CHAPTER 3

Courting Justice, Contesting “Bureaucratic Informality”: The Sayama Case and the Evolution of Buraku Liberation Politics¹

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Under normal circumstances a signed confession would hardly seem like a sound basis for seeking reversal of a criminal conviction. However, the legal team representing Ishikawa Kazuo and the thousands of supporters who have rallied around him for more than five decades point to his signed confession and the circumstances surrounding its elicitation by authorities as compelling evidence proving his innocence. On July 9, 1963 at the Urawa District Court, prosecutors indicted twenty-four-year-old Ishikawa for the abduction and murder of sixteen-year-old Nakata Yoshie in Sayama City, located northwest of Tokyo in neighboring Saitama Prefecture. Although initially maintaining his innocence for the first month following his arrest on May 23, 1963, by June 20 Ishikawa confessed to being one of three perpetrators who acted in concert to commit the crime. Three days later the story would change again as Ishikawa claimed sole responsibility.

¹ This research would not have been possible without the assistance of countless people in Japan. First, I want to express my gratitude to the residents of Saiwaichiku, the pseudonym I have given the community where the initial research was conducted between 1997 and 1999. For more than two years they proved to be remarkably welcoming and patient despite the intrusive presence and persistent queries of an American anthropologist. I would also like to extend a special thank-you for the valuable help provided by Mr. Tomonaga Kenzo, Director of the Buraku Liberation and Human Rights Research Institute in Osaka. Without his support the research upon which this essay is based would not have been possible. Likewise, I benefited from the gracious assistance of Mr. Yasuda Satoshi of the Buraku Liberation League Headquarters in Tokyo who provided me with an eye-opening tour of the genba, Sayama City. I thank him for sharing his valuable insight into the Sayama incident. I am eternally grateful to the following entities that provided the financial support to make various phases of this research possible: U.S. Department of Education Fulbright Program, Abe Fellowship Program, MMUF-WW Junior Faculty Career Enhancement Fellowship Program, The Institute for the Study of World Politics, and Stanford University’s Institute for International Studies. Finally, I would like to express my sincere thanks to Dr. Sato Yoshimichi and Dr. Numazaki Ichiro for providing a superb environment for reflection and writing at Tohoku University’s fabulous Center for the Study of Social Stratification and Inequality.
Various aspects of the Sayama case, as it is widely known, seem to violate Japanese criminal law. First, police employed an illegal practice known as bekken taiho whereby an individual is arrested on charges unrelated to the crime for which that individual is being investigated. Ishikawa was originally taken into custody on suspicion of larceny, assault, and attempted extortion. When dressed in the technical terminology used in official documents, such as arrest warrants, the charges sound quite serious, but the evidence on which they are based is highly dubious. For example, police alleged that Ishikawa stole the work uniform of Takahashi Ryohei. Takahashi, however, was a longtime friend of Ishikawa and seemed fully cognizant that Ishikawa was borrowing the uniform since Takahashi asked him to “wash it before you return it.” The assault charge seems equally peculiar. It claims that Ishikawa roughly up a young man who caused a fender bender in February 1963. While Ishikawa was involved in a minor traffic accident, a police officer called to the scene helped mediate an out-of-court settlement between the parties involved. In other words, Ishikawa was being arrested for involvement in an incident that had already been resolved. The third and final crime listed on the arrest warrant, attempted extortion, alleges that Ishikawa delivered a ransom note to the Nakata residence seeking money for the missing girl’s safe return. It is a far more serious allegation than the previous two, yet the public prosecutor could find no basis to prosecute Ishikawa for this particular crime. However, the prosecutor did decide to bring formal charges for the other two crimes on June 13. Four days later, on June 17, Ishikawa was released on bail. Yet before he could leave the police station, police served him with another arrest warrant naming him as a suspect in the killing of young Yoshie.

Rather than being reunited with his family members after nearly four weeks in police custody, Ishikawa found himself being subjected to yet another round of intense questioning. A 2005 episode of “The Scoop” included a segment on the Sayama case as part of a special zeroing in on the problem of false accusation in the Japanese criminal justice system. Broadcast nationally on Asahi TV, the news program opened by giving viewers an intimate look at what transpires during police questioning. Speaking from a studio set built to replicate a typical interrogation room, co-host Torigoe Shuntaro describes how a suspect sits alone on one side of a small table in a tiny room that measures roughly fifty square feet while taking questions from a police officer seated directly in front of him on the other side of the table. Handwritten notes of the proceedings are taken by another officer seated at a second table. While these notes do not become part of the official court record, they may inform the separate statements crafted by police and prosecutors and offered as evidence. Unlike in the American judicial system, there is no right for the defendant to have legal counsel present during interrogation. Nor is audio or visual recording of the session permitted at that time. Thus, there is no impartial account of what is said or done at the time of questioning when a
defendant is essentially cut off from the outside world. The host of the program notes that it is an environment ripe for potential abuse by authorities, resulting in incidents of “false accusation” or enzai.

Although defendants are not allowed to have an attorney present during questioning by authorities, Article 39 (1) of the Code of Criminal Procedure does allow them to confer privately with their attorneys during incarceration. However, during the time that he was in police custody, Ishikawa had this legally protected right severely constrained, if not outright violated. On the day of his re-arrest, Ishikawa was not allowed to meet with his lawyers. The following day, he met with his counsel for only twenty minutes. The day after that, their consultation time dwindled to just five minutes. He would spend another five minutes with his lawyer on June 20 before entering a five-day period where he did not meet with anyone. Given that he was taken into custody as a murder suspect, one wonders why Ishikawa seemed so disinterested in meeting with his attorneys. During part of his televised interview with Torigoe, Ishikawa explains his unwillingness to speak with his lawyers by stating that the police told him not to talk to them. Reluctant to violate a directive given by his jailers, he says, “Even when my lawyers did come, I would have them leave after two or three minutes.” By his thirty-second consecutive day in police custody (counting since the day of his initial arrest), Ishikawa’s story changed from a denial to a confession. On June 23 he accepted sole responsibility for the kidnapping and murder by signing a confession written not by Ishikawa himself but, as is standard practice in Japan, by his jailers/interrogators.

Ishikawa had declared his innocence from the time he was arrested on charges unrelated to the murder. From the very beginning authorities were asking him about the death of Nakata Yoshie; they subjected him to polygraph tests and started asking him about the case shortly after taking him into custody on May 23. Despite the polygraph tests and having his hair pulled repeatedly during long hours of questioning late into the night while handcuffed, Ishikawa had been steadfast in denying any involvement with or knowledge of the disappearance and murder of Yoshie.

What happened to convince or compel him to reverse his testimony and confess to murder? Ishikawa described how investigators presented him with evidence linking his older brother to the crime. He was told that a footprint recovered from the crime scene matched that of his sibling. Unaware that this was a total fabrication by police, Ishikawa agreed to accept responsibility for the murder to spare his brother, the family’s principal bread winner at the time, from incarceration and thus to save his family from economic hardship. Police reassured him that if he confessed, they would not seek to prosecute his brother. What’s more, they told him he would only have to serve a ten-year sentence. At the opening of the trial on September 4, 1963 Ishikawa pleaded guilty. Roughly six months later
on March 11, 1964 the Urawa District Court sentenced him to death.

