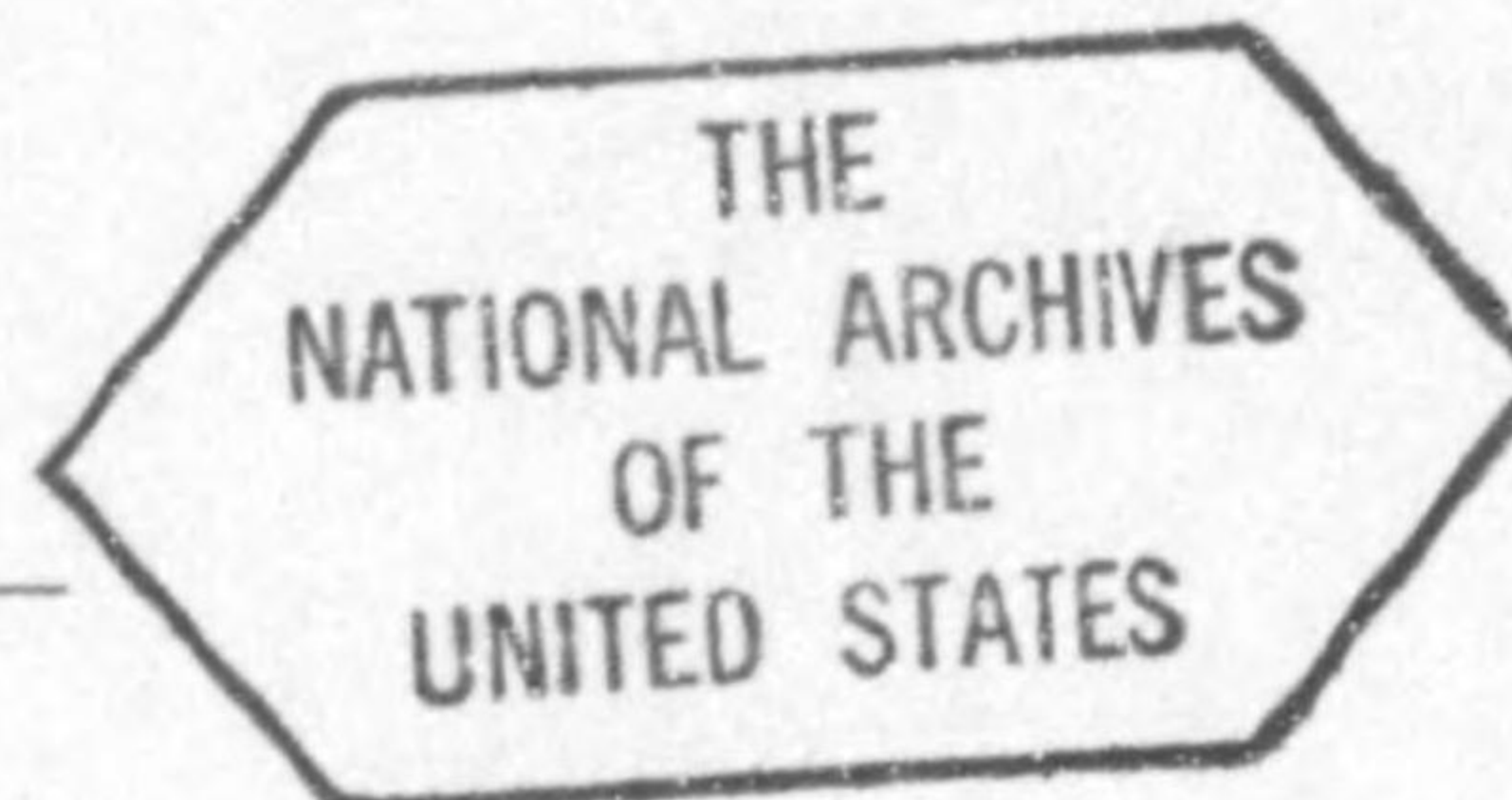


GHQ/SCAP Records(RG 331)
Description of contents



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EXCERPTS FROM CPR T7.7 DATED 22 DECEMBER 1948 RE SEPARATION ALLOWANCES

ELIGIBLE EMPLOYEES

Determinations of eligibility under section 7.2, appendix II, will be made by the local officials to whom authority is delegated under paragraph 1-2. Such determinations will generally not be necessary in individual cases, but will follow policy statements made in connection with classes or grades of employees who are not permitted to have their families with them, or determinations of posts at which it has been determined to be in the best interests of the individuals concerned not to permit families in the area. It is to be noted that the separation allowance is payable only to husbands and not to wives or widows.

