

# NHK Coverage on the Designated Secrets Law in Japan: “Indexing” Political Debate in the Diet

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## NHK and Politics in Japan

The Nihon Hōsō Kyōkai (NHK) has come under heavy attack since Katsuto Momii was elected as 21<sup>st</sup> Director-General on January 25, 2014. On his first press interview, he commented on territorial disputes with China and South Korea that NHK should support Japanese government, and also said “when the government says something should be ‘right,’ NHK cannot say that it should be ‘left.’” His remarks provoked the public suspicion that NHK’s news coverage would become a mouthpiece of the government.

How did NHK take stance on political news before Momii’s appointment? A political distance between NHK and politics in Japan is widely debated and studied by many academic and journalism professionals. Ellis Krauss (2000: 50-51) mentions that most of NHK’s political coverage consists of information from the bureaucracy, because NHK as public broadcaster tries to keep “neutrality” and “objectivity.” As a result, it mostly covers the fact without perspective or interpretation<sup>1</sup>. Then, how does NHK cover the political issue which is discussed nationwide by not only politician or professionals, but also people in the rally or on the street?

On December 2013, the Act on the Protection of Specially Designated Secrets, or the designated secrets law was enacted. The designated secrets law is one of the prodding policies by the second Abe administration. There were huge public opposition and international voices against the bill during session in the Japanese parliament, the National Diet. How did NHK report this bill?

The designated secrets law deals with the foundation of democracy. Indeed, it is necessary to protect special secrets in today’s media landscape, but at the same time, to protect people’s right-to-know is essential for sound democracy. What is secret? Why does the government need this law? How does this law contribute to the public interest? Does the government secure the right-to-know? How about the freedom of reporting and news gathering? There were many questions to be discussed.

Even though this law was reported every day, one-third of the people couldn’t

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clarify their opinion<sup>2</sup>. One of the answers would be attributed to the news reporting. It fails to tell the law in a comprehensive way, and make people understand this issue. Then, how did the news programs in Japan report this complicated issue? Journalism organization plays an important role as distributor of information in the mature democratic country. It is important to examine news report of this law, which seems to breach right-to-know, and by which journalism organization will have difficulty in gathering information.

This paper examines the reports of the designated secrets law of the public broadcasting network NHK. NHK is one of the biggest news organizations in Japan, and valued for its neutral reporting. Indeed, news organizations seem to fail comprehensive coverage of this issue in general. But it is necessary to know how NHK reported this issue. This is because NHK is relied on as the public broadcaster and expected to be the contributor to the public interest. This paper considers how NHK reported this issue, and what kind of reports contribute to sound democracy from analyzing NHK coverage of this complicated and controversial issue.

The popular news program of NHK, *News Watch 9* will be analyzed. In order to see the characteristics of NHK report, and it also deals with one of the most popular news program, *Hodo Station* of the private network TV Asahi. In addition, this paper shows how people saw this complicated law by opinion polls.

## Background of the Designated Secrets Law

### *The Designated Secrets Law*

About the designated secrets law, PM Shinzo Abe explained that it is hard for National Security Council in Japan, which is also the prodding policy of the second Abe administration, to exchange sensitive information with the U.S. or other countries without it. In this law, the specially designated secrets shall be information that pertains to national security, and falls under the following categories: defense, foreign affairs, prevention of “special harmful activities,” (mainly intelligence activities by foreign countries) and prevention of terrorism. The term of designation shall be up-to-five years which is renewable, and not longer than 30 years in total unless the Cabinet approves the extension. The law explains that “even in such a case, the term shall not be extended any longer than 60 years in total except for such cases as involving information on cryptology and human intelligence sources” (Cabinet Secretariat 2013).

The problem of this law is the way to check out the validity of designation. The law allows the heads of ministries and agencies to designate state secrets, giving a prime minister discretionary power to decide what information is a secret. The head of ministries and agencies are politicians appointed by the government. It means that the one who designates a secret can check out its validity. The opposition party insisted the needs of information disclosure system for people’s right-to-know,

which should be independent organization from the government and empowered to investigate the designated information.