The television special did a fantastic job of highlighting trouble spots within Japan’s criminal justice system by pointing to some of the systemic problems that enable law enforcement to exert extraordinary pressure on individuals in order to extract confessions that then become the primary basis for conviction. Many of these systemic deficiencies were evident in the way that authorities conducted their investigation in the Sayama case: arrest on unrelated charges, interrogation under duress, and restricted access to defense. The program notes a startling statistic that makes it clear that coerced confession and the specter of abuse of authority by law enforcement officials is more common than one might think. A confession was part of the evidence marshaled against defendants in 84 percent (42 out of 50) of the confirmed enzai cases between 1945 and 1991 in which a conviction was later overturned. In other words, those wrongly convicted were coerced into confessing to a crime it was later proven they did not commit. As I will discuss shortly, Ishikawa and his supporters are convinced his case would be added to this tally of overturned cases were the courts to do an impartial analysis of the facts of the case.

There is another wrinkle to Ishikawa’s story that received only a brief mention at the very end of Scoop’s segment on the Sayama case. Torigoe notes that Ishikawa is from a community that historically has been subject to discrimination and prejudice: he is a burakumin. As a result, Torigoe chastises his media counterparts for failing to give the story adequate attention and for neglecting to scrutinize the actions of investigators and the court. It must be encouraging to Ishikawa and his supporters to see some journalists accepting a measure of responsibility for what happened to him and start to give the Sayama case more attention now. But in addition to explaining why journalists shied away from this story, I discuss in this chapter how Ishikawa’s link to Japan’s burakumin is a critical element for understanding what the Sayama case means to a core group of supporters numbering in the thousands, who have worked tirelessly for decades using a variety of tactics and strategies to influence what was happening in the courts.

Even though Ishikawa was released on parole in 1994, twice each year supporters from all over the country gather in Tokyo and rally in support of him. They then take to the streets to march in protest against his arrest and conviction and, with this public show of outrage, to pressure the courts to revisit his case. Thousands more still work toward a reversal of the guilty verdict by writing letters and cards demanding a retrial and by sponsoring local public awareness initiatives to educate people about the dubious facts surrounding Ishikawa’s conviction.

Ishikawa and his supporters have sought to exert ever-increasing pressure on the judiciary by expanding the base of supporters from a predominantly burakumin constituency to include Japanese citizens in general as well as those from the international community, using leverage from members of the United Nations
Human Rights Committee to pressure the Japanese government. In examining why Ishikawa and his supporters keep going to court and pursuing his case, I hope to illustrate how people in Japan are no less interested than people elsewhere in working through and on the courts to resolve conflict and bring about social change.

I use the Sayama case as a lens for reexamining the current trajectory of the Buraku Liberation League (Buraku Kaihō Dōmei), a group of activists arguably best known for confronting discrimination head-on outside of the courts using confrontational tactics such as denunciation sessions (kyūdankai). I challenge this prevailing image of the organization; I argue that both the long history of protest activities concerning the Sayama case and the nature of some of the more recent forms the protest has taken make it clear that working through the judicial system has become an increasingly important part of the political repertoire of those engaged in the Buraku Liberation Movement (BLM). As I show below, through these activities the Buraku Liberation League (BLL) has been influential in leveling some degree of external pressure (gaiatsu) on the state, even if it has yet to significantly alter the functioning of specific state institutions such as the judiciary. Critiques concerning the state’s handling of the Sayama case now include specific reference to government statements in official reports submitted to international human rights entities like the United Nations Human Rights Committee. This is no minor accomplishment because it works as a critically important counterbalance to “bureaucratic informality.”

Frank Upham (1987) coined the term “bureaucratic informality” to describe the way that elite bureaucrats within Japanese society seek to maintain the social and political status quo by manipulating the legal framework to “control the pace and course, if not substance, of social change” (p. 17). In other words, by taking an aggressive and central role in mediating disputes that could fundamentally alter the power structure, bureaucratic elites controlling the machinery of the state are able to make the changes necessary to resolve the potential crisis in a manner that ultimately maintains the status quo by preferring informal mechanisms to formal ones. According to this particular model, in the legal sphere the judiciary plays a rather limited role because, as Upham argues, “informality means most of all legal informality” (p. 22). This limited capacity of the judiciary to act to resolve disputes is essential to maintaining the power structure because the judicial process has the ability to make transparent, and thereby expose for public consideration and debate, fundamental issues that could potentially threaten the current balance of power.

Marshaling support for his argument, Upham presents several case studies of which the Buraku issue is one example. In his estimation, the various efforts of the government, specifically the wide range of programs created with the adoption of the Law on Special Measures for Dōwa Projects in 1969, have effectively
contained the potentially catalytic effect of the grassroots movement for Buraku liberation by limiting the ability of activists supporting this cause to expand their base of support to the wider community. He observes that Buraku liberation activists “have not been able to universalize their complaints or gain the political support that would enable the movement to begin to bring [them] into the mainstream of employment and society” (p. 24). Upham provides an excellent model for charting the political dynamics limiting the ability of social movements that have taken root within a particular constituency to expand beyond their traditional political base of support and make inroads within the wider society. In this essay I consider how the BLL is responding to this challenge.

The attempt here to (re)assess the character of BLL activities as well as gauge their efficacy in terms of Upham’s model engages the central problematic at the heart of this volume—revisiting the all too common notion that people in Japan are presumably less interested than their Western counterparts in pursuing legal means to resolve conflict. In the case of the BLL the trope of the reluctant litigant is coupled with an equally intransigent image of Buraku liberation activists as intimidation brokers who choose deliberately to operate outside of the legal sphere in order to protect their prerogative of using high-pressure persuasion to achieve short-term compensation, if not long-term justice.

The exemplar par excellence of this style of persuasion is the denunciation session. The denunciation tactic was inherited from the National Levelers Society (Zenkoku Suiheisha), the first national political organization representing the interests of residents of Buraku areas. Denunciation essentially consists of BLL members confronting those who have allegedly engaged in some sort of behavior prejudicial against Buraku residents. This form of protest was radical when initially adopted because it publicly challenged the idea that Buraku residents were legitimate targets of discrimination because of their low social status. There have been times in the past when this confrontational approach resulted in violence of some sort (see Rohlen 1976; Upham 1987, 87–103). These days, however, outbreaks of violence are exceedingly rare. Denunciation sessions are preceded by small-scale fact-finding meetings (kakuninkai) between the parties involved. During the denunciation sessions that I witnessed involving companies believed to be practicing employment discrimination and rejecting applicants from Buraku districts, representatives of the local government were also present to witness the proceedings.

However, the Sayama case demonstrates that the goal of having a significant impact on the judiciary has inspired Buraku liberation activities for more than four decades. Despite its long history as a cornerstone of the Buraku Liberation Movement, the special significance of the Sayama case for those participating in the movement has not been examined thoroughly. By situating part of my analysis in the context of experiences accumulated during my fieldwork within a specific
Osaka Buraku, I hope to illuminate some of the activities that burakumin engage in outside of the court in an effort to influence what happens within the court. This is vital if we are to understand the uptick in activity following Ishikawa’s release on parole. The extent to which the Sayama case continues to be a focal point of the BLM addresses the question of why Ishikawa and his supporters keep going to court. The case is a potent mobilizing force for the movement and a constant reminder of the continuing victimization of burakumin.