WHEN GRANTED

The separation allowance may be paid only at the places specified in section 9.7b, appendix II.....When there is no restriction on having families at a post of assignment, the separation allowance may not be granted for any period, regardless of difficulties in obtaining suitable quarters or ordinary family or business requirements.....If it is necessary to remove the family, but not the employee, from an area under conditions which would authorize a grant of a separation allowance.....the separation allowance would be paid from the date on which the family leaves the country of assignment.

DEFINITION

The term "family", when used in connection with separation allowances, means the wife of an officer or employee and his children who are unmarried and under 21 years of age. The term "children", includes step-children or adopted children.

WHEN GRANTED

A separation allowance may be granted whenever the head of an agency determines that an officer or employee of the agency is compelled to maintain his family, or

SEPARATION ALLOWANCES--2

any of them, elsewhere than in the country of his assignment because of the existence of any of the following conditions:

- a. Dangerous living conditions.....
- b. Notably unhealthful or excessively adverse living conditions at any post listed in section 9.7b;
- c. For the convenience of the Government.....

DETERMINATION OF RATES

The rate of the separation allowance-grant shall be determined by his salary and the number of members of family maintained elsewhere than in the country of assignment in accordance with section 9.7a.

NOT PAYABLE CONCURRENTLY WITH PER DIEM

Notwithstanding the provisions of sections 7.31 to 7.45, a separation allowance shall not be paid for any period during which travel per diem is payable for the member of the family with respect to whom this allowance is granted.

ANNUAL RATE OF SEPARATION ALLOWANCE

SALARY OF OFFICER OR EMPLOYEE (1)	FAMILY MAINTAINED ELSEWHERE THAN IN COUNTRY OF ASSIGNMENT					
	Wife* (2)	Wife & 1 Minor Child (3)	Wife & 2 Minor Children (4)	Wife & 3 Minor Children (5)	Wife & 4 Minor Children (6)	Wife & 5 or more Minor Children (7)
\$3,000 and over	\$ 1,456	\$ 1,950	\$ 2,197	\$ 2,327	\$ 2,457	\$ 2,587
Below \$3,000	1,209	1,612	1,820	1,924	2,028	2,132

*If an officer or employee is compelled to maintain one or more of his children, but not his wife, elsewhere than in the country of assignment; the annual rate of the separation allowance, if granted, shall be determined in accordance with the above table except that the amount shown in Column (2) will be paid for the separate maintenance of one minor child, the amount in Column (3) for two children, the amount in Column (4) for three children, and so on.

Central all caps

~~LOCAL GOVERNMENT~~

I. INTRODUCTION

When the citizens of a local community, through officials elected by and responsible to them, determine the policies and manage the affairs of that community, Representative government reaches its fullest expression. Under such conditions, authoritarian encroachments on the lives and rights of the people are difficult to ^{impose} improve or perpetuate, and government retains its proper character as ^{an} instrument and servant of the people. Further, when local public bodies are representative, vigorous and responsible, a strong and healthy representative system of government for the nation as a whole is easiest to maintain.

The system of local government in operation in Japan at the beginning of the Occupation was the antithesis of local self-government. Its character ^{was} rigidly authoritarian, ^{and} local governments were but arms of the central government. Individual angularities in local administration in response to local conditions, needs and desires were not contemplated nor tolerated; all important problems were settled in Tokyo or by officials whose authority derived from and whose responsibility was to Tokyo. The individual citizen had no active participation in this government; to him it was an organization controlled by remote sources of authority, yet he felt its pressures on his life at every turn.