The opposition party also pointed out the punishment of leakers, which is so heavy that informant hesitates to leak sensitive information. The law includes up to 10 years in prison for those not only who disclose designated special government secrets, but also who instigate international leakage or acquisition of the designated secrets. In the Diet, the question if the latter activity includes news gathering activities raised from the opposition parties. The law admits freedom of the press and news gathering to guarantee people's right-to-know, and says "news gathering by those engaged in publishing and the press shall be lawful as long as it is intended exclusively to serve the public interest and is not judged to be done through violation of laws or grossly unreasonable means" (Cabinet Secretariat 2013). However, the definition of "unreasonable means"<sup>3</sup> keeps unclear. There is anxiety left that the law will infringe freedom of the press and news gathering.

The public requires information disclosure system in light of right-to-know and freedom of the press and news gathering, but it was not enough discussed in the Diet session for them to be satisfied.

#### *Enactment Process and Public Response*

The second Abe administration regards the designated secrets law as prerequisite for the smooth operation of a Japanese version of the U.S. National Security Council. The bill which establishes the Japanese NSC started debate on October 25, 2013. This bill has been discussed since the first Abe administration. In the In Amenas Hostage Crisis, Algeria on January 2013, Japanese government faced difficulty in gathering information in In Amenas. This crisis provoked the need for Japan's NSC. The bill on Japan's NSC has passed the Upper House on November 27 with support of the ruling Liberal Democratic Party<sup>4</sup> and New Komeito and the opposition Democratic Party of Japan, Nihon Ishin no Kai (Japan Restoration Party) and Your Party.

On the designated secrets bill, the debate started on November 7. The opposition DPJ, Nihon Ishin no Kai and Your Party and the ruling New Komeito recognized its necessity but required to take more time to discuss about information disclosure system. The LDP speeded up its discussion, and got agreement for the bill with New Komeito. The LDP started to negotiate amendment of the bill with the opposition DPJ, Nihon Ishin no Kai, and Your Party on November 15. The opposition Social Democratic Party and Japan Communist Party opposed this bill, so they didn't take part in negotiation of the amendment. Your Party came to agreement with the LDP that a prime minister checks out the validity of designated secrets on November 19. Several days later, Nihon Ishin no Kai demanded the incorporation of a supplementary provision about creation of independent organization for checking out the validity of designated secrets, and agreed with the LDP. The DPJ couldn't

reach the agreement, and decided to offer counterproposal against the bill. The ruling LDP and New Komeito judged that they spent enough time to debate and forced the bill through the Lower House with support of Your Party on November 26. Nihon Ishin no Kai withdrew agreement because of high-handed methods of the ruling party in steering the Diet proceedings.

During the Lower House debate, hundreds of demonstrators gathered outside the Diet to protest against the designated secrets bill. The Cabinet Office investigated public opinion by its public comment system on the website. The 77% of 90,480 comments showed adverse view to the bill. According to the opinion poll on November 16-17 by Hodo Station, 78% demanded more discussion about the bill. On November 26, Citizen gathering against the bill held around twenty regions in Japan and became massive one. In the Hibiya Park Tokyo, around ten thousands gathered against the bill. In the Lower House, one guy shouted out to the ruling coalition “shame on you, traitor of the Diet!” from the public gallery. The voice against it came not only from citizens but also from journalists, law professionals, academicians, local councils and film makers. The international community also expressed concern about this bill. The PEN International, the worldwide association of writers, voiced an objection to the bill. This is the first time for the PEN International to do to Japan. The Foreign Correspondents’ Club of Japan (November 11, 2013) expressed “protest statement” and said “the Foreign Correspondents’ Club of Japan views with deep concern the ‘Designated Secrets Bill’ now under consideration by the Japanese Diet.”

While the voice against the bill became huge, the Upper House started to debate about it on November 27. On November 29, the LDP Secretary-General Shigeru Ishiba wrote on mass demonstration, “if you want to realize your ideas and principles, you should follow the democratic principles, by gaining as much support as you can. I think the strategy of merely shouting one’s opinions at the top of one’s lungs is not so fundamentally different from an act of terrorism” in a blog post. By this post, protestors against the bill became confident in that people are likely to face difficulty in gathering against the government when the bill is enacted. Secretary-General Ishiba backtracked on likening the demonstrations to terrorism later. His comments appeared to contradict the government’s stance. Masako Mori, State Minister in charge of the bill, said in the Upper House committee that civil demonstration doesn’t apply to terrorism written in the bill. This affair didn’t turn the tide in the Diet. On December 5, the LDP-New Komeito ruling coalition forcibly passed the bill through a special committee on national security. Your Party, which supported the bill in the Lower House, voted with one’s feet. On December 6, the bill passed the Upper House and was enacted.