**BRIEF OVERVIEW OF THE BURAKU ISSUE**

The Buraku issue can be understood partly as an anachronistic vestige from an earlier historical period characterized by gross disparities in status and power. The word buraku literally means “hamlet” or “village.” The term hisabetsu buraku (discriminated-against buraku) refers to those communities whose roots can be traced back to outcaste groups during the Tokugawa period (1609–1867). During this time a calcification of status disparities tethered individuals to one of several groups that were ordered hierarchically. Society was divided into the following rank-ordered statuses: warriors followed by farmers, artisans, and merchants, each of which had to dress and live according to detailed regulations that made their status visible to all. Outside of the status hierarchy altogether (or rather at its very bottom) was the eta-hinin class. Eta translates roughly into “abundant filth,” and hinin means “nonhuman.” Both terms are extremely pejorative and are no longer considered acceptable to use. As these terms indicate, eta-hinin were subjected to intense prejudice and social control. They were required to marry others of their status, reside in eta-hinin villages, and wear clothing and hairstyles that readily communicated their status (Ninomiya 1933, 97–98).

Outcasts were officially liberated in 1871 when the Emancipation Proclamation issued by the Meiji Government declared all outcasts to be “new commoners.” The change in legal status did little, however, to improve their plight. If anything, the situation may have worsened as many in the general population bristled at the notion that they now occupied the same rung of the social hierarchy as the “former eta,” a phrase used in records and documents intermittently with “new commoner” to keep track of outcast households and individuals long after the status system was officially abandoned.

During the postwar years, much of Japan experienced improvements as the country went through a period of rapid economic growth. Those in Buraku areas, however, did not progress as rapidly as the rest of society. National surveys revealed significant gaps between the general population and Buraku residents, who experienced higher levels of poverty exacerbated by high unemployment and low educational attainment (Buraku Kaihō Kenkyūsho 1997; Sōmuchō 1995). Moreover, social prejudice against those residing in Buraku districts manifests
itself in areas such as marriage and employment discrimination. Private investigators would be hired by companies and individuals alike to conduct background checks on potential spouses or prospective employees to see if they had any ties to a Buraku. One need only gain access to an individual’s family register (koseki) to obtain information about his or her hometown. In 1976 the national law was amended to curtail discriminatory background checks by eliminating unfettered public access to family registers. An address alone, however, might provide investigators sufficient information if they are willing to travel in person to examine the neighborhood and talk with locals to determine whether or not an individual is burakumin. Of course if one had access to one of the comprehensive Buraku lists with the names and locations of more than 5,300 Buraku communities across the country, travel would not be necessary (Tomonaga 2006).

Over the years a number of organizations have formed to deal with the range of economic and social challenges confronting Buraku residents. The largest of these is the BLL, which dates back to 1946. The organization resumed the work of its organizational predecessor, the National Levelers Association (Zenkoku Suiheisha) founded in 1922. One of the distinctive features of the National Levelers Association was its use of direct confrontation to deal with instances of discrimination against Buraku residents as a way of reaffirming the human dignity of burakumin while also challenging the prevailing social norms of the day. The BLL inherited this tradition of confronting and correcting various manifestations of discrimination experienced by Buraku residents including everything from social prejudice to material needs such as adequate and affordable housing.

The cause of Buraku liberation received a huge boost in 1969 when the government passed the Law on Special Measures for Dōwa Projects, which designated public funds for community improvement projects in designated Buraku. Buraku communities that received money are referred to in government documents as dōwa districts. The last such law expired in March 2002. During the thirty-three years of legislative initiatives, funds were allocated to pave roads, to construct housing with adequate plumbing and sewage facilities, and to establish youth and senior citizen centers that provided important services. The economic position of many Buraku households was improved thanks to programs such as housing subsidies, employment assistance, and a scholarship program.

2. Initially the organization was named the National Committee for Buraku Liberation as individuals with a diverse range of political views joined in collaboration to restart the Buraku Liberation Movement. The organization changed its name to the Buraku Liberation League in August 1955. The diversity of opinions eventually led to the splintering of the organization a few years after the Special Measures Legislation went into effect in 1969. Members favorable to the general approach taken by the Communist Party, which preferred to address the Buraku issue as part of the larger social and economic challenges confronting society at large opted to break away from the Buraku Liberation League and form their own organization in 1976, named Zenkoku Buraku Kaihō Undō Rengōkai (National Buraku Liberation Association).
Courting Justice, Contesting “Bureaucratic Informality”

for youth designed to boost education levels and thus facilitate a transition into better paying jobs. Human rights education programs in schools and companies, denunciation sessions by the BLL, and mass protests have all helped curtail blatant acts of discrimination. Nonetheless, discrimination persists (Central Executive Committee for the Establishment of Buraku Liberation and Human Rights Policies 2008; New York Times 2009).

HISTORICAL BACKGROUND OF THE SAYAMA CASE

May 1, 1963 in Sayama City—this day should have been a happy one for Nakata Yoshie because it marked her sixteenth birthday. However, it became a day of tragedy when she never returned home from school. According to Yoshie’s classmates, she departed school around 3:30 p.m. When she had not returned home by early evening, her family began to worry. Her brother, Kenji, searched for Yoshie in the general vicinity of her high school and the local train station. His search was fruitless. He returned home at 7:30 p.m. Although deeply concerned, the family members commenced to have dinner. During dinner, Kenji noticed a white envelope lodged in the glass door of the main entrance. The envelope contained a ransom note addressed to the father. This was the start of the Sayama incident.

In the letter the kidnapper demanded that on the following night ¥200,000 be brought to the gate of Sanoya, a general store located about one kilometer west of the Nakata residence. Not wanting to jeopardize Yoshie’s welfare, the family complied, but not before consulting with police. It was decided that Yoshie’s older sister would deliver counterfeit money in accordance with the instructions contained in the ransom letter. At 11:50 p.m. she traveled to the designated location with an envelope of fake bills in hand. She was not alone. Approximately forty police officers waited surreptitiously for the kidnapper to appear to collect the money. The officers came not only from the local police station but also from the Saitama Prefectural Police Headquarters.

Twenty minutes passed before the abductor arrived. Calling out from a tea field located next to the store, he asked warily, “Hey! Hey! Are you here?” The older sister acknowledged that she was there with the money. The culprit, possibly suspecting that he may have been walking into a trap, did not come out to get the money immediately. Instead, he continued the conversation for another

ten minutes or so. Suddenly, things went awry. The kidnapper yelled, “You told the police, didn’t you! I can see two of them over there. Since I can’t pick up the money, I am going home.” Upon hearing this, police officers sounded their whistles and rushed into the field to apprehend the kidnapper. Their efforts were to no avail, however. The kidnapper successfully managed to escape though the field.

Several consequences followed from not apprehending the kidnapper on that night. First, the outcome most likely contributed to the murder of Yoshie, whose corpse was found on May 4, just two days after the botched arrest attempt. Second, the Saitama Prefectural Police became the target of intense public scrutiny. Their competence was being questioned publicly in major newspapers and even within the Diet because one month earlier police in neighboring Tokyo had failed to apprehend a kidnapper in the abduction case of a young boy. This initial failure had done much to undermine public trust in the competence of police. Predictably, that trust further eroded when news spread of police committing the same kind of mishap again within one month’s time. Prime Minister Ikeda Hayato stood in the Diet and implored the police to “take every necessary step to see to it that such a thing never happens again.” With the discovery of young Yoshie’s body, it seemed that public opinion placed a great deal of responsibility, if not outright culpability, on the police.

