

## Article 2

### Who Killed Kazuyoshi Miura?

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Since Mr. Kazuyoshi Miura was “arrested” seven and half months ago, the substantial reasons of his restriction have been unclear. The journalist who had visited Mr. Miura in Saipan pursues the “criminals” who brought Mr. Miura’s death.

#### Impossible his death’s news

“Yamaguchi-san, do you know something about the news that Mr. Kazuyoshi Miura committed suicide is circulated? ...”

A familiar editor phoned me shortly after six on October 11. “How ridiculous...Impossible! Is it true? Unbelievable.” I said before I could stop myself.

Two week later, “Miura’s death” still remains unrealistic and should be the affair caused only in my dream. It must be a bad dream I can escape. Even more I cannot believe it was suicide. My thought does not change still now.

No one is further from “suicide” than Mr. Miura. He had fought and overcome any hopeless situations.

I had associated with him for over 20 years since I visited him arrested for the “Beating Case” at Tokyo Detention Center in 1985, and I was often struck by his mental toughness. He had never succumbed to the sudden restriction in February in Saipan and the cellular confinement under language constraint for over seven months.

In late October, I went to Saipan and met Mr. Miura. I felt his absolute confidence that he would win once again with his smile at that time.

“See you again in Tokyo soon.” Before I left, we touched our hands over the acrylic board at the visitation room.

I often remember his aspect that he waved his hand and return to his room with smile. I still cannot accept that it was real “permanent separation”.

#### “New evidence” leak frenzies Japanese media

On February 22<sup>nd</sup>, U.S. police arrested Mr. Miura at the airport in Saipan, self-governing domain of U.S. he visited.

On 23rd, after Los Angeles City Police announced his arrest on suspicion of murder, Japanese TV stations broke the news of his arrest, and day after morning it was blared in headline of newspapers on their front page as shown below.

**Asahi:** “Former company director Kazuyoshi Miura was arrested / U.S. Police in Saipan / Suspicion of his wife’s murder in 1981 / 20 year’s ago warrant issued / Not guilty judgment in Japan”

**Yomiuri:** “‘L.A. Case’ former company director Miura was arrested / U.S. authorities, Suspicion of his wife’s murder / In Saipan, 27 years after the fact / Not guilty judgment guilty in Japan”

Over 26 years after the fact, Why U.S. police arrest the person who had been found innocence after long trial on the same suspicion?

Japanese media reported as if U.S. investigative authorities had “new evidence”.

**Asahi:** “Attention to 27 year’s ‘new evidence’” / Key might be ‘Who actually murder?’”

**Yomiuri:** “FBI says ‘new evidence’” / “Authorities explained shooting Kazumi”

However, at a press interview on 26th, L.A. City Police said the arrest was based on the warrant issued in May 1988 and did not mention any ‘new evidences’.

In 1988, Japan and U.S. investigative authorities contacted closely. L.A. City Police gave Tokyo Metropolitan Police “Investigation report based on eyewitness testimony” and “Material evidences”. Tokyo Police arrested Mr. Miura on suspicion of murder in October.

Since the warrant served in Saipan was issued earlier than he was arrested in Japan, he must be arrested twice on the same suspicion with the same evidences. In addition, the facts based on the evidences were completely negated at Japanese Court.

This violates prohibition against double jeopardy established by the international covenants on human rights and the Japanese Constitution because U.S. police publicly ignored the final decision by the Japanese Supreme Court and built the case again. But then Minister of Justice Kunio Hatoyama did not protest against this, and he said “Judgments of not guilty in Japan do not prevent us from cooperation for international investigation”

Five years after the Supreme Court made the decision of innocence, mass media reignite the “L.A. case” fuss. Japanese government does not carry out its duty as protecting Japanese citizens who are unjustly captured out of the country. Mr. Miura’s combat started again.

## **Reporters don’t know the reason of innocence**

Most of media jumped at the “new evidence” and gave prominent coverage about it. This equals “The reason why Mr. Miura is not guilty by the Japanese Court is that no evidence is founded”. Most of reporters may not read the decision of Tokyo High Court upheld by the Supreme Court. Actually, the reports about the second trial’s judgment were very perfunctory. Even most of people might think “Miura successfully escaped” after reading their reports.

