

Broad opposition in Japan to the new “secrecy protection bill”

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Scope of secrets under new bill wider than DPJ’s past proposal

A special secrets protection bill now before the House of Representatives covers a wider scope of secrets than a separate bill that the then ruling Democratic Party of Japan (DPJ) contemplated submitting to the Diet in 2011, according to sources familiar with the measures.

The Cabinet Secretariat, which has jurisdiction over the legislation, has maintained that the two bills are essentially the same. But the new bill advanced by the ruling Liberal Democratic Party (LDP) goes a step further to stipulate that the prevention of specially designated harmful activities such as spying can be designated as a state secret.

The expanded scope of special secrets will make it difficult to check information-gathering activities by police and other authorities.

The DPJ bill called for protecting secrets in the areas of defense and diplomacy, as well as in the maintenance of public safety and order. The new bill now being deliberated in the lower house accommodates defense and diplomacy secrets, plus those to prevent terrorism and specially harmful activities. The Cabinet Secretariat maintains that the addition has been made to make the measure more specific without altering the scope of secrets to be covered.

However, documents from the DPJ administration, obtained by Seiken Akamine, a lower house member of the Japanese Communist Party, reveal that the Cabinet Secretariat’s explanation is not accurate. The documents say the DPJ-backed bill limited the protection of secrets to information aimed at preventing terrorism in Japan. Additionally, it did not include information pertaining to specially harmful activities.

By adding such activities to the new bill, the government hopes to expand the scope of secrets to information about foreign spies and Japanese conspirators, as well as steps by Tokyo to prevent unlawful access from abroad. Definitions and exactly who would be designated as spies or conspirators remain unclear.

The new bill also covers various information-gathering activities by police and other authorities. Since many of those activities could be classified as special secrets, it could become difficult to keep tabs on authorities’ gathering of data on Japanese citizens without their knowledge.

Motohiro Ono, a House of Councillors member of the DPJ who headed the DPJ project team on the separate bill last year, said that the DPJ version did not contain any clauses pertaining to the prevention of spying. He added that the party did not intend to create an anti-espionage law.

In September, former Foreign Minister Nobutaka Machimura, chief of the LDP project team on the LDP-initiated bill, emphasized the need to prevent spying now that Japan's national security is at stake, saying it will be difficult for Japan to obtain necessary information from the United States and other countries so long as Japan remains a paradise for spies.

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<http://mainichi.jp/english/english/newsselect/news/20131111p2a00m0na009000c.html>

Foreign press club in Tokyo raps secrecy protection bill

TOKYO (Kyodo) — The Foreign Correspondents' Club of Japan protested on Monday a government-submitted bill to impose tougher penalties on national secret leakers, criticizing it as a "threat to both journalism and to the democratic future of the Japanese nation."

In a statement, FCCJ President Lucy Birmingham urged Japan's parliament to reject the bill in total or redraft it substantially so that it ceases to pose the threat.

The bill states that leakers of "special secrets" — information concerning foreign and defense policy as well as spying and terrorist activities — will face up to 10 years in prison.

"It is at the very heart of investigative journalism in open societies to uncover secrets and to inform the people about the activities of government," the statement said, contending that such journalism "is not a crime, but rather a crucial part of the checks-and-balances that go hand-in-hand with democracy."

The statement said the bill "warns journalists that they must not engage in 'inappropriate methods' in conducting investigations of government policy," adding the bill appears to be "a direct threat aimed at the media profession."

It argued that the bill's provisions are "unacceptably open to wide interpretations in individual cases" and such vagueness "could be, in effect, a license for government officials to prosecute journalists almost as they please."

The government hopes to pass the bill during the current extraordinary Diet session through Dec. 6, in time for the planned launch of a Japanese version of the U.S. National Security Council to better respond to security threats around Japan.

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<http://mainichi.jp/english/english/newsselect/news/20131111p2g00m0dm066000c.html>

Privacy concerns over 'proper evaluations' of citizens under secrets protection law

Government ministries and agencies are to conduct "proper evaluations" every five years on public servants as well as private citizens working for government subcontractors to see if they are prone to leak classified information under highly controversial national secrets protection legislation Prime Minister Shinzo Abe's government is keen to push through the Diet during the current extraordinary session.

The check items for the "proper evaluations," that tread deeply on the privacy of those individuals concerned, are: 1) their relations with spies and terrorism, and the addresses, names, birth dates and nationalities (including past nationalities) of their spouses, parents, children, brothers, sisters, their spouses' parents and their spouses' children as well as people outside of their families who live with them; 2) records of their crimes and official reprimands; 3) records of their illegal activities involving handling of information; 4) their drug abuse and its effects on themselves; 4) their mental ailments, 5) their drinking habits; and 6) their credit standing and economic status. Apart from asking those individuals directly involved those questions, there are cases in which inquiries would be sent to their acquaintances and other institutions.

