

## Citizenship at Stake. U.S. Records Prove Paternity; Japanese Ministry Denies Access to Records

Lawrence Repeta, T. Yasuda

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**Introduction: Prime Minister Fukuda and Public Records Management**

*In the course of their research, committee members visited national archives in Korea, China, Canada and the United States. To underscore Japan's minimal efforts to preserve the historical record, the report notes at the outset the paucity of resources Japan has allocated to this activity. The committee found that the US national archive employs a staff of 2500 persons, Canada 660, China 560 and Korea 130. The number for Japan's national archive: 42.*

*The recent Yomiuri report on the treatment of valuable fifty-year old records "kept in the basement of the ministry" highlights the careless attitude of the Japanese government toward preservation of historical records. Will this ever change? If Prime Minister Yasuo Fukuda follows through on his earlier efforts, there is hope that records like these will be moved from ministry basements to a modern national archive.*

*When Fukuda served as Chief Cabinet Secretary in the spring of 2003, he formed a panel of experts to advise the government on policies concerning the proper*

*"management, preservation and use" of public documents. This committee has produced a pair of lengthy reports that present recommendations for a new national system of record preservation.*

*Moreover, under current law, the head of Japan's archives has no legal authority to set standards to be followed by ministries and government agencies in their handling of records or to require them to hand over old material of historical importance. This is a sharp contrast with the United States, where the Archivist of the United States is a presidential appointee subject to approval by the U.S. Senate and is empowered with legal authority to set standards to be followed by every federal government agency in records management.*

*The most recent report of Mr. Fukuda's advisory committee was delivered in June 2006. It proposes a set of rules to require transfer of records "of no current use" (higenyou) from ministries and other*

government administrative agencies into the custody of an independent agency. We will see if the Prime Minister can deliver on this promise.

With the accession of Mr. Fukuda to the prime minister's chair, the committee's recommendations have a chance to become law. Japan's most prominent champion of records preservation is now the senior officer of its national government. The archive committee report is available here (<http://www8.cao.go.jp/shosei/koubun/hourei.html>) Lawrence Repeta

In an op-ed essay he wrote for one of the national newspapers in 2005, Fukuda shares the story of his initial interest in records preservation. He wrote that in the 1980s a school in his legislative district sought his help to obtain records of the immediate postwar period for reference in preparing a local history. On a trip to Washington he paid a visit to the US national archives. There he was amazed to find photos showing wartime destruction in Gumma. "I was impressed to see not only that photographs of a small city in another country were preserved, but that there was a system to enable anyone to see them," he wrote.

Mr. Fukuda wrote that article not long after he formed a league of Diet members committed to improving records preservation. He explained that this group would prepare legislation to require proper management and preservation of materials, replacing the current "arbitrary" (shi-i-teki) treatment of such matters. "Materials to be preserved must be separated from those to be discarded, but such decisions should not be made by each government agency; instead, they should be made from a third-party perspective or in accordance with fixed rules," he wrote.

U.S. prisoner-of-war records from World War II provided the vital evidence proving the paternal origins of two Japanese-Filipino women who won a Tokyo Family Court decision in September to allow them to create new family registers, automatically giving them Japanese citizenship. Although the same records--which would be of great help to 300 other Japanese-Filipinos applying to create new family registers as Japanese nationals--are kept in the archives of the Health, Labor and Welfare Ministry, the documents have been almost completely unavailable, drawing criticism from those involved as well as experts. Those applying to create a new family register, a process called shuseki, are Japanese-Filipinos fathered by Japanese men who went to the Philippines before World War II. U.S. military authorities created a basic personnel record for enemy aliens or prisoners of war when enemies were captured or sent to detention camps. The record included the prisoner's name, age, address

and fingerprints. Juanita Sakamoto, 80, submitted the U.S. record bearing her father's name and photographs to the court and it proved to be vital evidence for the September court decision.

Copies of the U.S. personnel records were handed over to the Japanese Cabinet Office in 1955 and transferred to the health ministry two years later. Currently, the records of about 160,000 detainees and POWs, including those who were in camps in the Philippines, are kept in storage in the basement of the ministry.

The Philippines Nikkei-jin Legal Support Center obtained a copy of the records in question in the United States. According to the Tokyo-based nonprofit organization that checks the identities of people of Japanese descent in the Philippines, about 300 among the estimated 2,900 second-generation Japanese-Filipinos have not verified their paternity. Meanwhile, 40 Japanese-Filipinos in their 60s to 80s are applying to create new family registers.



**Melicia Yoshikawa (89) and Juanita Sakamoto (80), both of whom were married to Japanese prior to the Pacific War, display newly created family registers in Manila**

Kawai Hiroyuki, lawyer and representative of the center asked the ministry to release the records several times from the end of 2003, to no avail. The center had no choice but to gather information in the United States.

The center's representatives combed the records at the National Archives and Records Administration in College Park, Md., to check the information provided by 356 Japanese-Filipinos against the records. Although the center was able to search only a portion of the records, it found the records of 17 people, including Sakamoto's father. Of them, the center submitted the records of five people to the Tokyo Family Court as evidence to verify the paternity of eight Japanese-Filipinos. The center also is preparing the legal process for three others.

Kawai asked the ministry in March to disclose all the records. If the records were made available to the public, it would make it much easier to verify the paternity of the Japanese-Filipinos seeking citizenship. However, according to the center, the ministry declined to release the records, arguing that the information is of a personal nature and cannot be released due to privacy rules.

"Why do we have to refer to the records in the United States, when the same records exist in Japan?" Kawai said.

The Personal Information Protection Law stipulates personal information of an individual cannot be provided to a third party without the consent of the person, in principle. Yet the law has an exceptional provision that states such information may be provided to a third party when there is a need for the protection of a person's life or livelihood.

Horibe Masao, professor emeritus of Hitotsubashi University, an expert in information law, said, "There's no specific negative effect [that could be caused by the release of the records]. If there are Japanese-Filipinos who could be aided by the release of the records, the information should be disclosed out of humanitarian considerations."

Horibe's remark is all the more relevant, considering the Japanese-Filipinos in question are elderly.

The ministry's internal regulation set rules that the personnel records should be released only at the request of the person in question or a family member. An official of the Social Welfare Bureau of the ministry said, "The records are clearly personal information, therefore we'll release them only when the person or a relative demands the disclosure."

Ikuhiko Hata, a lecturer at Nihon University and an expert on modern Japanese history, said: "There is no point to keeping valuable records and documents locked away in storage. What's the point of keeping those records [confidential]? The government should release them."

*This article appeared in the Daily Yomiuri on Oct. 27, 2007 and at Japan Focus on November 3, 2007.*

*See also the Mainichi Shimbun report of November 4, 2007, Japanese-Filipinas get boost in bid to gain citizenship (<http://www8.cao.go.jp/chosei/koubun/hourei.html>)*

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