We would like to remember the development of the trial. In October 1988, Tokyo Metropolitan Police arrested Mr. Miura and Mr. O who lived in U.S. and suspected as an actual murderer. The prosecutors constructed the case as below:

<<Miura planned to kill his wife to collect much insurance money because his company became in financial difficulties. Conspiring with O, on November 18<sup>th</sup> 1981, Miura let O shoot Miura's wife, and Miura himself at the part of his left thigh to avoid the suspicion on him. Miura's wife was died one year after, and he obtained 150 million yen insurance money. >>

The prosecutors regarded a white van sighted at the locale as decisive evidence. The van was shown in the photo taken by Mr. Miura. Japanese and U.S. investigators concluded "Mr. O actually shot" because Mr. O rented a white van.

However, the first trial revealed that the photographed van was not the one Mr. O rented. The rented van had an antenna, but photographed van did not have it.

In March 1994, Tokyo District Court judged Mr. O's innocence. Mr. Miura's company which had been thought his "motive" because of "difficulties" was proven that it gained a profit.

There was no "shooter", no "conspiracy between them" or no "motive" in the case, although the District Court brought "conspiracy with an anonymous person" and convicted Mr. Miura on life imprisonment remaining the actual murderer was unknown.

Naturally Mr. Miura appealed against the judgment, and the prosecutors also appealed and argued "Mr. O only actually murdered".

At the appeal court, the prosecutors continued alleging "the first trial's decision that 'conspiracy with an anonymous person' is significant factual error" and "Only O contacted Miura around at the occurrence of the event". Tadashi Wakabayashi, the inspector in charge, attended the court and attested, "I investigated any alibis about the person testified 'I was recruited murder', and the person who was seemed to contact Miura in L.A., but Only O had the evidence as a murderer".

## **Second trial showed the base of innocence**

On June 1<sup>st</sup> 1998, Tokyo High Court judged Mr. O's innocence again, and Mr. Miura's innocence with reversal of lower court's judgment. The judgment dismissed all basic claims of the prosecutors and showed the base of Mr. Miura's innocence.

The Court decided about the first trial's decision "conspiracy with an anonymous person": (1) According to the evidences, the accomplice is neither identified nor totally found out. (2) Miura who stayed in Tokyo had no chance to find an "anonymous accomplice" or plot the shooting. In fact, there is no evidence of conspiracy. (3) The development that Miura's travel to Los Angels with Kazumi shows that the situations should deny the criminal plan. (4) There is no fact of any rewards for the participation in the crime.

It is important that the prosecutors themselves prove "conspiracy with an anonymous person" is "impossible" by the international telephone records and cash transfer records they gave. Additionally we should not forget that the prosecutors' assertion "The crime by conspiracy with Miura and O" was based on the agreement with Japanese and U.S investigation authorities.

L.A. City Police obtained the arrest warrant in May 1988. Japanese police arrested Mr. Miura in the "L.A. shooting case" in October 1988. Around that time, Japanese and U.S police sent investigators

each other and cooperated closely. Under the cooperation, they reach the agreement to indictment in Japan. Tokyo High Court's judgment of innocence completely negate the fact by Japan-U.S. collaboration on evidence.

### **Action for release and invalid arrest warrant**

In March, Mr. Miura filed habeas corpus right, applied for bail, and filed confirmation of arrest warrant's invalidity. U.S. prosecutors claimed the transfer to L.A. at Los Angeles County Court, but the Court decided that transfer is not needed and carried on the trial about validity of the arrest warrant.

The trial's issues were double jeopardy and conspiracy. In 2004, California state law was revised to eliminating applying prohibition against double jeopardy to judgments of other countries. Does it ranged over the judgment under the old law? About this, San Diego County Court decided to cancel the prosecution of a Mexican person because of violating constitutional protections against double jeopardy in April. This decision was good news for Mr. Miura.

The problem was conspiracy. The arrest warrant was obtained on charges of (1) murder and (2) conspiracy to murder, and the prosecutors said "The charge of conspiracy does not correspond to double jeopardy because conspiracy in Japan has not been tried". The defense claimed "The judgment in Japan covers conspiracy because Mr. Miura was accused of 'conspiratorial co-principal'", and asserted protection against double jeopardy.