In an effort to rehabilitate their tarnished image and regain the public trust, police stepped up efforts to find the kidnapper/killer in the Sayama case. Their investigation quickly led them to focus on 120 young men residing in Buraku areas, from whom they collected alibis and handwriting samples to compare with the writing style of the person who penned the ransom note. Some were asked to provide biological samples, which were used to compare their blood type to that of the murderer. Ishikawa was one of the individuals targeted by the police investigation. The way the investigation was conducted, with authorities collecting information from such a large group of people with nothing in common other than their Buraku roots, seems to indicate that police had no specific information leading them to a particular individual. Rather, the investigations looks like a fishing expedition that smacks of residential profiling. I use “residential profiling” in a similar sense as the better known “racial profiling” in order to highlight the significance of the Buraku as a place, both in terms of identifying burakumin as a group and also in order to highlight the special attention given to location in the way that the police investigation unfolded.

Sabetsu Saiban (Discrimination Trial)

News of a judgment in the Sayama case in March 1964 spread around the country. Mainstream media outlets would report that the Sayama incident had come to an
end as the man convicted of killing Tanaka Yoshie would pay with his own life. This death sentence, which most likely signaled to the general public a just resolution to an emotionally wrenching case, signaled something quite different to many Buraku residents across the country. They saw the verdict issued in the Sayama case as a clear example of a Buraku resident being made a scapegoat. Ishikawa’s arrest, conviction, and sentence were deemed to be grossly unjust acts that needed to be contested and overturned so that justice might ultimately be done.

There are several points of contention noted by Ishikawa’s supporters. First and foremost are the facts surrounding the ransom note. Buraku liberation activists have argued that the author of the ransom note was clearly someone who had attained a literacy level higher than that of Ishikawa, who, like many Buraku residents during the time, had to forego formal education beyond primary school so that he could earn money to help his family make a living. As is evident from the writing sample obtained prior to arrest, Ishikawa had a limited knowledge of kanji (Chinese characters) corresponding roughly to the number of kanji learned during the first three years of elementary school. Moreover, he seemed unable to use punctuation marks appropriately. He frequently failed to use any punctuation at all, producing a sequence of run-on sentences. Unaccustomed to writing, his characters were blockish. All of these characteristics of his writing style stand in stark contrast to those of the author of the ransom note. Punctuation and kanji are used freely, and the penmanship has a measure of originality stemming from the use of characters with curvature. Critics of the Sayama case adduce this difference in writing ability and writing style to argue that Ishikawa could not be the one who wrote the ransom note. This objection, however, carried very little weight with the trial judges. In rejecting Ishikawa’s request for a retrial, the court acknowledged the difference in writing styles of the ransom note and the samples of Ishikawa’s writing, but asserted that an individual’s handwriting can be influenced both by external factors, such as the environment, and internal factors, such as state of mind. Therefore, according to the rationale offered by the bench, just because the writing style is different it does not necessarily mean the same person did not write it.

Another suspicious piece of evidence upon which Mr. Ishikawa’s conviction was based is a pink fountain pen allegedly belonging to the victim. The pen was not discovered at the Ishikawa residence until three days after his confession. It took three officers 24 minutes to locate this item on June 26, 1963. Critics point not only to the timeliness of this discovery but also to the fact that police had failed to discover the pen on two previous searches. The initial search of the Ishikawa home by twelve officers took place on May 23, the same day that he was first arrested on unrelated charges, and lasted for two hours and seventeen minutes. Fourteen officers conducted a second search on June 18 for two hours and eight minutes. Neither of these searches turned up any physical evidence
linking Ishikawa to the crime. Most importantly, however, an officer who was part of the first investigation for evidence inside the home is on record as saying he was “surprised” when he heard a pen was found above a doorframe of the Ishikawa residence because he had previously searched that specific place thoroughly and found nothing.

Aside from the timing of its discovery, questions arose as to whether the pen that was found was actually the one that belonged to Yoshie. Her school notebook contained writing in blue ink only. However, the pen discovered at the Ishikawa home was filled with black ink. The court discounted this by maintaining that one cannot rule out the possibility that Ishikawa might have stopped at a post office or somewhere and purchased new ink for the pen. Since prosecutors presented no evidence to this effect, many are puzzled (and frustrated) at the unwillingness of the court judges to acknowledge inconsistencies such as this, which raise important doubts about the discovery of the pen and whether in fact this was actually the writing instrument used by the victim. A final point concerning this one piece of evidence, the only piece of evidence used by prosecutors to establish a direct link between the victim and the alleged murderer, is the fact that Ishikawa’s fingerprints were not found on it. For that matter, his fingerprints were not found on any items recovered by the police during their investigation, including the ransom note and the envelope within which it was placed.

Such questionable circumstances regarding evidentiary items have supported a general belief among many Buraku residents, and increasingly the general public, that the Sayama case is a clear example of enzai or “false accusation.” This view is strengthened all the more by a general sense that the choice in the very beginning to arbitrarily target Buraku residents smacks of prejudice. In addition to this initial decision to focus on youth residing in Buraku areas, there is a feeling that the consistency with which the judicial system has turned a blind eye to the dubious veracity of the evidence in the Sayama case is also the product of discrimination against Buraku communities. For these reasons the Sayama case is referred to most often by Buraku liberation activists as a sabetsu saiban or “discrimination trial.”

**Significance of the Sayama Case**

As a cornerstone of the BLM, the Sayama case provides a unique perspective on subtle but significant shifts in the political mobilization efforts of those with ties to Japan’s Buraku areas. It also gives a vantage point from which to critique a dominant image in Japanese society of Buraku residents as political extortionists who rely on tactics like denunciation sessions to achieve their ends. Denunciation sessions continue to be one of several means employed by the BLL in parts of Japan. However, the Sayama struggle makes it clear that the organization employs
more conventional means too. Through a combined use of domestic courts, human rights discourse, and international organizations, the BLL has reframed its movement as a universal one aimed at protecting the fundamental rights of the individual against the state.

The Sayama case provides a superb opportunity to gauge the shifting political trajectory of the BLM. During my fieldwork in Osaka from July 1997 to August 1999, it became apparent that the case was a focal point of postwar politics concerning the Buraku issue. First, it is one of but three issues printed on the yellow protest vests often worn by members of the BLL during official events such as negotiation sessions with the local government, denunciation sessions, and public demonstrations like the protest marches held in Tokyo to condemn verdicts rendered in the Sayama case and demand a retrial. The Sayama case dominates one entire side of the protest vest upon which the following is written: “We Denounce the Sayama Discrimination Trial” (Sayama Sabetsu Saiban Kyūdan) and “We Demand a Retrial” (Saishin Yōkyū). The other side of the vest calls for the establishment of a Fundamental Law of Buraku Liberation and denounces the Buraku Lists Incident, which refers to the discovery in 1975 of several books listing the names and locations of Buraku areas that were found in the possession of several large companies that used them to weed out job applicants from Buraku districts (see Tomonaga 2006).