Through the debate in both Lower and Upper Houses, the perspectives on information disclosure, people’s right-to-know, freedom of the press and news gathering were not reflected on the bill. The ruling coalition forcibly operated the

Diet. According to NHK opinion poll, public support for the second Abe administration declined 10 points to 50%, and 59% people were not satisfied with the debate in the Diet.

## Analysis

### *Framework: Public Interest and Public Broadcasting*

During the enactment process of bill, various voices raised from various regions. In the case of coverage on designated secrets law, what can be “public interest” in a public broadcasting?

According to the Broadcast Act, broadcasting in Japan is regulated to contribute to public interest by the following principles (the Broadcast Act, Chapter 1, Article 1):

- (i) To guarantee that broadcasting is disseminated to the greatest extent possible to the general public and that its benefits are achieved;
- (ii) To ensure freedom of expression through broadcasting by guaranteeing the impartiality, truth and autonomy of broadcasting;
- (iii) To enable broadcasting to contribute to the development of sound democracy by clarifying the responsibilities of the persons involved in broadcasting.

The above principles show the need of openness and political neutrality. The broadcasters need to contribute to the development of sound democracy, and NHK in particular as “public” broadcaster keeps continual awareness of it.

The “public” signifies two phenomena (Arendt 1958: 50). It means “everything that appears in public can be seen and heard by everybody and has the widest possible publicity” (Arendt 1958: 50). Such public appearance constitutes people’s reality. Second, the term “public” signifies the common world which people share with. The common world “gathers us together and yet prevents our falling over each other” (Arendt 1958: 52). In democratic society, people with different opinion negotiate with each other. Only after their opinion is expressed, it becomes “public appearance” and they share with the common world. In this perspective, media is the realm of public appearance. Their voice becomes “public appearance” and shared with when media covers them. This means that their voice doesn’t need to change but they have an opportunity to change their opinion through negotiation with different voice (Saito 2004: 16).

Media as “public” broadcaster needs to show various voices in the coverage. In the case of designated secrets bill, public broadcaster needs to cover the merit of bill in light of national security on one hand. This is what a government explains. On the other hand, it needs to cover voice against the bill in light of people’s right-to-know

and freedom of the press and news gathering. This is what people protest. Only one side opinion is not enough to contribute to public interest. Only after media broadcasts both sides, their coverage contributes to “public interest” and sound democracy.

According to previous work, NHK tends to cover political elite in political news (Krauss 2000: 50-51). It is presumed that NHK “indexed” the voices in the Diet. “Mass media news professionals, from the boardroom to the beat, tend to ‘index’ the range of voices and viewpoints in both news and editorials according to the range of views expressed in mainstream government debate about a given topic” (Bennett 1990: 106). In other words, NHK also cites the voices of people in the Diet more than the voices of ordinary publics on the coverage of the designated secrets law.

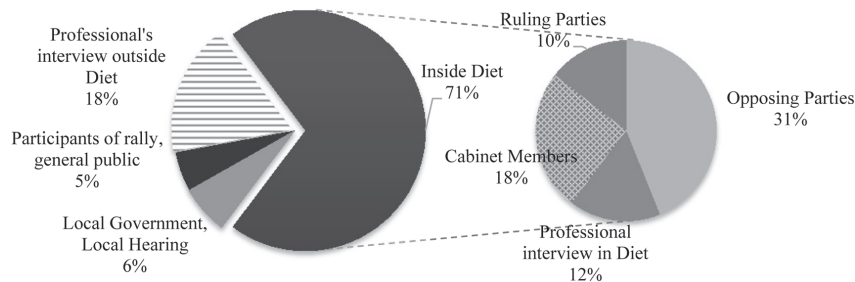
The following section analyzes whether NHK covers both sides of voices. The popular news program of NHK, *News Watch 9*, will be analyzed. In order to see the characteristic of NHK report, it also deals with one of the most popular news program, *Hodo Station* of the private network TV Asahi. The period is from October 25 when PM Abe submitted the Japan’s NSC bill, to December 6 when the designated secrets bill was enacted.

