

# SAVE ARTICLE 9 -- WITH NON-MILITARY JAPAN-U.S. COOPERATION ©

A paper<sup>1</sup> by

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## **ARTICLE 9 of the Japanese Constitution**

*Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.*

*In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.*

### **Abstract**

Article 9, the world's foremost legal injunction against war, reflects humanity's longing for relief from this pestilence called war and violence. Thus it is imperative that we heartily support and encourage you Japanese people to exercise your sovereign power -- [1] to restore Article 9's integrity, and [2] to insist that your leaders proudly honor this your "law" by shifting from a military-violence mind-set to one of non-violent means for resolving conflict and preventing wars. Rather than be sucked-in to yet another fruitless expansion of US-Japan "military collaboration", as proposed with the recent -- **"guidelines for US--Japan defense cooperation"** -- Japanese people must propose a firm and concrete set of, **"GUIDELINES FOR JAPAN--US COOPERATION IN NON-VIOLENT MEANS FOR CONFLICT-RESOLUTION AND WAR-PREVENTION."** Given these healthier kinds of "guidelines", Japan has the potential to demonstrate leadership in shaping a new worldwide social-cultural norm for our species survival into the new millennium. What a grand opportunity. The cold-war is over. Let us adopt something new and wholesome for a change --something that would do far more for world peace and justice than the continued rearming of Japan as has been United States policy in its 50 year cold-war dance with the former USSR.

*(The views in this paper are those of the author and do not reflect the views or perspective of any organization with which the author is or has been associated.)*

### **Introduction**

Article 9, the world's most significant legal injunction against war, implies that non-violent means be used to resolve our inevitable conflicts between and within nations. Ultimately the wisdom of Article 9 must become an integral part of the constitutions of all nations -- most significantly including the United States. See Shoichi Koseki,<sup>2</sup> for an interesting and scholarly book on the birth of Japan's postwar constitution.

There are multitudes of kinds of non-violent national service that might be performed by Japan under its constitutional "rule of law." These are services that could do far more for world peace and justice than the rearming of Japan as has been US policy, in its 50 year paranoid cold-war-dance<sup>3</sup> with the former equally paranoid USSR.<sup>4,5,6,7</sup> These kinds of service range from diplomacy and war prevention; to social and economic development with justice; to seeking an end to nuclear weapons and international weapons trade; to actions for reducing world population growth<sup>8</sup>; to the design and production of technology systems that minimize the use of Earth's finite resources, and which do not destroy the environment; to defending the nation non-violently with Civilian Based Defense (CBD). For an elaboration of these and many other related ideas, please see our recent book, *A Call For Peace: The Implications Of Japan's War-Renouncing Constitution*<sup>9</sup>.

With these Article 9 words of wisdom in its constitution, if Japanese people will exercise their sovereign power to restore Article 9's integrity and then insist that their leaders proudly act on their "law" -- Japan has a unique and historical opportunity to demonstrate and lead the nations of the world in shaping a new worldwide social-cultural norm of non-violent means for preventing wars and resolving conflict. United States "cooperation and support" is urgently needed for this hopeful and creative new path to be successfully launched. Support of the United Nations and all other world powers, specifically including the G7 & 1/2 countries, is also necessary.

Some might argue that in the relationships between "social-cultural norms" and "laws", "norms" must come first -- that is, "laws" are born out of already widely accepted "norms." But, symbiotically, laws also contribute to the creation of norms. In the USA, for example, the 1920 Nineteenth Amendment to the US Constitution, giving women the right to vote, was helpful in furthering the idea that women and men are equals. The civil rights legislation of the 1960's helped white Americans grow to accept the equality of blacks. Japan, with its Article 9 renunciation of war, can nudge the world toward a new paradigm for the resolution of conflict that excludes war and militarism.

### **US-Japan Non-Military Rather Than Military Cooperation**

Let us now look briefly at [1] this latest erosion of Article 9, the September 23, 1997 "doublespeak"<sup>10</sup> document called "**guidelines for US--Japan defense cooperation**" -- and then [2] explore some possibilities for a creative set of new "**guidelines for Japan-US non-military cooperation**" that might restore Article 9's integrity and become a healthy and wholesome replacement for this continued rearming of Japan.