The second thing that impressed upon me the significance attributed to the Sayama case was my discovery one day of a bas-relief in an obscure spot in Saiwaichiku (pseudonym), the Buraku in western Japan where I conducted the bulk of my research. The right side of the bas-relief shows riot police wearing helmets and wielding shields as they stand at the entrance of the Supreme Court. Foregrounded on the same side of the sculpture is a group of BLL protesters identifiable by a flag held in the air by the leader of the group. The flag being hoisted is none other than the Keikanki, the official flag of the Buraku Liberation League, which features the symbolic mark inherited from the National Levelers Association: a red crown of thorns against a black backdrop. Within the sculpture one can discern protesters of various ages showing expressions of frustration, outrage, and determination as they mobilize against what they believe to be a miscarriage of justice. One can also make out in the background school-age children distributing leaflets to passersby. When asked who created this piece of work, residents answered that it was a joint effort by “everyone” in the community. While there are certainly those that played no part in the creation of the sculpture, the sentiment expressed about the broad support for the Sayama case was largely confirmed by my own observations. The Sayama case received considerable support from the overwhelming majority of the community. It did not have the kind of polarizing effect other issues sometimes had. Thus, the sculpture exceeds being a representation of communal solidarity and becomes its very manifestation.
Notably, this politically inspired artwork also represents a divide between Saiwaichiku and the local government. This symbol of support for Ishikawa is located on a second floor balcony on the back side of the Youth Center, a location that renders it invisible to anyone except those standing on the balcony. This less than ideal location was picked because local officials disapproved of placing it in a more prominent location, given that Ishikawa had been convicted of murder. There were two other artistic works authorities did not contest, and they were prominently displayed. Perched atop the Human Rights Culture Center, for example, is a statue named Ogari. It portrays a mother protecting two of her children from a looming threat by shielding them with her body as she stretches out her right arm in what appears to be an attempt to keep some sort of peril at bay. Likewise, running along the side of the Youth Center that faces a park area, there is another piece of community-crafted art showing individuals of various ages wearing expressions of pain and agony. The trio of artistic works was part of a joint venture meant to represent different elements of the community and the BLM—the emotional toll taken on those subjected to discrimination, the determination to meet any challenge, and the resolve to mobilize en masse to challenge injustice.

The third and final indication of the importance of the Sayama case within the movement was the fact that it was routinely on the agenda of local, regional, and national meetings of the BLL. During larger gatherings the topic of Sayama was often addressed within the context of a thematic session devoted to disseminating the latest information regarding the status of the push for a retrial. Occasionally, lawyers representing Ishikawa would be in attendance to answer detailed questions regarding the legal intricacies of the case. It was not unusual for Ishikawa himself to make a personal appearance, as he did at the national meeting of the women’s branch of the BLL in 1997. His presence alone sent a spark through the room; his soft-spoken manner and frequent expressions of gratitude for the unwavering support he has received from core members of the organization seemed to strengthen the resolve of those listening to him speak. Since being paroled on December 21, 1994, he has become a living legend within Buraku communities throughout the country. His apology to the group of activists assembled from all corners of the country for not being able to entertain all of the requests for a personal visit underscored just how significant the cause he symbolizes continues to be within the contemporary movement for Buraku liberation.

I had the opportunity to meet him during the national meeting of the women’s branch, when I was introduced to him by a resident of Saiwaichiku who had personal ties to his wife. My impression at the time was that he was not altogether comfortable with the central role he has come to play. He struck me as a reticent man who would just as soon not be caught in the limelight. I noticed during the afternoon’s session (and on one other occasion as the Ishikawa couple addressed a crowd of thousands during one of the Tokyo demonstrations) that Mrs. Ishikawa
bore a considerable share of the weight of her husband’s celebrity by appearing in public with him and following his usually concise public statements with her own comments. Her well-chosen words, charisma, and apparent comfort before large crowds made her especially effective at communicating gratitude to long-time supporters. Her outgoing personality made her the perfect person to act as a buffer between her somewhat subdued husband and the multitudes of people who look to him as a source of inspiration, something which has become arguably a critically important function as the BLL grapples with changing circumstances. Long before they got married in 1996, Mrs. Ishikawa was a Buraku liberation activist who campaigned tirelessly with others demanding a retrial of the Sayama case. It is hard to imagine anyone better suited to help Mr. Ishikawa make the transition back into society after thirty-one years and seven months of incarceration. Ishikawa struck me as a totally different person when I saw him at a 2005 Citizens’ Meeting Demanding a Retrial of the Sayama Case held for the first time in the city of Sayama. When he addressed the crowd of roughly 4,000 supporters, he spoke with a confidence and determination I did not see in 1997. To the extent that this was due to the overwhelming support network he had both in public and private, one can only wonder how others embroiled in suspected as well as confirmed *enzai* cases cope with life post-prison. See Steinhoff (this volume) for more on the significance of support groups.

Sayama had a firm place not only within the national meetings of the BLL but also within small-scale gatherings that took place in communities like Saiwaichiku. During one of the regular neighborhood meetings, for example, everyone was encouraged to write postcards to be sent to the Supreme Court expressing disapproval with the handling of the Sayama case. Pens and postcards were prepared in advance. They were distributed along with several succinct examples of how one might express dissatisfaction with the reluctance of the courts to overturn Mr. Ishikawa’s guilty verdict or retry his case. One reason sample statements supporting Ishikawa were distributed is that many among the older generations in Buraku areas received little formal education. In general, senior residents of Saiwaichiku were much more active in local affairs, and they were well represented at this meeting. Of course, having a model at hand also made it much easier to complete the task, thereby increasing the odds of widespread participation.

Whether at formal sessions within larger national meetings or more informal gatherings within particular Buraku communities like Saiwaichiku, it was not uncommon to bring things to a close with a rendition of what might be called the Sayama theme song: “Sabetsu Saiban Uchikudakō” (Let’s Shatter the Discrimination Trial).

Declaring innocence from West to East
We march beneath our flag of a crown of thorns
Let’s shatter the discrimination trial
Let’s shatter the discrimination trial

Against the Sayama discrimination trial
We must fight resolutely
Let’s take back young Ishikawa
Let’s take back young Ishikawa

We declare his innocence
As a group of three million brothers
Let’s shatter the discrimination trial
Let’s shatter the discrimination trial

The lyrics clearly are a call for sustained engagement with the courts in the fight against the verdict rendered in the Sayama case. The only way to shatter the trial is to work through and on the courts to achieve the ultimate aim of proving Ishikawa’s innocence and, in so doing, win this particular round in the ongoing battle against discrimination.

Development of the Sayama Protests

The Sayama case had a catalytic effect among the various branches and members of the BLL. The organization quickly began to rally around the fate of Ishikawa. Public pronouncements of support for him would in a short time give rise to large-scale demonstrations numbering in the thousands. At its twentieth national meeting on October 5, 1965, just a year and a half after his conviction, the BLL officially took the position that he was in fact innocent, and it called for a new public trial to exonerate him. Four years later it would begin protest activities demanding Ishikawa’s release. In 1970 a massive demonstration was organized against the “discrimination trial.” A procession traveled across the country protesting his conviction and continued incarceration.