#### *Analysis of NHK Coverage*

*News Watch 9* (NW9) consistently covers the necessity of designated secrets law, and how to establish information disclosure system. On November 7, the NW9 takes an example of the 9/11 attack. One month before the attack, the CIA informs President Bush that Osama bin Laden is planning the attack. Member of 9/11 commission found that by the requested disclosure in 2004. the NW9 broadcasts the interview with John Fitzpatrick, director of Information Security Oversight Office which is in charge of information disclosure in the U.S. He says “the government has an equal responsibility to make sure that the conducts are its practices of government in open and transparent way as possible,” and national security and people’s right-to-know “are sometimes competing interests, and must be balanced.”

The important point which proves NW9’s stance on the bill is that it covers few times the opinion: Japan has had not much problems in national security without the designated secrets law. the NW9 broadcasts only one interview which shows that opinion. On November 25, the NW9 broadcasts interviews with three ex-bureaucrats who experienced to treat intelligence. Kunihiro Saito served as Ambassador to the United States, says he is in favor of the bill to make sure Japan's peace and security. Yoshio Omori served as Public Security chief of Tokyo at the Police Department, says that he is frustrating to after turn the blind eye to situation offered to as a heaven of spies. However, he also mentions the possibility that the intelligence “mysteriously disappear.” Kyoji Yanagisawa served as defense agency bureau chief, says he doesn’t understand why the government claims secrets cannot be protected

Figure 1 Percentage of Speech Time (NW9)



or Japan would not be able to get intelligence from abroad unless this enactment bill. In the interview, only one ex-bureaucrat opposes the bill. *NW9* broadcasts the interview with these ex-bureaucrats, but doesn't have interview with the publics who protest the bill.

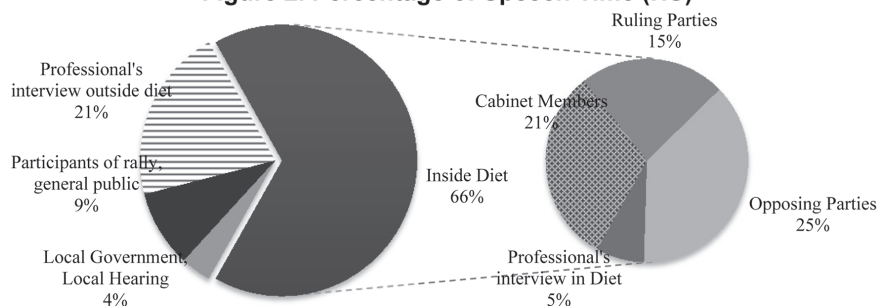
While the *NW9* covers the necessity of the law, it doesn't have enough discussion of freedom of the press and news gathering. It reports the debate in Lower House special committee on the people's right-to-know and freedom of the press and news gathering and the interview with academic professionals. However, these perspectives are about the information disclosure system, not about the possibility that the law causes the negative consequence for the public's everyday life and journalist's news gathering activities.

The public's demonstration is reported less than the debate in the Diet (see Figure 1). The voices of people in the demonstration are 5% of all<sup>5</sup>. On November 20, the *NW9* first covers that about one hundred-fifty people including journalists and authors had a rally to protest the bill, and they adopted a document requiring diet to scrap the bill which is submitted to the Cabinet Office. It reports the people's protest intensively in the week when the designated secrets bill passes through the Lower House. On November 21, it broadcasts mass rally hold in Tokyo to oppose the contentious bill, and participant's comment; "outrage by the bill, politician should see for themselves, how many people are rallying together on weekday night protest." They reports public's voices only when the bill seems to pass through the Lower or Upper House within the several day or the issue becomes salient that the blog post of the LDP's Secretary-General Shigeru Ishiba.