The relentless US drive to rearm Japan over the past half century, and US and Japanese governmental reinterpretations and distortions of the plain and simple words in Article 9, is an attempt to lead us into an Orwellian<sup>11</sup> “doublethink” -- that is, to hold in our brain simultaneously two contradictory beliefs that [1] yes, Japan can rearm and [2] Article 9 will still mean what its words say. We need to become more like the child in Hans Christian Andersen’s fairy-tale, “The Emperor’s New Clothes” who might tell us that “this emperor has no clothes.”

As Douglas Lummis<sup>12</sup> says about Japan’s postwar constitution, in one of his more pessimistic moments --

*“Its a sad thing, watching it die. It was perhaps the greatest peace initiative of the 20th century. When it was announced, it was epoch-making. In beautiful, straight-forward clear language it announced a new principle that could have led the world into a new era. Now, humiliated, bruised, bleeding, mud-spattered, it is being trampled underfoot by cynical politicians. It’s hard to watch. I suppose that’s why most people are averting their eyes.*

*The Peace Constitution is surely the most lied-about document ever written. The Politicians can’t believe it says what it says. They can’t allow it to say what it says. They can’t stand it that it says what it says. So they lie. They lie to you, to me, and maybe to themselves. They say that it doesn’t say that.*

*They say, to “renounce war as a sovereign right of the nation” doesn’t mean the state can’t maintain an armed organization trained to systematically kill people.*

*They say, “land, sea, and air forces ... will never be maintained” doesn’t mean the state can’t have tanks, warships, and attack aircraft.*

*They say, “The right of belligerency of the state will not be recognized” doesn’t mean Self-Defense Force troops don’t have the right to kill people.*

*It tempts one to despair of the power of language to communicate meaning. What use are “words,” if they can mean anything at all? What good are any of the rights listed in the Constitution if “shall not” can mean “shall?”*

On a more positive note, Lummis does say however, that the peace constitution is not yet completely dead. It has constrained Japan’s Self Defense Forces (SDF) from killing any persons on foreign soil since the end of World War II. As the tragic Vietnam and Afghanistan slaughters demonstrate, this is a far more healthy and positive outcome than either the USA or the former USSR or other former colonial powers can claim.

Wilkinson<sup>13</sup> says, “... The Guidelines for U.S.-Japan Defense Cooperation which were presented as a set of revisions to the 1978 Guidelines, and thus as subsidiary documents to the 1960 Security Treaty, are in fact an enormous step outside of the

framework of the Treaty that they are supposed to supplement, and even of the Japanese Constitution.”

### **Guidelines For US--Japan Defense Cooperation**

The following are some examples of the “doublespeak” in this document, **“guidelines for US--Japan defense cooperation”** <sup>14,15,16</sup> --

#### **GUIDELINES; II. Basic Premises And Principles;**

“1. The rights and obligations under the Treaty of Mutual Cooperation and Security between the United States of America and Japan (the U.S.-Japan Security Treaty) and its related arrangements, as well as the fundamental framework of the U.S.-Japan alliance will remain unchanged.”

How can this be? It sounds a bit like doublethink.

“2. Japan will conduct all of its actions within the limitations of its Constitution and in accordance with such basic positions as the maintenance of its exclusively defense-oriented policy and its three non-nuclear principles.”

More evasive language.

#### **GUIDELINES; III. Cooperation Under Normal Circumstances;**

##### 3. Bilateral Programs

“Both Governments will conduct bilateral work, including bilateral defense planning in case of an armed attack against Japan, and mutual cooperation planning in **situations in areas surrounding Japan.**”

The “**GUIDELINES**”, **SECTION V** says, “The concept, situations in areas surrounding Japan, is not geographical but situational.” This reads a bit like deliberately ambiguous and evasive language Who will ultimately make the determination that a so-called non-geographical “situation” requires Japanese participation?