The court demanded the judicial record from Japan. Does the charge in the warrant correspond with the charge tried in Japan? This was the focal point of the trial in Los Angeles.

Meanwhile, the support to Mr. Miura was immediately started in Japan. He fought and won against the 'false accusation by Japan and U.S. collaboration'. On the basis of this experience, He supported persons insisting on their innocence, for examples, "Eniwa case", "Wakayama case", "Mr. Govinda case" and "JR Urawa Train Depot case".

People who had opportunity to know Mr. Miura from the fight held "an urgent meeting to anger against Mr. Kazuyoshi Miura's arrest" and set up the organization for citizens. After, they have held meetings frequently, published a web page and called for the immediate release of him.

His lawyers in Japan also brought suits against the government not to cooperate with U.S. in the request of investigative liaison. The trial sought confirmation that Japanese government should not act on the basis of "Act on International Assistance in Investigation" or "the treaty on investigative cooperation between Japan and U.S." with ignoring conclusive judgment of innocence. The judgment of the trial scheduled on October 31st.

I joined the organization and reported my support activities and progress of the trial for "Weekly Kinyobi" and other media. In August, I visited Mr. Miura in Saipan and met him for two days.

### **Over the acrylic board**

"I haven't seen you for a long time. Thank you for coming from far."

Mr. Miura appeared with friendly smile slightly raising his hand after two p.m. on August 19<sup>th</sup>. I replied “I never thought I would talk you over the acrylic board again”.

I met him 20 year’s ago at the visitation room at Tokyo Detention Center. Since that, I had often met him over the board.

He was captured over the board again. I painfully felt his long restriction’s outrageousness from his lean face. However, his actual face seemed more active than his drawn face I had seen on TV. “Have you lost your weight?” “My condition is O.K., but dishes here are not good.”

Our topic went to the trial at Los Angels. Mr. Miura attended the trial with Attorney Bruce Berline on the Internet.

On this day, Professor Mark West at University of Michigan appeared before court and testified “None of conspiracy is in Japan, and the concept of ‘conspiratorial co-principal’ is different from conspiracy”.

In the testimony, Mr. Miura could not suppress laugh but was chided by Attorney Berline because Attorney Mark Geragos, Mr. Miura’s client, pointed out “‘conspiratorial co-principal’ is translated to ‘conspiracy’ on Japanese Supreme Court web site in English” and Professor West agreed with it.

“Professor tested so defensive for me that I laughed, but Attorney Berline chided me ‘You should keep your face straight because TV camera records you’” (Mr. Miura).

### **Inconvenience at new facility**

In middle July, Mr. Miura moved from the facility he had been taken into custody to the new one. Before moving, he could meet visitors while having a lunch brought by them at the outdoor table. But after moving he could meet them only in door and bringing lunch to him was banned.

Before July his friend Mr. K managing a Japanese restaurant sent Mr. Miura’s favorite foods into a lunch box. K has been Mr. Miura’s friend since Miura visited Saipan. After the arrest, Mr. K strongly supported him at Saipan. Mr. Miura’s greatest pleasure at that time was to take Mr. K’s special lunch with him and Ms. Yoshie Miura, Mr. Miura’s wife.

Sending books to Mr. Miura became inconvenient. Before I met him, I packed tens of flesh published books into my travel bag for him who liked mystery novel. But Ms. Miura said “The number of his belonging books is limited, and you would not pass their books to him at a once”. Eventually I sent them to him by mail.

However, I heard from him that the new facility become more comfortable. The building became new and clean, the room became pretty wider and the bed size became enough to sleep on condition stretching himself. An air conditioner became available for 24 hours and he could sleep better.

The thing better than Japanese detention facility was that detained person could telephone to outside if they apply. Mr. Miura telephoned his wife every night.

“My wife gathers any information from the attorneys at Tokyo, Los angels and Saipan and tells me it frequently. Then I have my request ask to the attorneys by Yoshie, and I hear supporting activity for me in Japan for details”.

Nevertheless, he had captured for half year and might not anticipate such a long detention. I asked him the point.

“In fact, Attorney Junichiro Hironaka warned that my detention might continue until autumn. I was upset at that time, but his notice is really what's happened. However, the things I have to do at the trial in Los Angeles have become clear, and the next would be up to interpretation and decision of the judge. Attorney Geragos says that the judge understands our assertion. It will be end if the judge understands that ‘conspiratorial co-principal’ in Japan is actually same as ‘conspiracy’.”

