

Don MacLaren

My Life in Corporate Japan

Author's note: the events I describe in this essay are true and verifiable, but I have made some minor changes to names, dates and situations.

It was early May 2000 when I picked up the one chair I had in my Tokyo apartment and beat it as hard as I could against the wall - again and again - until I broke the chair into pieces and put several holes in my wall. Throwing the pieces left in my hands to the floor, I looked out my seventh floor window onto one of the busiest streets in Tokyo and thought of how easy it would be to jump out the window and fall to my death to end the frustration I was living.

A little over a year before I had gone to a national labor union in Japan and told a union officer that the trading company I was working for as a writer and translator was defrauding the Japanese government and several companies overseas by, among other things, forging the seal for Japan's Ministry of Agriculture, Forestry and Fisheries and putting it on documents I had translated. Later, I said, the company's directors would send the forged documents out to the company's clients and suppliers. (The documents falsely stated the quality control conditions the Japanese government required to import products into Japan through my company.) I told the union I wanted to notify the Japanese government and the companies being defrauded about this. I also told the union that upon hiring me the company had promised me pay and benefits that the company had not followed through on. The union's officer said the union would be happy to represent me in negotiations with the company.

After long hard thought I decided to formally request the union's assistance. I made up my mind that I would accept at the minimum an apology from the company for ordering me to participate in fraud. The money I was owed - which totaled about \$10,000 at that time - was important, but not as important as the fact that my company was defrauding people and ordering me to take part. I told the union that I valued an apology over money. I also told the union that at some point I wanted to go to the press with the story, and would refuse to agree to keep the story quiet, no matter how much the company might insist I do so in the midst of negotiations. The union representative agreed to all of my requests, but told me the union had one request of its own - that as compensation for its work I give the union 20% of any monetary settlement I might receive from the company. I agreed.

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The first negotiation session took place in April 1999. I sat between two union officers, facing three of the company's directors. I tried to still the shaking in my hands as we discussed the demands the union was making on my behalf. The company refused the demands, one by one, insisting that I was making up the story about fraud. Unbeknownst to them, however, I had made copies of the forged documents, as well as a copy of a receipt for one of them I had been ordered to send by registered mail.

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In the next negotiation session I placed a copy of one of the forged documents on the table in front of the directors and told them they were lying. They had no choice but to admit they were. "Don has absolutely nothing to do with this," Mr. Kawasaki, the director who had forged the seal for the Ministry of Agriculture, Forestry and Fisheries said, his voice cracking. As he spoke, he suddenly looked out of place in the stylish suit he wore, while sweat built up above his upper lip – a phenomenon common among Japanese when extremely troubled by something in a situation that requires them to maintain composure. "Don deserves a written apology, doesn't he?" Ms. Yamaguchi, the higher-ranking union officer present said, more a statement than a question. She looked comfortable while dressed simply, in cheap slacks. "Yes," Kawasaki answered, in a barely audible whisper, but audible enough to record it on the tape recorder I had placed in the inside pocket of my suit-coat.

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But negotiations dragged on for over a year. The company would request proposals from the union for a monetary settlement, indicate it was on the verge of agreeing to them, then refuse them – almost in the same breath. I told the union I just wanted to get it over with, and that I'd be satisfied with a written apology from the company. Then, I said, I'd leave Japan and contact the Ministry of Agriculture, Forestry and Fisheries and the other defrauded parties on my own if I had to.

"If the company just apologizes it doesn't mean anything," Yamaguchi told me one night on the phone after I called her. She was a woman about my age at the time (39), who told me she'd worked in a hostess bar. She had an attractive face and an ample ass I'd begun to fantasize about more and more as the negotiations dragged on. "If the company pays money as part of its apology then the apology is sincere," she said. "Well let's at least contact the press," I told her. "We can't do that," she told me. "Why not?" I asked. "Because we can only go to the press if the company breaks off negotiations."

"Why didn't you tell me this before negotiations?" I began to ask, but before I could finish my question Yamaguchi told me she had to take another call. Yamaguchi was constantly taking calls and always seemed to be in the middle of some crisis. I was lucky enough to get to speak to her more than a minute or so at a time, always struggling to speedily organize my thoughts and communicate what I had to say in intelligible Japanese, as I did so.