### **Guidelines For Japan-U.S. Cooperation in Non-Military Ways**

Let us now propose some **“guidelines for Japan led, Japan -- US cooperation in non-violent means for conflict-resolution and war-prevention”** -- with a restored Article 9 as Japan’s road-map for its **leadership in non-military cooperation** to assure peace and security not only in the Far East, but also all around this home we call Earth.

Our book<sup>17</sup> outlines several kinds of non-military, non-violent cooperation, any of which, in this post-cold-war era, will do far more for world peace and justice than the continued rearming of Japan. Let me focus on just one most significant one -- **“Reduce**

**nuclear arsenals to zero.”** If Japan could build a set of “guidelines for non-military cooperation, the nuclear proliferation problem should be at the top of its list.

Without question, Japan, as the only nation on earth to have felt the wrath of nuclear weapons -- has earned the right to provide leadership in this domain. The job should be a little easier now that the former commander of the U.S. Strategic Air Command (SAC), General Lee Butler<sup>18</sup>, along with some sixty other retired admirals and generals from around the world (including two from Japan) have called for U.S. leadership in moving the world on that path to total elimination of nuclear weapons.<sup>19</sup> The tricky part for Japan will be in getting the United States to cooperate in this Japan led venture<sup>20</sup>.

### **The Treaty on the Non-Proliferation of Nuclear Weapons (NPT)**

The Treaty on the Non-Proliferation of Nuclear Weapons<sup>21</sup> signed by many nations (including the United States and New Zealand) on July 1, 1968 and entered into force on March 5, 1970, was signed by Japan on February 3, 1970. This treaty’s Article VII, and Article 9 of the Japanese Constitution should be more than sufficient justification for Japan to take the lead in forming a “Nuclear Free Zone” including Japan and all of S.E. Asia, plus possibly more nations throughout Asia. Article VII of the NPT reads as follows:

#### Article VII

“Nothing in this Treaty affects the right of any group of States to conclude regional treaties on order to assure the total absence of nuclear weapons in their respective territories.”

Let us look at Article VII to see why Japan might wish to follow the lead of New Zealand’s former Prime Minister, David Lange, when he in the mid 1980s created a Nuclear Free New Zealand.<sup>22</sup> This action produced much “huffing and puffing” and threats by the United States. Indeed Japan might wish to employ the services of David Lange, to assist in the creative blending and symbiosis of Article VII of the NPT and Article 9, of the Japanese Constitution, to bring to life such a “nuclear free zone” in the area that, ironically Japan once called its “greater co-prosperity sphere” of influence. How majestically meaningful and beautiful such leadership by Japan would be -- for all nations and persons living on this part of mother Earth.

We learned from a meeting in Kochi with Kochi Prefecture Governor Hashimoto, that as governor, he is seeking to have Kochi harbor declared a “nuclear-free” harbor. He feels that jurisdiction over harbors belongs to prefectural governments rather than the central government in Tokyo. If Governor Hashimoto is successful in his endeavors, then other prefectures might also choose to declare their harbors nuclear-free. Hopefully this could lead to a nuclear-free Japan, much like David Lange created in New Zealand. I encourage Japanese peace-loving people to give support to Governor Hashimoto in this important effort.

Article VI of the NPT reads as follows:

“Each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty of general and complete disarmament under strict and effective international control”

This provision, agreed to by all the nuclear powers, except Israel, has been in effect for some 28 years. One might think that this length of time would have been sufficient for the so-called great powers, especially the nuclear ones -- to have made some substantial progress in nuclear disarmament and general and complete disarmament with strict and effective international control. Unfortunately that has not yet happened in even a small way. America seems to be looking for new enemies such as the so-called “rogue nations” in part to justify its continued addiction to its weapons expenditures, designing, manufacturing, and international sales<sup>23</sup>. The US leads the world in the export of conventional weapons.

As mentioned earlier, the December 4th, 1996 statement by Retired SAC Commander, USAF General Butler, and sixty other knowledgeable generals and admirals from around the world -- that the US should lead the way toward zero nuclear weapons, was treated somewhat derisively in America by the major media. Michael Sherry speaks of the US culture of “militarization” as a “... contradictory and tense social process in which civil society organizes itself for the production of violence.”<sup>24</sup> Institutions with military connections in that culture were not very supportive of Butler’s urgings.