A facility staff came to the visitation room. 30 minute's visitation time had passed fast.

### **Why Japanese government doesn't act?**

The next day, I met him from two p.m. This day, I interviewed with him about some items as below:

----How do you think about the detention in Saipan?

“I only thought what was wrong about my passport when I was kept waiting long time and was taken to the office while I went through the disembarkation procedures at Saipan Airport. What was something wrong with the IC chip into the passport? But the procedures weren't making any progress even when the departure time was closed. I couldn't have any information however hard I made any questions. Soon, I was very upset with hearing the word ‘Los Angeles’. What were they talking about? I went panic first two days because I couldn't understand what was going on.”

“Why was I bound on? I don't know the circumstances about this, but it's a wrongful detention. I asked the officers ‘Why should I being here?’ and some of them understood me and answered ‘What's a shame’ after I explain my circumstances. Recently they tell me ‘you would return to Japan soon’. At all, what I can only to do is that I allege the detention is wrong”.

----How do you think about the handlings of Japanese government and police / prosecutorial authorities?

“The staffs of Japanese Consulate in Saipan help me very well. However, Japanese government doesn't mention anything about my detention. But police and prosecutors from Japan rather seem to cooperate with prosecutors in Los Angeles. This is awful. They confine the man proven his innocence in the Supreme Court in the same case. This is the same as a foreign interference in domestic affairs. Japanese government blames North Korea's kidnapping. Also my detention is the thing like a kidnapping. Does Japanese government regard my detention is legal?”

“How would U.S. government do if Japanese judicial authorities confine the person proven his or her innocence in U.S.? I think the government would call for the release of the person. However Japanese government doesn't call for the release of me. Even police and investigators in Tokyo cooperate with the request from police and investigators in Los Angeles.”

----I wrote ‘Why Japanese society does not anger against Mr. Miura's arrest?’ in the report for “Weekly Kinyobi”. I think one of the main reasons is the mass media's influence, and how do you think about this?

“Before talking about people’s opinion, the government and judicial professionals keep silence about this. I can’t believe it. About the news reporting, I know they reported ‘new evidence’. Of course, there is no evidence such as this, but even if new evidence is found by DNA analysis for example, I’ve been proven my innocence and should be protect against double jeopardy.”

“I thought L.A. City Police might make someone say ‘I shot her by Miura’s suggestion’, but the grand jury may not indict me because they won’t accept any ‘he said she said’ things.”

“I don’t afraid of any rumor about ‘new evidence’. It can’t be provided. It is difficult for me to prove my innocence, but I know my innocence. So, I think there is nothing to be afraid of, and if they have any ‘new evidences’, provide them.”

“I heard the media’s reports become fairer and more correct than the awful ones in this February and March. However I don’t arrow them and I will think of regal actions against them if I return to Japan.”

### **Consideration for his supporters and his wife Yoshie**

---- The support to you was immediately started in Japan. Most of the support people are who got to know you when you support the persons insisting on there innocence after you were freed from the prison.

“I don’t do any special things. Their ‘crime’ was forged without evidence, but they were treated criminals by the people under the mass media’s influence. I think if I say the treatments are wrong and there are some persons who agree with me, the opinions would increase from five to ten or one thousand.”

“I lacked out with good lawyers. We discussed in depth with the lawyer, and I was proven my innocence by their teamwork under the judicial situation that 99% of defendants are convicted in Japan. I thought my experience would be good for falsely accused persons.”

“I deeply thank the people who got to know and support me. I don’t understand the languages in Saipan, both English and Chamorro. I have to spend in the inconvenience of other languages. So it’s reassuring to me that I am supported by the wide-ranged people who got to know me at supporting falsely accused persons or other various situations. I would appreciate it that I’m not alone. I am sorry I can’t reply the letters, but I am grateful for sending books and letters.”

The limit of visitation time closed in. Finally Mr. Miura shyly said “I can say this to Yoshie by face-to-face”, and started to say consideration for his wife.