The reform of this system was an essential ingredient of the blueprint for democracy which the Occupation gave to the people of Japan. There was no intent -- nor could the effort, if made, have been successful -- to transplant to Japan the theory of States' Rights as practiced by the federal union of sovereign states which formed the United States of America. The basic aim was closer to local "Home Rule" as accorded to the municipalities

by the constitutions and statutes of a number of states in the United States. The legal groundwork for this reform was laid in Chapter ~~VIII~~⁸ of the new Constitution of Japan which establishes the principle of local autonomy and provides: (1) that local public entities shall establish assemblies as their deliberative organs, (2) that their chief executives, assembly members and other local officials shall be locally elected by direct popular vote, and (3) that they shall have the right to manage their local property, affairs and administration.

It is obvious that the constitution could provide only a broad statement of basic principles. To make these principles come to life required a thorough overhauling of the legislation governing the status, organization, powers and responsibilities of local public entities; revision of the laws for the election and installation of a new set of officials under the new system; interim arrangements during the transition period; education of both local officials and the public in the significance of the reform, and advice and encouragement in the exercise of their new powers, rights and responsibilities.

The (Chihōjuchihō) Law Concerning Local Autonomy, was evolved after exhaustive field studies, conferences and discussions to which not only the Local Government Division but the other divisions of Government Section, other staff sections of General Headquarters, Japanese officials in the national, prefectural, city, town and village governments, leading citizens and others made contributions. As finally enacted by the Diet, it provides the basis for a democratic system of self-governing local public entities fully empowered to manage all affairs of a purely local nature and to discharge their local responsibilities in matters of national concern. The people are given an opportunity to participate in local political and governmental affairs; local answers can be developed to local problems; local officials and representative bodies are given opportunities to participate in the shaping of national

policies, ^{thus} the local arena becomes a training ground for leadership in national affairs.

M. V. B.

II. The Organization and Structure of Local Government.

Indubitably
Cap + Lec.

The Organization

^{which was}
~~The type of local gov't in existence at the beginning of the Occupation was~~
~~At the beginning of the Occupation the functions, powers and responsibilities of local government were located in and exercised through six echelons of authority and administration. These echelons controlled the rights and lives of the subjects of Japan, imposing upon them countless burdens and duties, many of them unreasonable, irksome and of servile character. Because of the implantation by the Meiji statesmen of the Continental System of government and the steadfast maintenance of it by their followers for over the past half century, the entire six echelons have existed as units of administration for the convenience of the Central Government. As functionaries of the State, ^{its} their officials have been in no position to listen to the daily needs and wants of the populace, much less to serve as their representatives.~~

The hollowness of the "local autonomy" which this system was supposed to grant was intentional; it did not just develop since its creation ^{scarcely} 70 years before. The Continental System as established in Japan was more Germanic in character than French, despite the wide adoption of many statutes, ^{and} practices ~~and procedures~~ from the latter country. Moreover, the counseling of the most important character was given by German scholars and statesmen, not only when the Japanese studied on the Continent, but also when they invited foreign representatives to come to Japan. Because of this ^{background} and the deep-rooted authoritarian controls of the Japanese imperialistic system, the orbit of the Japanese subject's life and movement, politically and socially, was ^{constantly} ~~always~~ subject to ~~constant~~ ^{stringent} scrutiny and effective regulation.

Three of the echelons derived their structure, power and responsibilities from five ^{basic} laws, their enforcement regulations, and Imperial Ordinances. The first of these echelons composed the Metropolis of Tokyo-To, the District

of Hokkaido, the two urban, and the forty-two rural prefectures. Three separate laws, as discussed below, put these forty-six governmental authorities upon approximately the same basis. The second echelon ^{was} ~~is~~ composed of the cities, and the third echelon ^{was} ~~is~~ made up of the towns and villages. These three levels of government are the major ones. Each unit within the three levels is a juridical person, which clothes it with such powers that the people within its area can be controlled by it and at the same time its own corpus is controllable by the State.