What a magnificent challenge for Japan to lead, not only in creating a “Nuclear Free Zone” in its “geographical” and “situational” arena, but to lead in moving the world toward a fulfillment of Article VI of the NPT.

Furthermore, if Japan might take on this challenge as part of its leadership in non-military cooperation with the United States, some of the problems recently demonstrated by India and Pakistan in their May 1998 game of “nuclear chicken,” might be mitigated. If the “nuclear powers” had made some genuine progress in the past 28 years since the NPT agreement, then there would have been one less justification for India’s and Pakistan’s bombs, and those of other aspiring nuclear powers-to-be. Indeed, one of the reasons given by India for its unwillingness to sign the NPT, was that they had seen no serious progress on the part of the “big nuclear boys” to move toward fulfillment of Article VI of the NPT. Why should the “nuclear club” keep its nuclear weapons and deny others from having the same capacity for Earth-Suicide, themselves?

Other reasons exist for Japan to take a leadership role in the “nuclear weapons ban game.”

### **Comprehensive Nuclear Test Ban Treaty, (CNTBT)**

One of the reasons India refused to sign the CNTBT was, "... because it didn't ban all forms of nuclear weapons research, including subcritical tests, the countries that did sign thought it would ban new development of nuclear weapons."<sup>25</sup> The US carried out a "subcritical" test called "Stagecoach" on March 25th less than two months before India's test on May 11, 1998.<sup>26</sup> Some feel that one of the reasons why the US was willing to enter into the CNTBT was because it had developed its software computing capabilities with supercomputers to such a degree that, along with its massive data-base of nuclear test results -- it no longer needed to do nuclear test in order to continue designing and developing new nuclear devices and weapons.<sup>27</sup> If such is the case, I fear for us all.

The above paragraph sounds quite critical of the CNTBT. I do not wish the reader of this paper to infer that I am therefore not in favor of the treaty. The CNTBT is an imperfect treaty as are all treaties, however, it is a step in the right direction. I am in favor of all nations signing and ratifying the CNTBT -- specifically including the USA.

### **A Final Thought**

How very terribly sad that India, the land that gave us Gandhi with his wisdom and hope of "Satyagraha," and non-violent means for conflict resolution -- has chosen to enter this path to hell, this path of monstrous violence with its May 11th nuclear blasts. And how pathetically foolish that Pakistan followed suit. The "nuke-big-boys" should have been diligently at work to have helped these two nations find ways to settle their difference with Gandhi's gift -- non-violence. Japan with its Article 9 can contribute to such dispute settlements.

Allow me to give a positive recent example of the kind of leadership in non-violent conflict resolution of which we need much more from the "big boys." The United States, played a significant role in bringing the Catholics and Protestants, in Northern Ireland from killing each other, to talking with each other. I think it was in 1994 that President Clinton, over the strong objection of British Prime Minister, John Major, invited Jerry Adams, Sein Fein's political leader, to the White House in Washington for exploration of possibilities for "talking" rather than "killing." This began a series of activities, including sending former Senator George Mitchell to act as a kind of mediator between the warring parties. Thus far these efforts seem to have worked. The "rule of killing has been replaced by "the rule of law." I suggest that the United State set another example and use its power, not to threaten military violence, but rather to bring the two "KIMS" from North and South Korea, along with Chinese and Japanese leaders to sit down and talk about ending this 50 year paranoid fiasco in Korea.

Having said the above, let me add that the imperfect institution, the United Nations, (not the "big boys") is the vehicle through which these kinds of efforts should be carried out.

