

# The FOIA and the Study of US Policy on Okinawa and Japan

**Jon Mitchell**

In Japan, recent scandals (<https://www.japantimes.co.jp/news/2018/07/16/national/japan-document-scandals-highlight-countrys-growing-pains-democracy-archivist/>) have highlighted severe problems related to government opacity, including tampering of official records about the discounted sale of land to a nationalist school and Defense Ministry officials' lies related to the dispatch of Self Defense Forces to South Sudan. Transparency and accountability are at the heart of any healthy, well-functioning democracy and although the U.S. Freedom of Information Act (FOIA) might not be perfect, when it is functioning well, it allows the public access to government documents. As such, it functions as one of the pillars of American democracy - however its usage is often overlooked by academics, researchers and journalists writing about Japan and, in particular, Okinawa.

To familiarize people in Japan on the basics of FOIA, for the past year, I have been holding workshops and seminars in Tokyo and Okinawa; what follows is a guide outlining the process.

## FOIA: The Basics

Depending on the agency, requests can be filed by fax, email or uploaded via a centralized online system. Below is the basic template for filing:

To Whom It May Concern:

This is a request under the Freedom of

Information Act. I hereby request the following records: *[explain in as much detail as possible]*.

I am making this request as a representative of the media / academic institution / NPO, *[explain]*, and I am requesting a fee waiver. *[Explain in detail how the release of the materials you seek will improve public understanding, how you will disseminate the information and any previous work on the subject]*. However, if my request for a fee waiver is denied, I am willing to pay \$25.00.

I would prefer that the request filled electronically - by e-mail attachment or CD-ROM.

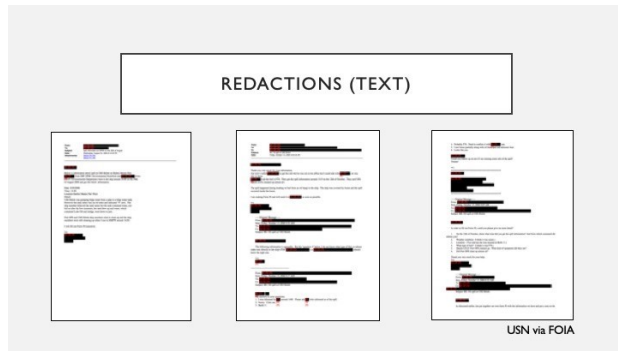
Thank you in advance for your cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Yours sincerely,

*[Full name, email and postal address]*

After you have filed your request, obtaining the documents can take between a month to several years. It depends on the agency and the type of documents requested. If/when the documents are released, some of the information might be blacked out - or more commonly whited out - in a process called "redaction".

Here are some emails with text redacted:



Below, some photographs from Yokosuka Naval Base with redactions to hide people’s faces; if you look closely, even the reflection in the puddle is redacted. (FOIA officers work really hard):



And three pages of pure opacity courtesy of the United States Air Force:



Under federal law, there are nine exemptions under which information can be redacted:

1. Information that is classified to protect national security.
2. Information related solely to internal personnel rules, practices of agency.
3. Information prohibited from disclosure by another federal law.
4. Trade secrets, commercial/ financial information that is confidential.
5. Privileged communications within or between agencies. E.g. attorney-client privilege.
6. Information that would invade another individual's personal privacy.
7. Certain information compiled for law enforcement purposes.
8. Information that concerns supervision of financial institutions.
9. Geological information on wells.

If you think any information has been withheld or the redactions are unjustified then you can file an appeal within 90 days. Finally, if your appeal is rejected then you can file a case in a U.S. federal court.

FOIA doesn’t always work as smoothly as it is supposed to - there are delays, hold-ups and mistakes. But despite these problems, with some patience, some persistence and well-targeted requests it **is** possible to obtain at least some of the information you’re seeking - as the below examples highlight.

**Investigations using FOIA to study U.S. military and intelligence operations in Japan and Okinawa**

**Military contamination**

Current Japan-U.S. agreements do not allow for on-base environmental checks nor is the Pentagon responsible for the clean-up of contaminated land. In-house documents obtained via FOIA reveal decades of

environmental contamination at U.S. military bases throughout Japan, e.g. Yokota Air Base, MCAS Iwakuni and numerous installations on Okinawa. Contamination includes depleted uranium, dioxin, white phosphorous and asbestos. Documents also reveal spills of cancer-causing Per- and Polyfluoroalkyl Substances (PFAS) into the drinking water supply of hundreds of thousands of Okinawan residents, the largest incident of environmental contamination in the prefecture's history.

### **NCIS and military sex crimes**

Reports from the Naval Criminal Investigative Service (NCIS) detail dozens of sexual assaults committed by U.S. Marines against other service members, dependent children and Japanese residents. Most cases reveal that the perpetrators escape punishment or receive only light penalties (e.g. demotion, pay-cuts). However, between January 2015 and December 2017, 46 Marines on Okinawa were imprisoned for sex crimes against minors. In 2017, Marine Inspector General criticized the top Marine on the island, Lt. Gen. Larry Nicholson, for failing to report subordinate's offenses.