Mr. Ishikawa’s death sentence was commuted to life imprisonment by the Tokyo High Court on October 31, 1974. Although likely relieved to some degree to see that his life was no longer on the line, those protesting against the Sayama case were enraged by this verdict because, in their eyes, an innocent man was still being held accountable for a crime he did not commit. Despite revelations such as glaring inconsistencies between the confession Ishikawa gave the police and the facts established in the case, the judge disregarded these discrepancies as insignificant and attributed them to the defendant’s tendency to mix fact with fiction (Buraku Kaihō Kenkyūsho 1989, 3:134). Upon hearing the news that the original conviction was upheld by the courts, thirteen thousand people took to the streets of Tokyo in protest over the ruling that, in effect, reaffirmed Ishikawa’s culpability.
This verdict, which seemed indifferent to the appeals of the thousands organizing in support of Ishikawa, sparked another phase of protests. A couple of demonstrations that stand out in particular were those staged by youth living in Buraku areas. Simultaneously with the submission of an appeal to the Supreme Court by Ishikawa’s lawyers on January 28, 1976, approximately ten thousand elementary and junior high school students in Nara and Osaka participated in the Sayama dōmei kyūkō and refused to attend classes in protest (World Human Rights Research Center 1999, 190). This number increased tenfold on May 22 of the same year when one hundred thousand school children from 1,500 schools across the country boycotted classes in a day of protest (Buraku Kaihō Kenkyūsho 1989, 3:187). Of course the young age of the participants in both cases raises questions about whether they were acting on their own volition. It is unlikely that they would be able to execute such a well-coordinated act of protest without the guidance and permission of their parents and other adults in the community. Nonetheless, one can argue that these two protests are indicative of just how galvanized Buraku communities and the families living within them were during this time. Even children were encouraged to take part in the mass protests.

Saiwaichiku was also abuzz with political activities criticizing the handling of the Sayama case. According to local residents, the roots of the national Sayama campaign can be traced back to this very community. “At a time when other shibu [BLL branch offices] were preoccupied with machizukuri [community improvement projects], we pressed the importance of the campaign against the Sayama verdict because it was literally a matter of life and death.” These words were spoken by the head of the Saiwaichiku branch of the BLL as he showed me pictures of local residents in protest dating back more than twenty years. The pictures depicted scenes of an entire community that stood together: a photograph of hundreds of men, women, and children crowded in the local gymnasium (the only space available at the time for public meetings of this magnitude) during a community forum to discuss the Sayama case; a picture of community residents marching through the local streets carrying signs denouncing the verdict; and snapshots of groups of residents distributing informational flyers clarifying the facts surrounding the Sayama trial to people at train stations, shopping centers, and other public venues.

The extent to which the community mobilized around the Sayama case is reflected in an original form of protest carried out by five young men from Saiwaichiku. Protesting the handling of the Sayama case in particular and discrimination against Buraku residents in general, these five individuals walked roughly 700 kilometers from Osaka to Tokyo. It took the better part of one month for them to reach their destination. The extended journey helped galvanize and solidify Buraku communities across the country as the group made several stops along the way for food and lodging, enlisting the support of several Buraku areas.
located between Osaka and the nation’s capital. The documentary of the protest march, “Sayama: 700 Kilometers from Osaka to Tokyo,” which is preserved in the library of the Human Rights Cultural Center in Saiwaichiku, contains ample footage of the five men being cheered on by local BLL members and Ishikawa supporters in whatever region of the country they were passing through on that particular day. Many who came out to voice their support wore yellow protest vests nearly identical to the ones donned by the marchers. Against the yellow background of the vest, the text of the slogans, written in bold red characters denouncing the Sayama verdict and calling for a retrial, seemed to jump off the chests of the marching protestors and their supporters.

Mass protests were part of a comprehensive effort to respond to what was transpiring within the judicial system and to put pressure on the state to overturn Ishikawa’s conviction. In addition to these types of mass demonstrations, there have been a dizzying amount of legal actions pursued to spur the reversal of court decisions. Yet at every turn prosecutors have presented a rebuttal deemed more compelling in the opinion of the bench. The courts have consistently ruled against legal challenges mounted by Ishikawa. Following his original conviction and sentencing by the Urawa District Court on March 11, 1964, Ishikawa’s lawyers filed an appeal with the Tokyo High Court on the very next day. Though the sentence was downgraded to a life sentence with hard labor, the conviction was upheld on October 31, 1974. This decision too was challenged with an appeal to the Supreme Court, which was ultimately dismissed by the Second Petty Bench of the Supreme Court on August 9, 1977. Just two days later Ishikawa’s lawyers filed an objection with the Supreme Court over the ruling, but the Court rejected this challenge four days later on August 15. On August 30, attorneys for Ishikawa filed papers seeking a retrial with the Tokyo High Court. The Fourth Criminal Division of the High Court ruled against the retrial request on February 7, 1980. Ishikawa’s legal team filed a formal protest with the Tokyo High Court on February 12 on the grounds that the Court failed to consider new evidence germane to the case, but this action was also denied on March 25, 1981. Five days later a special appeal was filed with the Supreme Court. Like in the past, this proved to be unsuccessful when rejected by the Supreme Court’s Second Petty Bench on May 28, 1985.

The following year on August 21, legal proceedings were initiated at the Tokyo High Court requesting, for a second time, a new trial. More than thirteen years would pass before Judge Takagi Toshio ruled against the request on July 9, 1999. Ishikawa’s legal team wasted no time as they filed a complaint over the decision with the Tokyo High Court on July 12. Judge Takahashi Shogo dismissed the complaint on January 23, 2002, setting the stage for another round of legal actions at the highest court. On January 29, Ishikawa filed a special appeal with the First Petty Bench of the Supreme Court. Yet again the Court would rule against him in the decision rendered by Supreme Court First Petty Bench Judge Shimada
Niro on March 16, 2005. On the day marking the forty-third year since his arrest, May 23, 2006, Ishikawa commenced proceedings demanding for the third time that the Tokyo High Court grant him a retrial.

The BLL has helped coordinate Ishikawa’s legal team, most of whom work at greatly reduced rates. Money to pay legal bills and other expenses is raised partly through donations routinely collected as part of the mass demonstrations in Tokyo. Additional funds are raised through selling literature relating to the Sayama case, including one monthly serial titled *Sayama Sabetsu Saiban* (The Sayama Discrimination Trial), which has been published since February 21, 1974. A non-government organization started by the BLL in 1988, the International Movement Against All Forms of Discrimination and Racism, has helped extend support for the Sayama struggle beyond the borders of Japan. For decades the BLL has played a critical role by providing the political, economic, and emotional support to help Ishikawa sustain his legal battle for exoneration. Perhaps because the base of support has expanded considerably and the audience it hopes to reach with its message has grown too, one can discern a subtle shift in the tenor of recent Buraku liberation activities.

**Evolving Struggle**

The changing character of the Sayama struggle was evident during one of the mass demonstrations I attended in Tokyo in October 1998 to denounce the 1974 upholding of Ishikawa’s conviction by Justice Terao Shōji of the Tokyo High Court. The event attracted thousands of participants, the majority of whom seemed to be close to Ishikawa’s own generation. As was true with the delegation from Saiwaichiku, young faces were present but scarce. Predictably, the bulk of the audience was affiliated with a Buraku community that could be identified by the flag each delegation carried. However, I saw several banners designating non-BLL groups, such as labor organizations and religious coalitions, that were on hand to show their support.