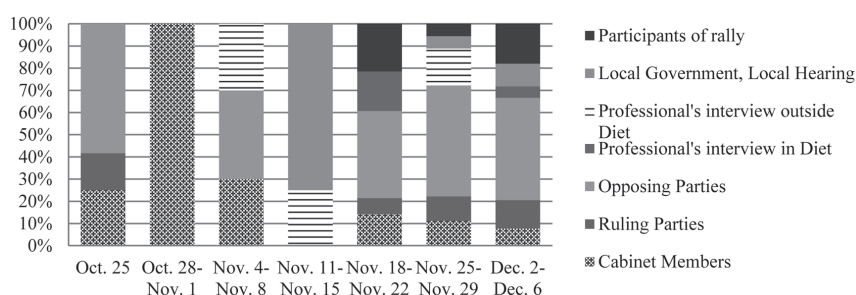
#### *Analysis of Hodo Station Coverage*

*Hodo Station (HS)* broadcasts about the designated secrets law with different perspective from *NW9*. On October 25 when the debate on Japan's NSC bill started on the Lower House, the *HS* broadcast the civil rally. A main announcer Ichiro Furutachi raises question about the designated secrets bill and says "Do we really need this new law?" It also broadcasts an interview with Koji Harada, a leaker of Police Department's finance scandal in Hokkaido Prefecture. He says "in order to

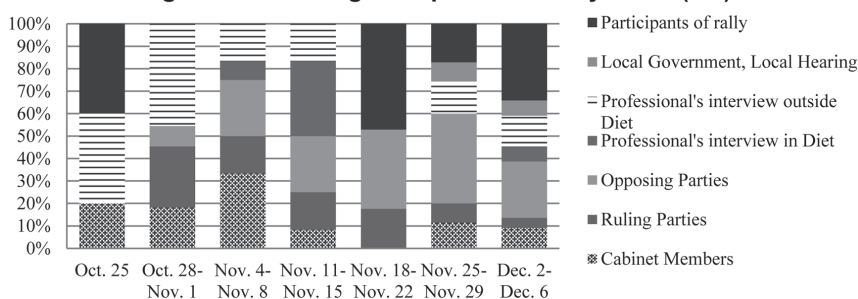
**Figure 2. Percentage of Speech Time (HS)**



**Figure 3 Percentage of Speech Time by Week (NW9)**



**Figure 4 Percentage of Speech Time by Week (HS)**



make movement advance nationwide, an organizer of antinuclear power movement requires the government to disclose the information. This request is not an offending action, but only one step away from punishment of instigation or sedition.” After this comments, Furutachi claims that the designated secrets law is likely to infringe freedom of the press and news gathering. The *HS* covers various voices against the bill including not only public’s protestors against it but also other civil movement organizers such as Futenma Air Station for the U.S. Navy in Okinawa Prefecture.

In the reporting of the Secretary-General Ishiba’s blog comment on rally around the Diet, the *HS* broadcasts public’s voices in civil demonstration. Female participant says “our voice is very small, but it becomes huge by the aggregation.” Male participant says “only way we can do is to make a voice against the bill.” This



coverage is different from the *NW9*'s one in that the *NW9* broadcasts only an organizer's statement in the rally and mainly takes the criticisms by opposition party presidents. the *NW9* treats this matter as political news.

The *HS*'s percentage of each actor's speech time is similar to the *NW9* even through it adopts different perspective. Figure 2 shows both programs pay the most attention to the debate in the Diet and report voices of member of cabinet, ruling parties and opposing parties in well balanced manner. However, voices of participants of rally and ordinary people are more reported in the *HS* (Figure 1 and 2). In addition, the *NW9*'s report on people outside the Diet is concentrated in the latter period while the *HS* consistently covers them (Figure 3 and 4). In addition, the difference is clearly seen in the number of people in rally or street. It is clear that the *NW9* takes balance in total and the *HS* takes it in each program.

The *HS*'s coverage focuses on explanation why the public feels anxiety and protests against the bill while *NW9*'s coverage mainly reports the debate on the Diet. The *NW9* covers voices of 14 people while the *HS* covers them of 31 people. In addition, it doesn't actively make the issue of designated secrets law in the period<sup>6</sup>. This *NW9*'s coverage fails to explain how the designate secrets law relates to freedom of the press and news gathering, and why the public in civil demonstration protests against the bill.

