The Jailing of Toshiyasu Matsuoka

Did ‘extremist’ publisher dig too deep into pachinko company?

By Tony McNicol

SPEAKING AT THE FCCJ about the 192 days he spent in jail on charges of libel, publisher Toshiyasu Matsuoka accused the authorities of intimidation and suppression of free speech. He told members that the day he was led into court with handcuffs on his wrists and a rope around his waist was the “most humiliating” of his life.

On the morning of his arrest, July 12, 2005, the first Matsuoka knew something was up was when he opened his Asahi Shimbun and saw the following: “Kobe prosecutors issue arrest warrant for Rokusaisha publishing house president on suspicion of defamation.”

Before long, reporters and TV crews had gathered outside his Kobe home and office. At 8 a.m. prosecutors arrived and escorted him to his office to be arrested. He barely had time to make a comment to the media before being taken away to Kobe detention center. “This is a violation of the 21st (free speech) clause of the Constitution. We will fight this,” he said.

Prosecutors cited books published by Rokusaisha, information on their website, and their quarterly magazine Kami no Bakuđan (“Paper Bomb”). They accused the publisher of defaming executives of pachinko equipment maker Aruze Corp. with allegations of tax evasion and unethical business practices. They also accused him of defaming ex-employees of the Hanshin Tigers baseball team through allegations that a former scout for the team was murdered.

“I had been sued before, but I wasn’t expecting to be arrested. It was a shock,” said Matsuoka. The publisher was already being sued by Aruze for libel at the time, but arrest and imprisonment on libel charges are almost unprecedented in Japan, never mind the 192 days Matsuoka spent in jail before his case came to court. Last July he was issued a suspended sentence of one year and two months imprisonment, which he is now appealing.

While the facts of the arrest were covered by most of Japan’s national newspapers, Japanese journalists – with the exception of local Kobe media – have shown little solidarity with Rokusaisha. Even Japan’s leading liberal daily, the Asahi Shimbun, has effectively looked the other way. Ironically, an Asahi reporter interviewed Matsuoka the day before he was taken into custody, and reported the arrest before it even happened. Kami no Bakuđan editor Motohiro Nakagawa suspects the newspaper used its contacts in the Kobe prosecutor’s office. “The Asahi Shimbun reporters in the police press club knew more about what was happening than we did,” he said.

Of the weeklies, only the Shukan Asahi weekly magazine offered robust support. In a two-page interview, Yasunori Okadome, the well-known ex-editor of defunct scandal magazine Uwaa no Shinse (“the truth behind the rumors”), was unequivocal about the implications of the arrest. “If we casually permit a member of the media to be arrested on suspicion of defamation,” he said, “it is the same as if freedom of speech had died.”
The chief spokesman for Matsuoka’s support group, Yoshiteru Hayakawa, said his repeated attempts to stage press conferences were in vain: “I contacted the national media, but the journalists who I spoke to said their stories wouldn’t get published.” When I pitched a story on Matsuoka’s arrest to a Japanese weekly magazine that I occasionally write for, I got this curt reply: “I don’t have any interest in a story on him.”

With hindsight, perhaps Kami no Bakudan, a small-circulation magazine in Kansai far from Tokyo-based media, was unlikely ever to garner much support. Despite the magazine’s pledge to continue the work of the infamous Uwasa no Shinso, it has failed to draw anything like that scandal magazine’s readership. At its peak, Uwasa no Shinso’s circulation rivaled other weekly magazines, but Kami no Bakudan’s monthly sales were 25,000 before the arrest, and are half that now.

In addition, Kami no Bakudan’s murky image (even for a muckraking weekly magazine) won’t have helped its cause. “Even if it is attacked, Rokusaisha is the kind of company that other media won’t support,” says Shunsuke Yamaoka, an investigative journalist and freelance contributor to the magazine. “It is considered a scandal magazine . . . not a serious magazine.” He added that the publisher hasn’t established the friendly links with other media that Uwasa no Shinso enjoyed. Many of that magazine’s scoops came via journalists in the mainstream media.