Still more unexpected were the citizens groups present to express their support for reconsidering the Sayama case. There were about forty such groups at the rally, each hailing from a different part of the country. These groups were called Sayama Jiken o Kangaeru Jyūmin no Kai (Association of Citizens for Contemplating the Sayama Case). Most of these citizens wore makeshift vests with slogans calling for a reexamination of the Sayama case or demanding all the evidentiary material be disclosed. These slogans were in line with most of the demands

4. As of 2001 the number of such groups jumped to 103 (Buraku Liberation and Human Rights Research Institute 2002, 184), and the number increased to 125 by February 2005 (http://www.bll.gr.jp/sayama/jumin.html).
written on the large banners that were draped over the stage.

- We demand that Justice Takagi have the prosecution make the entire evidentiary record available!
- The Tokyo prosecutor’s office should comply with the United Nations and make all evidence available!
- We demand that the Tokyo prosecutor’s office immediately make available a list of all evidentiary items!
- Let’s encourage a democratic revolution within the judiciary through a broad-based citizen’s movement!

The above slogans approach the Sayama case as a matter of protecting the individual from abusive state power. It is interesting to note the slight tension between this particular framing of the Sayama case and the way it was presented in some of the other banners:

- Ishikawa Kazuo is innocent! We denounce the Sayama discrimination trial!
- We denounce the 36th year of the false arrest of Ishikawa Kazuo and the illegal use of state authority rooted in Buraku discrimination!
- We demand that the Tokyo High Court immediately conduct an investigation into the true facts and hold a retrial!
- Let’s bring about an investigation into the true facts, open up access to the evidentiary record, and win a retrial and a not-guilty verdict!
- Let’s create a “Citizens Group for Contemplating the Sayama Case” in every region of the country!

The sentiments expressed through these banners are more politically charged than the others. Likewise, they call for more drastic action than both the first set of banners and the types of slogans espoused by the citizens groups. In fact, the slogan of the final banner explicitly identifies growing the number of such civic groups scrutinizing the criminal justice system’s handling of the Sayama incident as a key organizational aim of the BLL. The other banners assert Ishikawa’s innocence, question the veracity of the Supreme Court proceedings, list securing a not-guilty verdict as the endgame, and subordinate the issue of excessive use of state authority to a theme of Buraku discrimination.

A close look at the messages on the banners revealed that the Sayama demonstration drew its support from two different sources. This was suggested not only by the particular concerns written on the banners but also by their spatial arrangement. The first four slogans were listed on the left side of the stage area, and the remaining five were listed on the right side. The right side banners clearly situated
the Sayama case within the long history of political activism of Buraku residents and their attempts to liberate Buraku districts through their own efforts, a goal first articulated by the National Levelers Association (Zenkoku Suiheisha) in the 1920s. The demands listed on the left, however, drew on more general themes that present the Sayama case as a fundamental problem resulting from infringements by the state. These different bases for critiquing the Sayama case were manifest among the participants in the slogans they chanted as well as those they displayed on their chests as they marched through the streets of Tokyo. Despite attending the event to express solidarity, the call from citizens groups to think about or consider the breakdown of the judicial process in the Sayama case and the fundamental human rights concerns it embodies were considerably more measured in tone than the unqualified assertions of Ishikawa’s innocence and charges of anti-Buraku discrimination coming from the various BLL delegations.

An equilibrium of sorts seems to have been reached, judging from more recent protests. The number of banners at some meetings, for example, has been reduced to a single one overhanging the stage area. In other protests where multiple banners are featured, the same banner is reproduced multiple times. Judging from photographs of the many different events held across the country in support of Ishikawa, the emphasis seems to have shifted to framing the Sayama case as an example of false accusation (enzai). Casting the Sayama incident primarily as an enzai matter spurs greater awareness of the problem of false accusation in the criminal justice system as well as greater awareness of troubling aspects of police investigations and court proceedings that increase the risk of enzai. This way of framing the Sayama case also allows the BLL to synchronize it with international human rights discourse and seek assistance from external bodies like the United Nations Human Rights Committee, which has consistently pressed the Japanese state to make reforms such as full disclosure of all evidence gathered during investigations so that defendants have access to material that might exonerate them. The continuous expansion of the community of potential supporters through the superimposition of gradually broader frames—Buraku discrimination, denial of due process guaranteed by the Japanese Constitution, human rights violation—reflects a concerted effort to universalize the problem and expand the limited options available through bureaucratic informality.

**Discursive Duality and Political Mobilization**

The Sayama case continues to be a focal point of the political activities within Buraku communities across Japan. It still has the support of thousands of members of the BLL. It is also attracting new supporters because it illustrates a concrete problem concerning the rules of evidence within the judicial system. Attorneys representing Ishikawa maintain that one reason they were not able to mount
a suitable defense was because the prosecution was under no obligation to share evidence they were not going to use during trial. Until very recently, there was no rule of discovery obliging the prosecution to share all evidence regardless of whether it strengthens or weakens their case. There is a strong feeling among many that there is evidence in the possession of the state that may help prove the innocence of Ishikawa.

This argument has been used to broaden the base of support well beyond Buraku residents. Ordinary citizens are politically mobilized as partners in protest by pointing out that the Sayama case illustrates how the fundamental human rights of all Japanese citizens are imperiled within the current judicial system. Thus, the banners and slogans of the non-BLL members participating in the demonstration advocate thinking broadly about the Sayama case as something of significance for every citizen of Japan. Among the mainstream citizens protesting Ishikawa’s arrest, there are fewer slogans denouncing the ruling of Justice Terao of the Tokyo High Court or asserting Ishikawa’s innocence. This is in stark contrast to BLL protesters for whom the demonstration is a massive denunciation of nearly every aspect of the Sayama case.

The legalities concerning evidentiary proceedings have also been used as a basis for constructing the Sayama case as a gross human rights violation before members of the United Nations Human Rights Committee. The BLL has worked hard to promote knowledge of the Buraku issue in general and the Sayama case in particular outside of Japan. Although the committee does not mention Ishikawa or the Sayama case by name, there are unmistakable echoes of Sayama resonating in the words of criticism the Human Rights Committee directed at the Japanese government in response to the Fourth Periodic Report submitted in 1997:

The Committee is concerned that under the criminal law, there is no obligation on the prosecution to disclose evidence it may have gathered in the course of the investigation other than that which it intends to produce at the trial, and that the defense has no general right to ask for the disclosure of that material at any stage of the proceedings. The Committee recommends that, in accordance with the guarantees provided for in article 14, paragraph 3, of the Covenant, the State party ensure that its law and practice enable the defense to have access to all relevant material in order that the right of defense is not hampered.  

5. The Committee’s full response to Japan’s Fourth Periodic Report can be found on the website of the United Nations at the following web address: http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.102.En?OpenDocument. One can also locate the Human Rights Committee’s response to Japan’s Fifth Periodic Report submitted in December 2006. The committee expressed frustration that most of its recommendations were not acted upon sufficiently. See Repeta 2009.
The committee’s words are perfectly in synch with one of the rallying cries of the demonstration: Make all evidence available! The words of the committee are also a testament to the success of the BLL in courting justice domestically by enlisting the support of international organizations and institutions.