The remaining three echelons in local government derived their power ^{by} ~~from~~ delegations of authority from the laws referred to below and their structure from regulations issued by the Minister of Home Affairs. None of the bodies so created was a juridical body, therefore, and their character changed with additional delegations or withdrawals of authority. These three levels were sandwiched in between the people and city or town and village governments. This system was formed by a vertical integration of (1) the Neighborhood Associations or Tonari Gumi, which were compulsory units of some eight to fifteen families and made the first rung of the hierarchy; (2) the block associations or Chonaikai and buraku kai, which were again compulsory units of ten Tonari Gumi and formed the second rung, and (3) the federations of the Chonaikai or Rengokai, which were units of one hundred Chonaikai and made up the third and last rung. The federations were generally formed in the larger municipalities and were not found in the towns and villages. This system was well integrated. The lines of authority and control led straight to the central government -- mostly in the Ministry of Home Affairs. The suitability and efficiency of this system for ^{propagandizing} ~~preparatizing~~, exhorting, ordering and otherwise regimenting the entire population were astonishing. Thus, when the central government desired the people to support the war effort "more earnestly", the governors ordered the mayors and they, in turn, ordered the

heads of the three sets of organizations to control the families.

~~Functions and Responsibilities of Local Bodies~~
~~Structure of Local Government~~

The nature of the local governmental system can be understood ^{best} ~~and seen~~ ₁ best by an examination of its relation to the people and of the elements which compose it. There follows therefore, a brief description of: (1) the rights and duties of the people, (2) the powers and responsibilities of the chief executives, (3) the position of the assemblies, (4) the divisions of administration and their authority, (5) the supervision of local public bodies, and (6) the condition of financing.

The privileges of the people as individuals in Japan, as provided in the five organic laws, were in terms of the grants in the Meiji Constitution which ^{above} ~~rather than~~ all else stressed the duties of the subjects: (1) manhood suffrage with certain qualifications was enjoyed; (2) certain voters with further qualifications could stand for indirect election of Chief Executive of the village, town and city as well as for direct election of legislator for the assemblies of all entities; (3) the Japanese right of petition was given, and (4) the right to use the "property and establishments in common with others and the duty to share in their burden."

Because of the relative impotence of the local positions to which candidates could stand for election, these privileges were weak reflections of the individual's rights as known in the Western democracies^{crises}. Moreover, because of further controls found in other laws, ordinances and regulations, the individual's sphere of political activity was pitifully small.

~~Executive~~

The chief executives of the three top echelons of local government were alike in name only. To some degree under the laws their powers and responsibilities were somewhat similar for their respective jurisdictions. Because of the Imperial Ordinances and some agreements, there were sharp and severe

gradations which with Japanese finality placed each of them in the political and governmental "positions in which they belonged."

Indeed
Sagami
Capitol.

2. ~~The Executive~~ ~~Affecting Local Executives and Legislative~~
~~The Governor as National Official~~

The governor, as bureaucrat and appointed official of the Central Government, the Ministry of Home Affairs, or ~~Naimushō~~, was truly the most important administrator in the prefecture. The record over a half century of time confirms the fact that few were the occasions when his power was questioned or his will resisted by any element in the local public body.

The governor in Japan upon the enactment of the ~~Fukensei~~, ^{With the enactment of} or the Law Concerning ^{the Organization of} Urban and Rural Prefectures on May 17, 1890, ^{the governor} was clothed with a dual character. Until that date, the governor had been a national official

only, a condition established at the time the clans gave up their lands to form the prefectural system through the Hanseki Hokan, or Return of Feudal ~~Benefices~~ to the Emperor, of 1869, and the Haihan Shiken, or Abolition of Clans and Establishment of Prefectures, of 1871.