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Ibegan to look for other jobs, one of which was a position in the New York City Teaching Fellows program, in which the city's Department of Education subsidized a master's degree in education while candidates taught in underperforming schools. One day I received a letter, inviting me to an interview for the program, and I flew to New York in early May 2000.

Upon returning, I picked up a letter in my mailbox - under a pile of ads for porno videos and prostitution services that often found their way into mailboxes in Japan when I lived there – and stuffed everything into one of my bags. Then, after entering my apartment, I opened the letter to find

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my company was suing me to contest the amount of money the union was requesting for a settlement to negotiations. Among the documents in the letter was one the company was submitting to the court, which blamed me for the fraud. It was then that I picked up the chair in my room, beat it as hard as I could against the wall and broke it into pieces.

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“Will the union provide me a lawyer? I asked Yamaguchi”
“Over the phone the next day. “The union can find you a lawyer. That’s no problem,” she assured me. “Will the union pay for a lawyer?” I asked. “No,” she answered. Then she said she had to take another call and hung up on me.

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On June 6th, 2000, I made my first court appearance at the Hachioji courthouse on the outskirts of Tokyo, representing myself without a lawyer, and told the judge that I was planning to file a countersuit. Around the same time I got a letter from the New York City Department of Education, informing me I had not been accepted into the Teaching Fellows Program.

After the court date the union made a weekend excursion to an *onsen* (hot spring) outside Tokyo. The excursion consisted of bathing, meals, and drinking, but mostly meetings. About 100 union members from various companies in Tokyo attended. In the meetings we went over all the issues the ten or so branches of the union were dealing with, and in each meeting the union’s officers told us we had to try to recruit more union members.

During the last meeting, on Sunday afternoon, the union officers asked us if we had anything to say. I raised my hand and told them “no one in my company wants to join the union because everyone in my company knows that I’m being sued for joining the union in the first place. The best way for the union to make itself appealing is to help me to come to a resolution in the negotiations and the lawsuit. Then, the union can concentrate on getting new members from my company’s employees.”

The directors, sitting at a long table at the head of the room, shuffled papers and cleared their throats. As I observed a spontaneous moment of roaring silence fall over the directors I noticed that sweat was forming above Yamaguchi’s upper lip, just as sweat had formed above Kawasaki’s, when during the negotiation session he conceded he’d ordered me to take part in fraud. Soon enough the meeting spontaneously dissolved, the excursion ended and I was left to find my way alone to the train station and back to Tokyo. (Yamaguchi had given me and some other members a ride to the excursion, but there was no sign of her car when I walked out to the parking lot to get a ride home.)

A few weeks later I talked with some of the union’s directors, told them I was unhappy with the way Yamaguchi was handling my case and said I didn’t want her representing me anymore.

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Though I couldn't really afford a lawyer, over the next few months I took several days off work in order to consult with attorneys. This became a financial burden. In addition to losing money from not working, I had to pay for the consultations (10 thousand yen - about \$90 - for a half hour).

However, one of the numerous subplots to this story, which I won't go into, is that I got lucky, and through another union member who had conflicts with Yamaguchi, found a lawyer who charged me a fee I could afford.

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Ispent countless nights without sleep, often staying up all night working on the lawsuit - writing documents in Japanese or translating documents for the union or my lawyer, which I would send to them by fax nearly every day. When I did sleep I had dreams I was slipping down a pit into a wasteland, and the harder I tried to climb out the further I fell.

Other nights I lay awake for hours on my Japanese *futon*, on the floor of my apartment, then gave up on sleep and went for long walks in a large park a couple of blocks from my apartment building. Often, coming home from the walks I still couldn't get to sleep, so I would go buy Asahi beer at one of the 24-hour convenience stores nearby, go back to my apartment and drink it in the dark. No matter how much beer I drank, I never got drunk. The nervous tension inside me seemed to quickly burn up all the alcohol I consumed.

After finishing the Asahi there were times I still couldn't get to sleep, but it didn't matter because by that time it was daylight, so I would brush my teeth, shave, shower, dress and go to work.

But when I would arrive at work I wasn't given any work to do. The company (and some of the people in the union as well) were apparently hoping that because I was sitting at my desk with nothing to do I would go nuts and jump in front of a train, as many an office worker has done in Japan. (Then, after the suicide is scraped off the tracks it is the policy of the train company to bill his or her family for any damages to property[1].)