## Discussion and Conclusion: NHK and Across Boundaries

*NW9* treats the designated secrets bill as political news. It rarely broadcasts public's voices and explains why they are rallying while the *HS* is central to do it.

What is the "public interest" in the coverage by the *NW9*? It well reports the purpose of the designate secrets bill for sharing information with the U.S. while it fails to present controversial aspects of the law including people's right-to-know and freedom of the press and news gathering. Is this neutral? It is neutral as news of policymaking because the *NW9* broadcasts each comment of ruling and opposition parties (see Figure 1). It "indexes" the debate in the Diet. As a result, for the *NW9*, the "public interest" in coverage of the designated secrets bill is not to broadcast information what should be national secrets, people's right-to-know, and freedom of the press and news gathering for sound democracy, but to impartially broadcast the debate and the enactment process in the Diet.

Its classification of this news to political news, however, would be unappropriated because the bill is likely to conflict foundation of sound democracy and there are nationwide mass demonstrations. The *NW9* establishes a boundary of reporting the bill as political news by itself.

There were some opportunities to broadcast various voices. First, in late October and early November, the *NW9* reports Edward Snowden's uncover of the U.S. NSA's global surveillance. The *NW9* mainly covers that the U.S. NSA

wiretapped Chancellor Merkel's private cell phone and also collects information in Japan. This case provided us with the controversial topics such as freedom of expression, government's accountability, responsibility and national secrets. By linking the wiretapping issue to the designated secrets bill and considering what journalism should do in this digitalized society, the *NW9* could have across boundary of political news.

Second, there are many participants in mass rally who know the bill with Twitter or Facebook. On November 21, the *NW9* broadcasts mass rally hold in Tokyo to oppose the bill, and comments by participant who says she got information from Twitter. Voices to the bill rise from not only mass rally, politician, professionals, but also general publics. Their voices could be gathered more through social networking service such as Twitter, and the *NW9* could have reported complicated opinion which is hardly open to express. By broadcasting small voices, it could have across media boundary.

"When we talk about lying, and especially about lying among acting men, let us remember that the lie did not creep into politics by some accident of human sinfulness" (Arendt 1972: 6). Will journalism in Japan be able to penetrate the disguise in politics, discover the designated secrets and report it in terms of sound democracy in today's media landscape and with regulation of information? It is time to reconsider what should be journalism in public broadcasting.

## NOTES

1. The complete objectivity and neutrality are impossible, because what to report includes selection and exclusion. According to Krauss, however "only NHK [...] adopts an almost completely noninterpretative, transmission of only-the-facts style of reporting in which the story is often narrated by an announcer who merely gives information or a reporter weighing in but taking no perspective and adding little real interpretation" (Karuss 2000: 51). In this paper, the objectivity and neutrality of NHK mean that it doesn't give comments on events and tends to report the fact.
2. Opinion poll of the designated secrets bill was conducted on November 30 and December 1 by the *Hodo Station*, TV Asahi. The result is the below.  
  
Q1. Do you support the designated secrets bill?  
  
Yes 28%, No 41%, Don't know 31%  
  
Q2. How do you think this bill should be?  
  
Should be more discussed 68%, Should be scrapped 16%, Should be enacted 12%, don't know 4%
3. As an example of "grossly unreasonable means" Masako Mori, state minister in charge of the designated secrets bill, took the affair of secret agreement

of Okinawa's reversion in 1971. Takichi Nishiyama, worked as journalist in *Mainichi Shinbun*, scooped the U.S.-Japan negotiation of reversion of Okinawa Prefecture. He covered secret bilateral agreement which Japan shoulders the cost of military occupied land rebound the U.S. supposed to do. The political reporter Nishiyama and his source, a female Foreign Ministry secretary, were charged in 1972 with violating the National Public Service Law. He got punishment of four month in prison.

4. This paper uses the names of parties and the positions of politicians at that time.
5. I timed only speech which is clearly delivered by identified person. So I didn't time the scene where the gathering shouted out to the Diet, but the statement of one identified participant in the screen.
6. Total time of speech in the program is 43'23" in the *NW9* and 68'55" in the *HS*.

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has been misused)” *Journalism*, no.283, pp.5-12.