Ishikawa himself made a plea in person to members of the United Nations Human Rights Committee on October 15, 2008. Having obtained special permission to leave the country and travel to Geneva, Switzerland despite his status as a parolee convicted of murder, he appealed to members of the committee to help him gain access to the evidentiary materials not disclosed by the prosecution. New evidence is the primary factor considered by the courts to determine whether or not to grant an appeal to retry a case. Ishikawa and his legal team continue to press for full disclosure of all evidence gathered by investigators during the Sayama case in order to be able to determine what evidence not introduced by the prosecution during the trial could be presented to the courts in an effort to win a retrial. Although recent changes in the legal system permit more discovery if the defense asks for it, the revisions do not apply to cases tried under the old rules. Thus, pressing for full disclosure is of paramount importance to the success of Ishikawa’s quest for exoneration. In his brief statement to the committee, Ishikawa, then sixty-nine years old, expressed his desire to clear his name while he still walks this earth. With the exception of the following three lines from the very beginning and the very end of his address, his presentation was in Japanese: “Dear Members of the Committee, my name is Kazuo Ishikawa. . . . Dear Members, I am innocent. . . . Thank you for your attention.”

**Conclusion**

The mass protests organized around the Sayama case give us a glimpse into how Buraku liberation activists creatively reframe their struggle, combining two separate bodies of discourse to amplify the appeal and the power of their movement. They have managed to accomplish several things. First, by modifying the discursive framework within which they articulate concerns about the Sayama case, they transform a subject typically avoided by most people and still considered somewhat of a taboo, the Buraku issue, into something less threatening. Second, they have managed to enlist the support of influential human rights institutions to help them pressure the Japanese government in an effort to influence the judiciary. Again, by stressing the improper use of state power over the individual and framing it as a fundamental human rights issue, they are able to win the cooperation of people outside of the Buraku and outside of the country. At the same time, by linking the Sayama case to broader concerns for judicial reform, the BLM is able to

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contribute to and benefit from a growing public concern with some of the tenets of the legal system. The numbers of people concerned is likely to continue to grow, as is the legal IQ of the general public as more individuals experience judicial proceedings firsthand as jury members. The reintroduction of the jury system last year has made the courthouse a hot topic of the mass media and spurred a mix of curiosity and anxiety among a general public somewhat uneasy about how best to execute this new civic duty.

The push for a retrial now enters its third phase. On March 16, 2005 the Supreme Court ruled against Ishikawa’s second bid for a retrial (Asahi Shinbun, online edition, March 17, 2005). Justice Shimada Niro of the First Petty Bench of the Supreme Court downplayed the significance of arguments contained in the appeal. Ishikawa’s counsel based the appeal on the discrepancies within the evidentiary record. For example, they provided a new handwriting analysis that confirmed what now has become common knowledge among many BLL activists supporting Ishikawa—he could not have written the ransom note. Three reasons given to substantiate this claim are the distinct differences between Ishikawa’s handwriting style and the style in which the ransom note was written, the likelihood that the author of the ransom note possessed a literacy level exceeding Ishikawa’s level of formal education, and traces of fountain pen ink were discovered on the envelope containing the ransom note despite the fact that Ishikawa confessed to writing it using a ballpoint pen.

In response to the issues raised by the lawyers, the First Petty Bench ruled that whatever differences might exist between the ransom note and the confession that Ishikawa wrote in 1964, “there are many similar characteristics.” With respect to the point concerning Ishikawa’s level of literacy at the time, the judge dismissed the argument that he was only able to write a composition equivalent to that of a young primary school student on the basis that the confession makes clear that he was accurately able to communicate his intentions and emotions. Finally, the court opined that there was a high probability that Ishikawa possessed a fountain pen and a bottle of ink at the time of the crime and ruled that the issue of whether there were traces of fountain pen ink on the ransom note envelope has no bearing on his guilt or innocence.

Despite this setback, the Sayama struggle seems to be gaining momentum of a particular sort. The month before Japan’s highest court made its determination, information about the Sayama case was broadcast in homes throughout the entire country during the special episode of the program “The Scoop” discussed above. The following year the popular weekly news magazine AERA published by the Asahi Shinbun featured a humanizing article profiling Ishikawa that also noted dubious aspects of the case and the broader backdrop of discrimination against burakumin. In the article Emori Ryōkō, the Asahi Shinbun journalist who was present to cover Ishikawa’s arrest at 4:30 a.m. on May 23, 1963, says, “I
was certain it was a case of enzai (false accusation). Since the day that [he] was arrested, and to this day, I am ashamed. I feel ashamed because I was one of the reporters who continued to report the case from the vantage point of the police rather than the point of view of a person police were underhandedly making into a murderer just because he was from a hisabestu buraku” (Kitanokuchi 2006, 72). The recent publication of a book on the Sayama jiken by renowned investigative journalist and author Kamata Satoshi (2004) is just one additional example of how a fifty-one-year-old case is being infused with the voices of those bringing new perspectives and generating a new wave of interest in both the Sayama case and the judicial system. Intellectuals, literary figures, journalists, and entertainers as well as legal scholars and practitioners have joined the steady core of activists raising awareness about the Sayama case and demanding modifications to the administration of criminal justice.

The Sayama case remains a centerpiece of the BLM. To the extent that this is true and the struggle to prove Ishikawa’s innocence continues, working both on and through the courts will continue to be a central focus of Buraku liberation activists and newcomers to the struggle. Their efforts have finally borne fruits. In December 2009 the Tokyo High Court recommended that additional evidentiary material be made available to the defense. On May 13, 2010 the Tokyo High Prosecutor’s Office signaled its intention to release an additional thirty-six pieces of evidence. Not included, however, is evidence deemed by the defense to be of inestimable value in terms of establishing key elements of the case and exonerating their client. Such items include a range of video and photographic evidence gathered during the investigation as well as evidence that might potentially shed light on the circumstances surrounding Ishikawa’s questioning by authorities. Even these missing items signal an important shift in the dynamic between the parties involved. The High Prosecutor’s Office cited its inability to locate some of the material sought by the defense, rather than denying the existence of such evidence outright as it did in previous exchanges with Ishikawa’s lawyers.

Sugaya Toshikazu’s appearance on stage in support of Ishikawa at the May 12, 2010 rally held at Tokyo’s Hibiya Park is yet another indication that the call to reexamine the Sayama case is continuing to gain momentum. Sugaya was convicted of murder in 1990, but his conviction was overturned after a reanalysis of DNA evidence. Sugaya emerged victorious in a retrial that concluded a couple of months prior to the rally and produced not only an innocent verdict but also an apology from the bench. During the retrial audiotapes were played of the grueling interrogation that extracted the false confession that helped seal Sugaya’s fate.

7. The recent information relayed in this section is taken from an article in the May 2010 issue of Connect, the newsletter for the human rights non-government organization International Movement against All Forms of Discrimination and Racism (IMADR).
Following his acquittal, images of Sugaya wearing a dark suit and gleefully raising a banner declaring himself “absolutely innocent” appeared in newspapers and on television screens across the country. The image of him standing on stage in solidarity with Ishikawa, I argue, symbolizes the burgeoning support for Ishikawa coming from an increasingly broad spectrum of groups and individuals.

Although the BLL and other supporters of Ishikawa have yet to achieve the stated goal of gaining access to all of the evidence pertaining to the case and proving Ishikawa’s innocence, if recent events are any indication, they have been able to find ways to counter the effects of bureaucratic informality, and they have begun to integrate into the Buraku issue universal themes that have started to attract widespread interest and backing from a broader constituency.

REFERENCES


Courting Justice, Contesting “Bureaucratic Informality”