The national element of the governor's character, even though formed before, had been given more specific detail and definition in the Regulations Concerning the Authority of Local ^{Government} Officials, ~~or the (Chūin Rankansai)~~ of July 20, 1886. This important Imperial Ordinance established in each prefecture the authority of the governor as ~~without any question~~, the highest authority exercising national governmental powers in the prefectures. Of some five or six other high ranking governmental officials also in the prefecture, from the Ministries of Finance, Agriculture and Forestry, Railways, Transportation, and Communication, the governor was the only one who could (1) issue prefectural ordinances, ~~or Rekōrei~~, (2) demand the dispatch of troops to quell disorder should the need arise, (3) supervise the heads of cities, towns and villages, and (4) control almost completely the personnel of the prefectural government through the ~~means of~~ minor ^{or Sanmei} rank officials whom he could

select, promote, transfer or dismiss, and the sōnin rank officials, whose appointment was approved by the Emperor, but with whom he could do the same with ^{the} consent of the Home Minister. It was in this Regulation that the governor was made a direct appointee and in some degree a henchman of the ~~Naimu-Daijin~~ Home Minister who virtually controlled the governor's entire career as a governmental official.

Supplementing this ordinance was another concerning court ranks, the Joi-jorei of May 6, 1887, which became the I Kai Rei, or Law Concerning Court Rank, on October 21, 1926. The governor was of Chokunin rank, (appointed by the Emperor) which gave him a position of great political and social prestige. Moreover, by another ordinance concerning the pay of the grade of higher class officials, the governor's annual salary ranged from ¥4,650 to ¥5,350, or above that of a bureau chief and just below that of a vice-minister in the national government. ←

Other laws and Imperial Ordinances gave the governor particular powers and functions in specific field to act for the various competent ministers.

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3. Relationship of the Executive to the Legislative Bodies. ↗

The Governor as Local Official

The second element of the governor's dual character consisted of his authority in the local government system by the ~~Fukuroi~~, or prefectural ordinances. Within the prefectural government itself, he was an official to be pleased and feared: (1) he alone could call the prefectural assembly into regular and special sessions and to all practical purposes determine their duration; (2) he could ~~when he chose~~ override the assembly's action and, if the occasion were made difficult by the assembly's "stubbornness", he appealed to the Home Minister, and (3) he presided over the prefectural council which was elected by and out of the assembly to meet during the nine, ten or eleven months of the year in which the parent body was not in session.

Further powers in the local government system were evidenced by the degree of supervision which the governor could exercise over the cities at one level and the towns and villages at another. At the time when the indirect elections took place for the ~~sōnchō~~, or village head, the ~~chōchō~~, or town head, and the ~~shichō~~, city mayor, the candidates' names went to the governor's office for approval; hence, the elective process was not conclusive because of this compulsory element of approval by the executive. The governor could almost, ^{at} by his own discretion, remove a ~~sōnchō~~ or ~~chōchō~~ ^{village or town head} from office as well as dissolve ^a ~~the little~~ ~~sōnkai~~, or village assembly, or ~~chōkai~~, town assembly. Upon his recommendation the Home Minister removed the mayor or dissolved ^a ~~the~~ city assembly.

These powers are all political controls. They should be viewed in conjunction with the financial ones, especially on the submission and final approval of the prefectural budget by the assembly. It ~~has always been~~ ^{was} the governor's prerogative to formulate the budget and with very narrow limits hold the assembly to pass it. In the expenditure of national funds he did not have to make an accounting or even report the sums to the assembly. Moreover, by an indirect "permission-seeking" system to which the mayors and headmen had to conform, the governor had quasi-control over the budgets of the village, town and city. ^{Through this control over local finances,} ~~Hence, through the control of the purse~~ ~~strengthening his direct political prerogatives,~~ the governor was the most powerful official in the prefecture.