One night when I couldn't get to sleep I rented a porno video, but it just made me more frustrated and I picked up my VCR and threw it against the wall, breaking the VCR beyond repair. "I hate this life!" I screamed, but no one heard or understood or cared.

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In Japan ostracism is used as a way to get people to quit their jobs, because it is difficult to legally fire people in Japan, especially union members. By the time of the lawsuit, the company had stopped giving me work to do, but I still faithfully punched the time clock by 9:00 AM every day and sat at my desk until it was time to leave at 6:00 PM. Naturally, it was difficult to come to work every day and maintain my composure, given the fact that I was working for a company that was suing me. Frustration and rage boiled through my blood and I feared it was only a matter of time until I exploded. However, I cultivated the ability many Japanese do to not let inner turmoil show. I would have quit the company

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if I'd found another job, but even then, without seeing the lawsuit through to the end I would have been stained with the accusation the company made about me being responsible for the forged documents. And if I didn't contest the accusation through the courts, it would have been the same as tacitly acknowledging wrongdoing.

I woke up one morning and got ready to go to work - to do nothing. I started punching holes in the long-suffering walls of my apartment, and only stopped when I considered that at some point in the future I would probably have to pay for the damage to the walls.

Because they gave me absolutely nothing to do at work I would sit at my desk and read books on history, war and politics, like Bernard Fall's *Street Without Joy*, Stanley Karnow's *Vietnam: A History*, William J. Duiker's *Ho Chi Minh: A Life*, Herbert Bix's *Hirohito and the Making of Modern Japan*, John Dower's *Embracing Defeat: Japan in the Wake of World War II*, George Feifer's *Tennozan* and the *King James Version of the Bible*, among others. Then, I wrote my thoughts down and continued to write and write to try to keep from going insane, until I had filled up several notebooks. I broke up the reading and writing by reviewing the Spanish I had studied in college and the Chinese *kanji* characters I had taught myself over countless hours during my first years in Japan.

One day, when I was sick with a cold, I went to the drugstore across the street from my apartment building and, after reading the labels on different medicines, found that there is codeine in much of the cough and cold medicine that is sold over the counter in Japan. I began buying this medicine and popping the codeine pills regularly, chasing them down with the codeine cough syrup in order to mellow myself out. I kept a bottle of the pills in my desk drawer at work, and on some especially bad days I took as many as six or nine or twelve or more codeine pills at work so I wouldn't get violent and murder someone.

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Many people I have told this story to have asked me "Why didn't you just leave Japan?" "Why didn't you talk to friends?" "Why didn't you get counseling?" "Why didn't you go to church and pray?" I did or attempted to do all these things, but none of them worked because none of them helped resolve the problems.

However, the problems did go away for a while when I drank Asahi, or dropped codeine, and one time when I called the number of on one of the ads for prostitution services I found in my mailbox and made a visit to the Kabukicho area of the Shinjuku district - a 25 minute train ride away - for a tryst. But the problems only returned with more force later.

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There is a myth of consensus and harmony in Japanese companies. The literature on the "Japanese Economic Miracle" of "Japan Inc." often misleads Westerners into believing that Japanese voluntarily work overtime and later, also voluntarily, go out and drink with the boss. However, if one were to sit down with an underling in a Japanese company and have a heart to heart conversation, one would hear differently. When employees justifiably request to be paid for the overtime

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they are required to perform, or other benefits they are entitled to receive, their companies will sometimes take them to court, which is what my company did to me. (For more on this and other phenomena in corporate Japan, see Karel van Wolferen's *The Enigma of Japanese Power*. [2])

There is also a myth about the Japanese reluctance to go to court, which was debunked in my case when I got the letter from the courthouse.

The reason I didn't want to agree to keep quiet about the negotiations and lawsuit is that I had gone through Japan's legal system before, and in a previous lawsuit concerning three months in unpaid wages at an English school I was working at, the president of the company insisted we keep quiet about not being paid before he handed us our money in the courthouse. Our agreement to remain silent allowed the school to hire new employees from overseas, which the school subsequently stopped paying as well. [3],[4],[5],[6] The directors then fled, without paying the new employees anything.

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After I obtained a lawyer, the judge in the Hachioji courthouse decided to have my case moved to the biggest courthouse in Japan, to the Kasumigaseki district, in central Tokyo, where the Japanese government's offices are located. My lawyer and I went there and filed a countersuit in January 2001.