### **CIA and Okinawan public opinion**

In 2012, the Central Intelligence Agency's Open Source Center (OSC) published a manual for U.S. officials advising them on how to shape Okinawan public opinion about the military presence on the island. "Understanding Base Politics in Okinawa" criticizes the Japanese government for being insensitive to Okinawan issues and cases of discrimination. It then suggests that the U.S. ought to focus on purported base benefits to the economy, culture and disaster relief. The manual was created during DPJ rule in Japan, suggesting that the U.S. felt threatened by new, non-LDP leadership. Other OSC manuals from the same

period focus on Al Qaeda, Afghanistan and Syria.

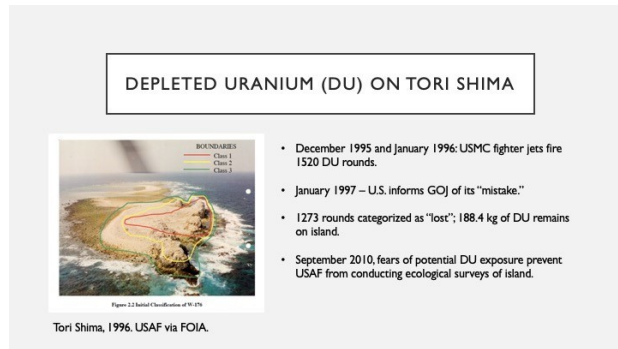
### **USMC orientation lectures**

In 2016, an FOIA request revealed that welcome lectures for new marines and their families included contents denigrating Okinawas. According to the lectures, public opinion on the island tends to be "self-serving" and characterized by "double standards"; for Okinawans, "It pays to complain. Anywhere offense can be taken it will be used." Following media coverage, USMC agreed to rewrite lectures and open (some) briefings to local officials.

### **"The Jon Mitchell Collection" at Okinawa International University**

On 14 April 2019, Okinawa International University, Ginowan City, opened the Jon Mitchell Collection to the public. Consisting of more than 5500 pages of documents obtained via FOIA from the Department of Defense and CIA, the collection sheds light on some of the darkest aspects of U.S. policy on the island, host to 31 U.S. military bases.

Disk One of the collection highlights the damage military operations have caused Okinawa's environment. Dating from 1945 to 2017, the reports cover chemical and biological weapons, pollution from Vietnam War-era hazardous waste and current environmental accidents, including global pollutant PFAS-contamination of the island's water supply. Facilities referenced include Camp Kinser (<https://apjff.org/-Jon-Mitchell/4384>), MCAS Futenma (<https://apjff.org/2017/04/Mitchell.html>), Kadena Air Base (<https://apjff.org/2016/09/Mitchell.html>), Camp Schwab and Tori Shima Range.



Disk Two consists of natural, archeological and cultural surveys of U.S. military facilities on Okinawa. Much of the land which current installations occupy was forcibly seized from residents during World War Two or in the following years, known as the time of Bayonets and Bulldozers. These surveys provide detailed information related to hundreds of tombs, sacred sites and village remains which are still located within facilities such as Kadena Air Base, Okuma Recreation Area, MCAS Futenma and Camp Schwab. The reports help readers to understand local anger towards the military's ongoing occupation of the island's best land and they dispel disinformation that MCAS Futenma was built upon vacant land, a fallacy perpetuated

(<http://english.ryukyushimpo.jp/2018/05/12/28809/>) by Commandant of the U.S. Marine Corps (CMC) General Robert B. Neller in 2018.

Disk Three contains intelligence reports, including the full text of the CIA's *A Master*

*Narratives Approach to Understanding Base Politics in Okinawa* (<https://apjff.org/2018/13/Mitchell.html>) (2012) and USMC orientation lectures (<https://apjff.org/2016/13/Mitchell.html>) denigrating Okinawan people - the contents of which are explained above.

Disk Four, titled "An American View of the 1970 Koza Riot", was added to the collection at the request of U.S. soldier, Lawrence K. Gray (1947 - 2016) that his photographs of the aftermath of the island's largest anti-military riot

(<https://www.jonmitchellinjapan.com/lawrence-grays-koza-riot.html>) be made available to as wide an audience as possible. On December 20th, 1970, Koza City erupted into the largest anti-American riot that Okinawa has ever seen when 3000+ residents flooded the streets, dragging American drivers from their cars, setting fire to their vehicles and storming onto Kadena Air Base; 60+ Americans were hospitalized and 80+ cars destroyed. Included here are 55 black-and-white photographs and an audio recording of the Condition Green announcement warning Americans to stay out of the Koza area following the riot.

The *Jon Mitchell Collection* is accessible to the public at Okinawa International University Library, Ginowan City. For details, telephone the library (in Japanese) at +81 98-893-7854 or check here (<http://library.okiu.ac.jp>).

**Jon Mitchell** (<http://www.jonmitchellinjapan.com/>) is a British journalist and correspondent for The Okinawa Times. He was awarded the Foreign Correspondents' Club of Japan Freedom of the Press Award for Lifetime Achievement for his reporting about human rights issues - including military contamination - on Okinawa. He is the author of *Tsuiseki: Okinawa no Karehazai* (<https://www.amazon.co.jp/dp/4874985564/?tag=theaspacjo0b-20>) (Chasing Agent Orange on Okinawa) (Koubunken 2014) and *Tsuiseki: Nichibei Chiikyoutei to Kichi Kougai* (<https://www.iwanami.co.jp/book/b358691.html>) (U.S. Military Contamination in Japan) (Iwanami Shoten 2018). Mitchell is a visiting researcher at the International Peace Research

Institute of Meiji Gakuin University, Tokyo, and an Asia-Pacific Journal contributing editor.