“[Uwasa no Shinso] may have been a black sheep, but it was still part of the herd,” says Mark Schreiber, co-author of “Tabloid Tokyo,” a collection of summarized and translated articles from Japan’s weekly magazines. Rokusaisha, on the other hand, is on the fringes of the media in more ways than one, he noted. “This is a Kansai-based publication with national circulation; that’s very rare.”

Editor Nakagawa claimed Matsuoka’s arrest was part of a larger attack on free speech in Japan, the latest, unusually blunt, attempt at intimidation. “There was no likelihood of flight or of concealing evidence, but he was still arrested. That’s why we think this is suppression of freedom of speech,” Nakagawa said.

There are signs that the non-establishment media and freelancers are under increasing pressure. Okadome says that libel payments have increased greatly in the last few years. He was involved in around 40 libel cases during 25 years at the magazine, but he said payouts have grown 10-fold. The most famous plaintiffs, notably TV personalities and politicians, get the most money. “Effectively, they are saying ‘don’t write about politicians.’”

Music journalist Hiro Ugaya is the latest freelance journalist to feel the heat. He came to the FCCJ not long before Matsuoka to talk about the ¥50 million lawsuit he is fighting against Oricon, the company that publishes Japan’s pop-music charts. Oricon is suing Ugaya over brief comments he made on the accuracy of the charts in a telephone interview. Ugaya was also at the FCCJ to hear Matsuoka speak and during the Q&A he wryly asked the Rokusaisha editor for advice on defense against gangster thugs.

Yet, not everyone is convinced the Rokusaisha case is part of a more general attack on free speech. “I think this is par for the course,” says Schreiber. “In one form or another, these publications are constantly in trouble.” He pointed out that such magazines rely on scandal-seeking reports—often outrageous invasions of privacy—for the bread and butter of their business. To that extent, legal action comes with the territory. And he doesn’t believe that magazines like Uwasa no Shinso and Kami no Bakudan are quite the fearless taboo-breakers they make themselves out to be. “Some of [their journalists] take the position that they are crusaders,” says Schreiber. “They make a show of being fearless, but they don’t have the time or the money to go out there and really dig. They are dependent on people dropping stuff in their laps. It is a forum for people who want to spill the beans.”

Even Rokusaisha admit they went looking for trouble. In one edition of Kami no Bakudan the self-styled “terrorists of the pen” described how they set out to push the boundaries of free speech “to their very limit.” “It turned out that the risks from being an extremist group were all too large,” noted the magazine after the arrest of its publisher.

There are suspicions, too, that Rokusaisha is embroiled in a factional struggle within the pachinko industry. Unlike Uwasa no Shinso, who issued a wide-ranging assault on a spectrum of media “taboos,” Rokusaisha has concentrated on pachinko machine maker Aruze. Rokusaisha has published four books and various magazines on the company. Asked at the FCCJ press conference whether Rokusaisha had received money from Sammy, Aruze’s pachinko industry rival, Matsuoka said no. He also said he was surprised when Sammy pre-ordered 3,000 copies of his first book on Aruze out of a print run of 13,000 copies.

If Rokusaisha is at the seedier edge of Japan’s scandal magazines, the object of their scrutiny is possibly murkier still. The colossal ¥30 trillion pachinko industry is technically illegal but kept rolling through legal loopholes and the close cooperation of the Japanese police. Matsuoka has alleged close links between the police and the two companies named in his defamation case. Both Aruze and the Hanshin Tigers employ police officers as amakudari advisor positions, he said. He appealed to the foreign journalists present to report on the pachinko industry, a topic he said was “taboo” for the Japanese media.

Matsuoka pledged to keep investigating and publishing, despite imprisonment, intimidation and the indifference of the Japanese media. “Compared to mainstream Japanese media, we are just trash,” he says. “But if those with political and physical power can squash us so we can’t publish, that’s suppression of free speech.”

“Lots of people in the mainstream Japanese media think because we are an extreme publication, it doesn’t matter,” he continued. “But that’s dangerous, because if one company can be subjected to this treatment, it creates a precedent for the next person, who might not be as extreme.”