The chief executives of cities and of towns and villages, ~~called mayors and headmen respectively,~~ were elected to their offices indirectly for a renewable term of four years each. Their powers and functions were set forth in ^{specific legislation,} ~~the two laws given below,~~ but, as has been shown in the discussion of the governor's position in the prefecture, these mayors and headmen, except perhaps in the twenty largest cities in Japan, played no real part as local officials in creating, developing or maintaining local governments. The

authority exercised by the mayors of cities was greater than that exercised by the headmen of the towns and villages. The mayor of the city, as provided in Article 87 of the Law Concerning the Organization of Cities, was given supervisory powers over the local public body and the authority to represent it officially. In general, he had the power (a) to present all the important bills to the assembly or to the city council and to see that they were carried into effect, (b) to manage property and the establishments of the local public body, (c) to take custody of the official documents and papers, (d) to supervise the city accounts and be responsible for the receipts and disbursements, which included the collection of rents, fees, allotted charges and statutory equivalents for labor, and (e) to control personnel within his area. The mayor's relations with the assembly and with the city council resemble those of the governor with his corresponding advisory bodies. If he considered any resolution or action of the assembly to be contrary to the public interest, he could, with or without consulting the assembly, take the matter to the governor and ask for his review with the idea of annulling such resolution or act. In general, his relation with the assembly, as established by law, was most favorable to him. In matters of the budget he had the power to consider any alterations of his bill, which he had the sole power to present, as a vote of non-confidence and put on the members of the assembly the burden and cost of running for re-election. He, being appointed, ran no such risk. He had the power to convoke the assembly, and he, not the chairman of the assembly, was the head of the city council. He was given the general power, as provided in Article 91, of disposing in his discretion of any matters which the assembly or the council did not complete. This general power included those situations in which it was supposedly inconvenient ~~or would work a great hardship~~ to convene the assembly or hold a meeting of the council. In general, with regard to the management of the city's affairs, the mayor was under the direct supervision of the governor and, indirectly, under the

supervision of the Minister of Home Affairs.

For certain purposes, the mayor acted independently of the jurisdiction of the assembly. Certain laws specified that the mayor ^{over} matters of health, roads, education, school construction, care and engineering control of small rivers, and hospitals for the insane, would have jurisdiction in his own office.

The headmen of towns and villages within their spheres of jurisdiction performed in a similar capacity to that of the mayor. As an official in local government, however, his work was restricted and, in general, it can be said that the real substance of all laws relating to government had been planned and directed for execution some time before the affairs reached his office.

The mayor, ~~is~~ being elected indirectly by a vote of the assembly, was the final selection from a list of three candidates sent by the assembly, through the governor, with his recommendation, to the Minister of Home Affairs. The headman of a town or village was elected indirectly by the town or village assembly. His name only was sent to the governor, who, under his own authority, either approved or disapproved.

The mayors and headmen were salaried persons, although the law provided that they could, if they desired, treat the office as an honorary post. Outside of the larger cities, the salaries of all these officials were in no way commensurate with Western standards, nor, when compared with the great bureaucracy throughout Japan, did these local officials, in performing their functions and rendering service, receive equivalent compensation.

The assemblies of the prefectures, cities, towns and villages in Japan have never been legislative bodies as ⁱⁿ the Western democracies, ~~know them to be~~. All of the assemblies had general characteristics. The assemblymen were elected from their districts for a renewable term of four years. They received meager expense allowances, but no salaries. The laws provided that they would be called into either regular or special sessions by the chief executive only.

They did not even possess the power to hire and supervise their own personnel. When once elected, the members had little authority under which they could exercise their own initiative for the fulfillment of either local needs or desires. The prefectural assemblies had a minimum of ^{forty} 40 members; the city assemblies had a minimum of ^{thirty} 30, and those of the towns and villages had ^{few} 10. Membership beyond those minima was restricted to a populational scale. Meeting in regular session but once a year for a period of thirty days, they did little else but feign debate upon the annual bill which became the budget.

The administration, both as to structure and organization and as to character and number of personnel, varied sharply between the prefectural governments on the one hand and the city, town and village governments on the other. In the prefecture, the department heads established with the consent of the governor the various sections and, within these, depending upon the nature and volume of the business, the various units. The entire personnel of the prefectures came under the governor's supervision. Most of the personnel were governmental officials of hannin rank, a fewer number of sōnin rank and perhaps not more than four of chōkunin rank, of whom the governor was always the highest in grade. Because most of the personnel were governmental officials, their authority and prestige in the prefectures were distinctly above those of any other officials. It is axiomatic that these bureaucrats made much of the situation and did not hesitate to trade on it.