“In this case, Yoshie helped me very much. I feel great power from her. On the second day I was confined into the concrete room without understanding my circumstances, and when I think I should contact with Attorney Hironaka, Goods reached me from Yoshie. They were cloths, a toothbrush, soap and a telephone prepaid card. I could telephone Yoshie and the attorney by it next day.”

“I have some food allergies, so Yoshie negotiated attention to the allergies with the detention facility. The facility staffs argued her, but finally she made them accept the attention. I am scared how I would be if she weren’t my wife. A while I thought it was better that I would go to Los Angeles rather

than I held here so long. If she weren't my wife, I might have done so. I wouldn't be able to say no to her for a year."

It was first time that he told me his consideration for his wife such as this. I replied "When you return, we would like to hold the party for congratulations on your release. I wish you could return in this September." It was the final conversation between Mr. Miura and me.

### **L.A. Court validated arrest warrant**

On 12th September, the Supreme Court of Saipan dismissed Mr. Miura's habeas corpus right and mandated transfer to Los Angeles. Against this, he appealed the ruling to Northern Mariana Islands Federal Court.

Next, Los Angeles County Court decided that the arrest warrant is valid on the "warrant's invalidity" case.

L.A. Court decided that 'charge of murder' written in the warrant is invalid because of protection against double jeopardy, but 'charge of conspiracy to murder' written in it is valid and is not applied protection against double jeopardy because "there is no stipulation equivalent to conspiracy to murder in Japanese criminal law and its configuration requirements are different from 'conspiratorial co-principal' in Japan".

However, 'overt acts assumed to be conspiracy' listed in the warrant is included in the facts that Japanese prosecutors adduced when they charged him on 'conspiratorial co-principal' and in the 'conspiratorial acts' that they alleged during the trial. Japanese courts decided his innocence because there were not any such facts or conspiratorial acts. L.A. Court could bring the judicial record translated to English from Japan and review the content of acquittal. Despite this, L.A. Court extremely formally decided that conspiracy was not judged in Japan.

Against this, Mr. Miura conferred with his lawyers and they concluded that it would be better to go to Los Angeles and let the matter settle rather than he would consume more his time against 'transfer' in Saipan. On 29<sup>th</sup> September, Mr. Miura clarifies his intention to accept transfer and start his combat by discontinuing his appeal.

### **Media assert Mr. Miura's 'suicide' gulping police announcement**

On 10<sup>th</sup> October, L.A. City Police transferred Mr. Miura from Saipan to Los Angeles via Guam and Hawaii. A bunch of Japanese reporters brought cameras into the airplane and ask his comment with insistence, but Mr. Miura kept no comment.

17 hours after arrival at Los Angeles, according to L.A. City Police, "he was found in an unconscious state" at the police detention cell around at 9:45 p.m. on 10<sup>th</sup> (1:45 a.m. on 11<sup>th</sup> in Japan) and "died" shortly after he was found.

L.A. City Police announced "he hung himself". Every Japanese TV reported "Former company director Miura's suicide" on the breaking news at night, and the next morning every Japanese newspaper also reported his "suicide" assertively. Yomiuri, which shown the headline at the top on

the front page “Former company director Miura committed suicide / Immediate after transfer / at detention facility in L.A.”, wrote that Mr. Miura “was found that he committed suicide in the detention facility in Los Angeles and died shortly after he was found.”

However, the fact of “his suicide” is only the announcement from the police. It is not an objectively confirmed fact. At that time, the only fact was “L.A. City Police announced his suicide”. Mass Media’s character that they usually report the announcement from police as if it was a fact appeared again on the report at this time.

Piecing together news reports, the things L.A. City Police announced were: (1) around at 9:45 p.m. (PDT), he found at the state that his neck was tied with his T-shirts and he lost his consciousness. He was taken to the nearest hospital but he died around at ten. (3) Patrol went round to the detention rooms every 30 minutes and they had not found anything suspicious 10 minutes before the discovery. (4) None of suicide note was found.

Media should have had any questions before they asserted his “suicide” from the only information. (1) Mr. Miura accepted with showing his intention that he fought out in Los Angeles. After arrival at L.A., he called consul and ask the consul his requests about reading books, contents of the meal, the telephone and legal visit. Why should he commit suicide without notes only twelve hours after asking and five hours after he met his lawyer?