Thus I hope that you good Japanese peace-loving people can muster the full measure of your sovereignty -- and insist that your nation prepare a set of concrete

**“GUIDELINES FOR JAPAN -- U.S. COOPERATION IN NON-VIOLENT MEANS FOR CONFLICT-RESOLUTION AND WAR PREVENTION** -- to replace the present ill-advised U.S. proposed “guidelines for US--Japan defense cooperation. A good place to start would be to set the guidelines -- for [1] a nuclear-free-zone in Japan’s geographical and “situational” region; -- for [2] the reduction of nuclear arsenals to zero worldwide (including the cessation all testing of nuclear weapons of any kind whatsoever), and -- for [3] general and complete worldwide disarmament under strict and effective international control, including the outlawing of international weapons trade. After these first steps, might come guidelines for a multitude of activities as means to prevent wars and resolve conflicts non-violently. Please see our book, *A Call For Peace*, for a beginning list of these hopeful possibilities.

Persuading the United States to agree to cooperate in these healthier modes, (something so very essential) -- rather than in military ones, will be a bit of a challenge, something that will test the diplomacy and statesmanship of Japanese leaders!!

## References

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<sup>1</sup> Some of my commentary here might seem rather critical of my country, the USA, and its path as a world leader for the past 60 or so years. Let me say at the outset, that I am grateful for the many opportunities that I have had, as a US citizen, to fulfill some of my promise -- and yet I, along with millions of my fellow citizens, seek to improve this system that nurtured us. I am inclined to agree with Michael Sherry’s in his 1995 book, *In The Shadow of War*, when he characterizes the US, since before World War II, as a culture living in a state of “militarization” which he defines as -- “... the contradictory and tense social process in which civil society organizes itself for the production of violence.” I along with millions of other like-minded fellow citizens, seek an America where institutions will be judged according to how well they tend to maximize ethical, loving, and caring relationships nationally and internationally, rather than the culture of alienation, cynicism, selfishness, violence, and materialism that is contemporary America, in the view of many. Please see Michael Lerner’s book, *The Politics of Meaning: Restoring Hope and Possibility in an Age of Cynicism*, Addison Wesley, 1996.

<sup>2</sup> Koseki, Shoichi, (Edited and translated by Ray A. Moore) *The Birth of Japan’s Postwar Constitution*, Westview Press Boulder CO, 1997.

<sup>3</sup> Eisenberg, Carolyn, *Drawing The Line: The American Decision to Divide Germany, 1944-1949*, Cambridge, 1996.

<sup>4</sup> Green, Michael J., *Arming Japan*, Columbia University Press, New York, 1995.

<sup>5</sup> Sherry, Michael S., *In The Shadow of War: The United States since the 1930s*, Yale University Press, New Haven and London, 1995.

<sup>6</sup> Schaller, Michael, *Altered States: The United States and Japan Since the Occupation*, Oxford University Press, New York, Oxford, 1998.

<sup>7</sup> LaFeber, Walter, *The Clash: U.S.-Japan Relations Throughout History*, W. W. Norton & Co., New York, 1997.

<sup>8</sup> Brown, Lester, Gardner, Gary, Halweil, Brian, *Beyond Malthus: Sixteen Dimensions of the Population Problem*. World Watch Paper # 143, September 1998.

<sup>9</sup> Overby, C. (text), Kunihiko, M. (translator), and Momoi, K. (photo artist), *A CALL FOR PEACE: The Implications of Japan’s War-Renouncing Constitution*, Kodansha International, Tokyo 1997, Kodansha America, New York 1998 Distributed in the USA by Oxford University Press.

<sup>10</sup> The word “doublespeak” is an adaptation from George Orwell’s idea of “doublethink.” “Doublethink” might be defined as “thought marked by the acceptance of gross contradictions, especially when used as a technique of self indoctrination.” “Doublespeak” is related to the words “doubletalk” and “gobbledygook.” These three words might be defined as -- [1] “deliberately ambiguous or evasive

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language”; [2] “language that appears to be earnest and meaningful but in fact is a mixture of sense and nonsense;” or [3] “wordy and generally unintelligible jargon.” Please see Orwell, George, 1984, *The New American Library* (Signet Classic), New York, 1962, and *Websters Ninth New Collegiate Dictionary*, 1990; or *The American Heritage College Dictionary* Third Edition, 1997.