With the exception of the larger cities and, in particular the six very large ones, the administration of the city, towns or village was at a marked disadvantage. The administration was carried on through a series of divisions, ~~called the~~ sections, which were broken down into units. The personnel who performed the functions of these sections and units had meager education, were never paid well, and were coaxed throughout their lives to consider their rendering of continuously long hours as a personal duty to the program. Indeed, the onus of government fell upon this unhappy lot. Without question, over

the half century of time in which these local entities functioned, the national government saved billions of yen by cudgeling this enormous group of people into performing services virtually for nothing. Moreover, in comparison with the government personnel in the prefectures, the city, town and village officials commanded little respect; the prefectural officials looked down upon them. Unfortunate, too, for good government in the cities, towns and villages, the positions of mayor, the headmen and sometimes chairman of the assembly became graveyards for retired government officials. Field surveys in the cities, towns and villages performed by the Local Government Division showed only too frequently that the governmental officials or ^{businessmen} ~~beaucrats~~ in Japan not only took the positions which they desired, but also performed in them as they pleased, and, in so doing, left the burdens and difficulties of governmental affairs to these hundreds of thousands of underpaid local officials to perform as best they could.

The financial status of the villages, towns, cities and prefectures has always been meager. Because the central government has maintained a close supervision ^{over} of all finances, these local public bodies have had no real control either in taxation or in budgetary affairs. No material independence has ever existed for the floating of local public loans. The Ministry of Home Affairs and the Ministry of Finance have had dual authority over all local governments, although the major responsibility ~~was~~ rested with the former. With the dissolution of the Home Ministry, major responsibility for financial arrangements for local public entities was assumed by the Ministry of Finance. Local budgets have been maintained by routine forms prescribed in the enforcement ordinances for the basic local government laws. In general, they have been an executive function. The powers of the auditors and inspectors have been subordinated to the executive.

III.
IV. Analysis of the Organic Legislation.

The fundamental laws creating the local governments and the most important Imperial Ordinances relating ^{TO THEM} ~~thereto~~ covered a wide range of powers and responsibilities, yet they centered nearly all the authority, ~~as has been shown~~, in either the central government or its agents. In order to show the contents of the laws on local government and point ^{up} ~~to~~ the general nature of the work performed by the Local Government Division in its reorganization of them with the Japanese, each law is listed with a statement of explanation, ~~a summary is given of the~~ Imperial Ordinance.

1. The Law Concerning the Organization of Urban and Rural Prefectures was composed of 147 Articles and 4 additional provisions relating to particular amendments. The chapter and section titles are given below to illustrate the character of the law as well as to serve as a measure of the other four laws.

- Chapter I. General Provisions
- Chapter II. Prefectural Assemblies
 - Section 1 Constitution and Election
 - Section 2 Powers and Duties and Regulations for Administrative Affairs
- Chapter III. The Councils of Urban and Rural Prefectures
 - Section 1 Constitution and Election
 - Section 2 Powers and Duties
- Chapter IV. Administration
 - Section 1 Organization, Appointment and Removal of Officers
 - Section 2 Powers and Duties
 - Section 3 Salaries and Allowances
- Chapter V. Finances
 - Section 1 Property, Establishments and Prefecture Rates
 - Section 2 Estimates of Revenue and Expenditures
- Chapter V-2 Associations of Prefecture
- Chapter VI Supervision of Administration
- Chapter VII Additional Provisions

The Law was created originally as Law No. 35 of (17 May) 1890 and has ~~been~~ ^{undergone}

through several amendments, the last of which were those made mandatory by the Tojo Cabinet ⁱⁿ ~~of~~ 1943, ^{This law} and which constituted the position of the prefectural governments at the beginning of the Occupation.

