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Japanese begin debate on bill to outlaw spying on government

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TOKYO — With both the United States and Western Europe gripped by spy fever, Japan is about to embark on a national debate of its own over whether espionage should at long last be made illegal.

Spying against the government has not been against the law in Japan since the end of World War II, a state of affairs that has doubtless contributed to Japan's international reputation as a "paradise for spies."

"The situation with respect to protecting state secrets makes my blood run cold," Prime Minister Yasuhiro Nakasone told the Diet, or parliament, last week.

His Liberal Democratic Party is expected to make a major effort to enact Japan's first postwar anti-espionage law this fall. But the LDP is facing stiff opposition from an unlikely coalition encompassing Communists, Socialists, civil libertarians, the country's newspaper publishers and broadcasters, and the bar association.

All say they fear the potential for abuse of an espionage law: that material that is merely politically embarrassing will be classified along with legitimate state secrets, that the press will be muzzled and that civil liberties will be violated.

The more fearful also say they see a return to the obsessive secrecy and unchecked power of the prewar, ultra-nationalist military regime, which used the dreaded Kempeitai (military police) and Tokko (thought police) to jail thousands of political opponents under espionage laws.

More to the point, the debate goes to the heart of what has become the major issue in Japanese politics: the development of what Mr. Nakasone calls a "healthy nationalism" and what his opponents call a revival of militarism in a country whose power in the world is growing even as it struggles to deal with its past.

In a current special session of the Diet, virtually all the major issues will be showcased. Besides the spy bill, the Diet is expected to tie itself up in debate over Mr. Nakasone's proposed increases in the defense budget, his visit in August to a Tokyo shrine to pay honor to the nation's war dead, and a decision by the government to encourage the singing of the national anthem and display of the Rising Sun flag in the schools.

"All this clearly shows Nakasone's wish to return to the old Japan," said Koji Tabata, of the Japan Socialist Party.

Because Japan's Constitution, imposed by the United States, prohibits it from maintaining offensive military capacity and commits the government to a pacifist foreign policy, the nation's anti-espionage laws were stricken from the books during the U.S. occupation in the late 1940s.

There are laws banning spying against U.S. forces stationed here, and a law prohibiting members of the nation's armed forces (called the Self-Defense Forces) from disclosing confidential information (the maximum penalty is two years in jail) but no law to prohibit Japanese from spying against their government and selling the information to whomever they please.

"Because it's not illegal, the best the police can do is try to get them for some other violation, like speeding," said Kiyoshi Mori, chairman of the LDP's Security Affairs Committee.

Mr. Mori argues that the lack of a spy law and Japan's growing military capability, its proficiency in high technology, its ability to keep an eye on the Soviet Union's Far East fleet and air forces, its proximity to North and South Korea, and the presence of strategically important U.S. bases here have all combined to make Japan an espionage center to rival Berlin.

"The number of spies is increasing, especially since the Soviet Union found that it can get secrets on the United States and China here," he said. "And from what I understand, the U.S. is sending a lot of agents here to try to keep its secrets from the Soviets."

It was Stanislav Levchenko, a Soviet "journalist" based in Tokyo from 1975 to 1979, who coined the term "paradise for spies" after he defected to the West and disclosed that he was really a KGB major who had recruited some 200 Japanese businessmen, politicians, journalists and students to spy for the Soviet Union.

But the classic examples are the "repo-sen," or spy fishermen, on northern Hokkaido island who for years have been suspected of giving the Soviets information on U.S. and Japanese naval activities in return for being allowed to fish in waters claimed by the Soviet Union, and of giving the Japanese authorities similar information about the nearby Russians.

"Why not?" asks Mr. Mori. "If it is not illegal, then it is their right as citizens of Japan."

The LDP bill is intended to stop that. It would protect a long list of military and diplomatic secrets from disclosure by Japanese citizens, and would in extreme cases make spying punishable by death.

The bill's opponents contend that if the government really were serious about catching spies, the bill would have made industrial espionage, considered to be the main target of the Soviets in Japan, a crime as well.

But as is often the case in Japan, the real issue seems to be symbolic.

"There can be no such thing as a military secret because we have abandoned armies and we have abandoned war," said the JSP's Mr. Tabata. "It's stupid to think that secrets can be kept in today's world anyway."

Mr. Mori counters that a Japan that doesn't try to keep its secrets is a Japan that will forever see itself in the role as merely a purveyor of color televisions and automobiles.

"Japan used to be so weak; we had no secrets," he said. "Now that we are becoming stronger, we have secrets."