Because the inquiries are supposed to be conducted on the basis of the consent of the individuals concerned, the Cabinet Intelligence and Research Office says that such inquiries do not constitute an invasion of privacy. Nevertheless, is it in fact possible to turn down such inquiries? The Japan Federation of Bar Associations says in its position document, "Being involved with secret information means being involved in nerve centers of organizations. It is practically impossible for workers to opt to disagree when requested by their supervisors." If they reject the inquiries, they will be removed from "the central nerves of their organizations."

Similar inquiries are currently conducted on those national civil servants who handle information that is currently-defined as "specially controlled secrets." About 65,000 national civil servants are subject to such inquiries. The check items for such inquiries are undisclosed under the current system, and a certain framework would be applied to such inquiries under the new legislation.

The biggest difference from the current system is that private citizens who work for contract firms for the government and police officers (local government employees) who handle information on terrorism will also be subject to such inquiries.

Under these circumstances, the government will continue to hold huge amounts of delicate information. The question arises as to whether there is a possibility of privacy being intruded on by "leakages" of such information. The legislation designed to protect "special secrets" could create a new risk of information leaks.

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<http://mainichi.jp/english/english/newsselect/news/20131112p2a00m0na003000c.html>

TV newscasters unite to oppose state secrets bill

Eight TV personalities including Soichiro Tahara and Shuntaro Torigoe gathered at a news conference in Tokyo on Nov. 11 to voice their opposition to a controversial state secrets bill before the Diet.

Participants at the gathering released a statement saying that the bill could “significantly impede the freedom of news gathering and reporting, and greatly infringe on the public’s right to know.”

Tahara, a presenter on the TV Asahi program “Asa Made Nama Terebi,” pointed out problems with the system under which public administrative officials would be given discretion over which information should be designated as special state secrets, saying, “Even the Diet can’t check it.” He added, “Any other country makes its information public after 20 to 30 years, but with Cabinet approval, special secrets could remain hidden for over 30 years.”

Shigenori Kanehira, a presenter on the TBS program “Hodo Tokushu,” pointed out the Japanese government’s refusal to acknowledge the existence of a secret pact between Japan and the U.S. over the reversion of Okinawa in 1972, and warned, “The government has lied up until now, and it will continue to do so.”

Other participants included Akihiro Otani, a former reporter for the Yomiuri Shimbun newspaper; TBS news anchor Shigetada Kishii; and Yasuhiro Tase, a presenter on the TV Tokyo program “Shukan Nyusu Shinsho.”

Fellow television personalities Tamao Akae and Michiko Yoshinaga took part in arranging the event, which the participants joined of their own accord.

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<http://mainichi.jp/english/english/newsselect/news/20131112p2a00m0na005000c.html>

Majority disapprove of state secrets bill: Mainichi survey

Fifty-nine percent of *Mainichi Shimbun* survey respondents disapprove of a special secrets protection bill proposed by the government which would impose tougher penalties on leakers of national secrets.

The *Mainichi Shimbun* carried out an opinion poll and randomly selected 1,585 households on Nov. 9 and 10, and received responses from 955 pollees.

While the coalition government aims to pass the bill into law during the current Diet session which ends on Dec. 6, 75 percent of survey respondents said they want lawmakers to have careful discussion on the matter, even though that could mean a possible delay to the enactment of the bill.

Another 11 percent want the bill to be scrapped altogether.

Eighty-one percent of supporters of Prime Minister Shinzo Abe's Cabinet as well as 79 percent of ruling Liberal Democratic Party (LDP) supporters want careful deliberations on the bill. Even among advocates of the state secrets bill, 76 percent said the bill should not be passed in haste while only 8 percent want the bill to be passed in the current Diet session.

Asked about a proposed provision, which permits the Cabinet to extend the period of information concealment from five years to 30 years or more, 64 percent of respondents see it as problematic while 27 percent said it wasn't an issue. Among LDP supporters, 55 percent think the provision is questionable.

In addition, 85 percent of respondents think that the government would hide inconvenient information if the bill was passed, far above 10 percent who do not think so, showing people's strong concerns over the government concealing information. Even among LDP supporters, 78 percent think the government would hide information if necessary.

Opposition parties have argued that the government could arbitrarily choose information and label it as "special secrets" or remove the label. The government, however, came short in sufficiently responding to the concerns presented in the Diet session.

Meanwhile, asked about their knowledge of the state secrets bill, 36 percent of pollees said they don't know much about it while 15 percent said they don't know anything about the bill. A total of 47 percent, on the other hand, said they either know something about the bill or are well-informed on the matter.

Asked about the proposed bill to set up the Japanese version of the U.S. National Security Council to serve as the command post for the government's diplomatic and national security policies, two-thirds of pollees are not aware of such a bill.

According to the survey, Abe's Cabinet approval rating slid from 57 percent in the October opinion poll to 54 percent while the disapproval rating remained the same at 26 percent.

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<http://mainichi.jp/english/english/newsselect/news/20131112p2a00m0na014000c.html>