(2) How was equipment in the room? Where the T-shirts was bound and how was his neck tied?

(3) Weren’t there any monitoring cameras? When he was “found”, weren’t any pictures or images recorded?

(4) How was the first aid? What were the doctor’s findings who confirmed his death?

### **Unreasonable finding condition and process**

Tracking the reports after his death, the information about the “suicide” from L.A. City Police was slightly changed. “Tied with T-shirts” at first time was changed into “Y-shirts were bound with the bar of the double-deck bed’s upper deck like a string.” The time finding him was changed from “9:45” into “9:43” (eight minutes after patrol), and the time his death was confirmed was put off from “around ten” to “10:24”.

The period from finding him to his death was considerably changed from 15 minute to 41 minute. If he committed suicide soon after the last patrol and he lost his life by it, I was great wondering how he was aided after finding him eight minute after.

Why was the basic information about the state when he was found and time of his death so vague and was it considerably changed? What was happened after he met the consul and his lawyer in the police office and the detention room?

Los Angeles County Medical Examiner's Office said that they disclosed the detailed coroner's report included in results from the autopsy at that time, but after they said “It still take one week” and postpone it. Media reported “The disclosure was postponed because the bereaved denied meeting with authorities and taking his body (Asahi)”.

However, the bereaved told Mr. Miura's supporter "I didn't deny them. I ask the authorities to wait because if I say I will take his body, it would be treated with preservative and the cause of his death wouldn't be able to be figured out".

After, Attorney Geragos took Mr. Miura's body and independently requested a pathologist to evaluate his body, and on 20<sup>th</sup>, he shown the evaluation report that Mr. Miura might be murdered because his back bled internally and a scar with clot which is not made by hanging was found on his neck.

The police denied it but the medical examiner's office has not shown the report for two weeks since his death.

### **Who drove Mr. Miura to his death?**

Media gulped the announcement from L.A. City Police, asserted Mr. Miura's "suicide" and launched media blitz about it. Former "Weekly Bunshun" editor who plunged L.A. case coverage and former senior police officer and prosecutor who arrested him with following Bunshun's report appeared newspapers, TV and weekly magazines and commented "The truth of the case was buried" or "He wouldn't think he could hide". They act despicable because they defamed him with taking advantage of the fact that the dead can not speak. There is not enough space I can discuss the defamation on details, but I think that they and the reports about his arrest in February should be needed under proper review.

Meanwhile, Mainichi newspaper remarkably headlined "No 'new evidence' when he accused / said L.A. prosecutors' press officer" on 16<sup>th</sup>,

According to Mainichi, the prosecutors' press officer said "there were not any evidences like DNA analysis or new witnesses" and "FBI investigators can't learn of this case". So, what was media blitz about "new evidence" in February?

Even in the "reports of suicide", some newspaper editorials declared that "the truth can not been clarified" based on the "new evidence" as below:

----"It is said that L.A. City Police has strong evidence... We regret that we can not clarify the truth."  
(Mainichi editorial on 12th)

----"What was it if there was new evidence?" (Asahi editorial on 13th)

The truth has been clarified for ten years since the acquittal judgment by Tokyo High Court in June 1998.

Mass media painted innocent Mr. Miura as a "suspicious man". Police and prosecutors arrested him without evidences and with witness they fabricated. The second judgment in Japan clarified the structure of false accusation jointly made by the authorities and media, and "convicted them". The truth was not berried. Media did not look straight at or did not report it. At the end of "L.A. case coverage" during quarter-century, Mr. Miura was extremely wrongfully bound on by L.A. City Police.

The cause and the truth of his sudden death will be checked after now, but it has been already clear who drove Mr. Miura to his death.

---- Mass media, Japanese and U.S. investigation authorities and Japanese government killed him.

Mr. Miura greatly influenced my life as a journalist. I wrote “Bullet of Information ---- Reviewing ‘L.A. Case’ News Reporting” (Nihon Hyoronsha, 1989) and “A book against Abusing Human Rights by News Reporting” (Sanichi Shobo, 1995) with him in custody. I was expelled from Yomiuri’s editorial office because of their publication and support to his lawsuits against media. However, I have no regret about this. I am proud of my combat with him until now. I dedicate this report to Mr. Kazuyoshi Miura’s memory with my sincere condolences.

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