By this time the union told me they had received a letter from the company stating that the company's directors had broken off negotiations and gone to the Japanese government's Ministry of Agriculture, Forestry and Fisheries, as well as the other defrauded parties, and apologized for the fraud. Up to that time people from the union had been coming to support me in court, but from then on no union members came to the courthouse. The union had abandoned me.

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When the company sued me its directors stated that though at one point I had claimed they had ordered me to forge someone's signature on a document, they had actually had that person's permission to sign his name. (The document stated that my company was the sole distributor for the company's products in the Japanese market, which allowed my company to charge whatever price it wanted for the product.) I began a search for the man whose signature employees in the company had been signing, found the phone number for his office in Belgium, and called him up late one night. Recording the conversation, I asked him if indeed the company had permission to sign his name to documents. "No," he said. "Has the company ever had your permission to sign your name?" I asked. "No," he said again. The conversation continued amicably for another minute or so and he thanked me for calling him and informing him what my company was doing. (Later, his company informed mine that their business relationship was over.)

I transcribed the conversation and translated it into Japanese. Then, I gave my lawyer a copy of the tape of the conversation, the transcription, and the translation - which he in turn submitted to the court.

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I told my lawyer that I was not going to agree to keep quiet about the lawsuit, and he told me that would be no problem. During a court session in late August, 2001 my lawyer made a proposal for severance pay. Then later, in early September, he called me up and told me to look in the mail for a registered letter that was to arrive soon regarding the settling of the lawsuit.

Shortly after that I decided I didn't want to become a junky and threw away all the codeine I had bought.

A few days later I went home from work and started to pack my bags for America, not caring what happened in the end. I only had about \$4000 in savings, but I figured if worse came to worst I could live outside, homeless. Los Angeles or San Diego would be good places, I thought. At least they're warm in the winter.

The night I began packing I couldn't sleep. But this time it wasn't because of stress. Rather, it was the absence of stress that kept me awake. I lay in bed for over an hour with the lights off, then giving up on sleep I walked to the window in my seventh floor apartment and looked out from it. As I often had during the previous two and a half years of negotiations and lawsuits, I considered what it must be like to jump out of a window as I gazed at the stars in the sky.

Then I turned on the TV to find that the World Trade Center in New York City had been attacked by *kamikazes*. With the rest of the world I witnessed people falling to their deaths from the windows they jumped from. That night turned out to be another one without sleep. I thought of how insignificant my problems now seemed as I watched TV, prayed, cried and drank Asahi.

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Returning from work the next day, I opened my mailbox and beneath a pile of porno and prostitution advertisements found the registered letter from my company that my lawyer had told me to expect. I opened the letter to find that the company accepted the proposal for severance pay my lawyer had made. I was awarded 5 million yen by the court, which came to about \$37,000 after I paid my lawyer. The company also apologized in writing for ordering me to take part in criminal activity, and as my lawyer said, there was no indication that I had to keep quiet about the lawsuit. [7] I had won.

And after ten and a half years in the country I left Japan, after taking my lawyer's advice and covering up the holes in my apartment's walls with prints by Salvador Dali.

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Notes

[1] Howard W. French, "Kunitachi City Journal; Japanese Trains Try to Shed a Gruesome Appeal," *The New York Times*, June 6, 2000

[2] Karel van Wolferen, *The Enigma of Japanese Power*, (New York: Vintage Books, 1990)

[3] *Asahi Shinbun*, Utsunomiya, Tochigi, Japan, January 25, 1996

[4] *Shimotsuke Shinbun*, Utsunomiya, Tochigi, Japan, January 26, 1996

[5] *Shimotsuke Shinbun*, Utsunomiya, Tochigi, Japan, February 25, 1996

[6] Don MacLaren, "Corruption is de rigueur in Corporate Japan," *Business Week (International)*, December 7, 1998

[7] *Wakaichousho* (Court Agreement), Tokyo District Courthouse, Civil Cases 19 Bu, October 2, 2001, Plaintiff: USC Limited, Defendant: Donald Roy Maclaren, 2000, Wa 24705; Countersuit Plaintiff: Donald Roy MacLaren, Countersuit Defendant: USC Limited, 2001, Wa 704