouse Japan. An information disclosure law was enacted in 2001.

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