

(1:00 a.m.) entry including statements such as he did not recall clearly. Consequently these statements cannot be given credence by the Court. Thus the doubts should be held to exist about the accuracy of the aforementioned diary entries.

Furthermore, according to the evidence (Defendants' Exhibit 120-1, 122-2 and 237), the statement "1:00 p.m." was written after the entry concerning the following date, or the 20th, on the reverse side, and the ink used at the time of entering "1:00 p.m." was different from that used for the entry "Mrs. Clow, Hiroe's case." This also increases suspicions about the accuracy of the entry "1:00 p.m." (1:00 a.m.). Given the above, the Court cannot give any credence to the entry to the entry "1:00 p.m." (1:00 a.m.), and cannot hold that Abe was not at the scene of the Seattle Incident on the basis of this entry.

Plaintiffs do not accept that the characters "1:00 p.m." were written after the entries on the reverse page, and have submitted an evaluation and opinion prepared by Yutaka Okuda stating that the same ink was used for the entry "1:00 p.m." as was used for the characters underneath (Plaintiffs Exhibit 255 and 308). From the various circumstances and evidence (Defendants' Exhibit 280-1 and 283), however, credence cannot be given to the evaluation and opinion prepared by Yutaka Okuda.

(8) As stated above, Abe can be recognized to have asked a prostitute to allow him to take nude photographs in Seattle late at night between March 19 and 20 on the occasion of carrying out the first overseas Gojukai tour in the United States as the head of the study department of Nichiren Shoshu during March 1963, to have committed a sexual act with a prostitute on this occasion, to have caused an altercation with the prostitutes surrounding their fees, and wound up involved with the police. Consequently the events claimed by the First Article Series and the Speech, etc., (iv) should be recognized as being the truth.

(iv) That being the case, the reporting of the First Article Series and Speech, etc. (iv) involved events which concerned the public interest, and the objective of said reporting was solely that of benefit of the public. Moreover the claimed events can be recognized to be the truth and consequently said reporting is not unlawful.

5. Consequently Plaintiffs 1st claim in this case is without reason.