<sup>11</sup> Orwell, George, 1984, *The New American Library* (Signet Classic), New York, 1962.

<sup>12</sup> Lummis, Douglas, *Thinking in English, Thinking in Japanese: Your Constitution -- Read It One Last Time*, Shobunsha, Tokyo 1995.

<sup>13</sup> Wilkinson, Jens, “Surreptitious Revisions: The New U.S.-Japan Security Treaty,” *AMPO: Japan Asia Quarterly Review*, Vol. 28 No. 2, pp. 50 -- 55.

<sup>14</sup> “Text of guidelines for U.S.-Japan defense cooperation,” *The Japan Times*, Thursday, September 25, page 4.

<sup>15</sup> Wilkinson, Jens, *op.cit.*

<sup>16</sup> Tetsushi, Kajimoto, “New demands pose challenge for SDF,” *Japan Times*, 25 Sept. 1998.

<sup>17</sup> Overby, C., (text), *op. cit.*, Chapter 3.

<sup>18</sup> Butler, Lee, General USAF (Ret.), National Press Club Remarks,” 4 December 1996, Washington, DC.

<sup>19</sup> Overby, C., (text), *op. cit.* pp. 159 ff.

<sup>20</sup> It is mind-boggling, how poorly the media in the United States informed our U.S. population about this profound statement by General Butler and some sixty other retired generals and admirals around the world in December 1996. For example, one of the nation’s leading weekly news magazine, *Time*, did not think it important enough to even say one word about it in any of its December issues. And yet, this same magazine, in the most likely issue to print the Butler statement, found room for considerable trivia, such as an article on “swizzle sticks” for stirring liquor drinks. I wrote to the editor of *Time* and asked why. They said that there is not room to publish everything that happens, some choices have to be made. What a choice, “swizzle sticks” vs. the head of SAC, America’s nuclear delivery system, telling us that the US must take the leadership for reducing nuclear weapons in the world to -- zero.

<sup>21</sup> *United States Treaties and Other International Agreements*, Volume 21, (In Three Parts) Part 1, 1970

<sup>22</sup> Lange, David, *Nuclear Free -- The New Zealand Way*, Penguin Books, New Zealand, England, and the USA, 1990.

<sup>23</sup> Mesler, Bill, “Virtual Nukes -- When Is a Test Not a Test,” *The Nation*, June 15/22, 1998, pp. 16-20.

Please see this paper for a comment on the U.S. Department of Energy’s nuclear Stockpile Stewardship Program (S.S.P.) which the author characterizes as “.. a mammoth collection of tests and new facilities, giant lasers and supercomputers all to aid in the research and development of nuclear weapons. With a projected cost of \$45 billion over the next ten years, the program leaves the United States spending more on its nuclear arsenal than during the cold war...” I have argued that now that the cold war is over, perhaps we should downsize these national nuclear labs and ask them to do as the private sector does, when it no longer needs as many people -- namely, discharge the engineers and physicist with a generous severance package and allow them to find new jobs in the civilian market place. Some critics suggest that the S.S.P might be seen as a vast bribe to get the politically powerful “nuclear weapons establishment” to support the C.T.B.T.

<sup>24</sup> Sherry, Michael S., *In The Shadow Of War: The United States Since The 1930s*, Yale University Press, New Haven and London, 1995, pg. xi.

<sup>25</sup> Mesler, Bill, “Virtual Nukes --”, *op. cit.*

<sup>26</sup> Mesler, Bill, “Virtual Nukes --”, *op. cit.* -- Earlier in 1998, “... the European Parliament passed a resolution warning that a US decision to hold Stagecoach could provoke India and Pakistan to carry out full-scale nuclear tests. The resolution calls on the United States to ‘halt the series of subcritical tests’ and noted that, ‘no international verification exists on whether the tests are in fact subcritical. Even if they are, the resolution states, the tests would still ‘violate the spirit of the [comprehensive test ban] treaty and place in jeopardy its entry into force.’”

<sup>27</sup> Mesler, Bill, “Virtual Nukes --”, *op. cit.*