2. The Law Concerning the Organization of Cities was composed of ten Chapters, 181 Articles and 6 additional provisions relating to particular amendments. The Law had its origin as Law No. 1 of (25 April) 1888, which at that time applied not only to cities but also to towns and villages. After the Diet was created, it became a separate law for city government. The general treatment of the substance of the Law follows that of the prefectural law ~~except for~~ necessary differences which concern the jurisdiction of cities. The general provisions recite the nature of cities and their political area, the rights and duties of the inhabitants of cities, and the manner in which the by-laws and regulations of a city can be formulated. The war amendments to the Law placed the mayor ^{IN THE SAME POSITION} in relation to the rest of the city government in ~~the same~~ ^{was} position as the governor ~~was in relation~~ to the prefectural assembly. What autonomy existed in a practical sense, therefore, was taken away. The city administration was made simply an appendage to the national system.

3. The Law Concerning the Organization of Towns and Villages was composed of 9 Chapters, 161 Articles and additional provisions which were similar to those of the other laws. ^{This law was enacted on April 4, 1911. Under its provisions,} Towns and villages, as local public bodies, had less position and authority than did the cities. Moreover, unlike prefectures and cities, towns and villages had no council organization. The size of town and village assemblies also was materially smaller than those of the cities and prefectures. Here again, as with the other two general laws, the war amendments gave the Home Minister and the prefectural governor ~~an~~ even more direct control over the headmen of the towns and villages.

19 July 1943

enacted on June 19, 1943,

4. The Law Concerning the Tokyo Metropolis (To)^{1A} was a special law which brought to a close a long series of attempts to secure metropolitan status. The metropolitan area of Tokyo no longer would have a mayor; the governor of Tōkyō-To was put in the same relation to the ^{thirty-five} autonomous wards ^{of Tokyo} as he was with the mayors of other cities, towns and villages within the boundaries. The ward heads were appointed by the ^{Home} Minister of Home Affairs, which had not been the case when the mayor presided over the wards. The divisions of administration had been called bureaus because of their size and importance when Tōkyō had the status of a Fu (urban prefecture); in the change, no material reorganization was effected. The Law contained over 170 Articles, with supplementary and additional provisions. In the codification ~~to produce~~ the Law Concerning Local Autonomy, the special character of Tokyo-To has been altered little.

5. The Law Concerning the Hokkaidō Assembly was passed 28 March 1901 as Law No. 2. Together with the Imperial Ordinances and the Hokkaidō Expense Law, it provided a fundamentally different organization from all other prefectures. The Governor-General of Hokkaidō had more authority and responsibility than any other governor in Japan. With its 14 districts, the Hokkaidō government operated ^{in its area} in as singular a manner as did Tokyo-To ~~for its area~~. Even though many provisions of the Law Concerning the Organization of Urban and Rural Prefectures were applied to Hokkaidō, it remained different from the others ^{up} to the eve of the Occupation. With the passage of the Law Concerning Local Autonomy, the essential differences were eliminated, so that today, even though Hokkaidō ^{is} contains a vastly greater square mileage than other prefectures, its government ^{has} is much the same ~~is~~ powers and responsibilities as ~~the~~ the others.

Indul
sup
copy

6. ~~The Enforcement Ordinances which were the enforcement ordinances of these laws~~
which

~~provided the implementations which carried the laws into effect. Many provisions~~
implemented these laws,
contained the kind of substance which should have been law. Most of the desirable
elements were either incorporated into the Law Concerning Local Autonomy or used
in its ^{implementing} Cabinet Order or ministerial regulations. The enforcement ordinance
concerning the Organization of Cities or the Law Concerning the Organization
of Towns and Villages was one of 9 Chapters, 71 Articles and several additional
provisions.

The Imperial Ordinance, ^{entitled} the Regulations Concerning the Authority of Govern-
ment Officials, (Chihōkankansei) ^{Local} determined the number, grade and character of the
officials in the prefectures. It also established the organization of the pre-
fectures, which included the governor's secretariat, the Internal Affairs Depart-
ment, the Police Department and the Economics Department. Depending upon the
size of the prefecture's business, there could also be an Engineering Department
and an Economics Department No. 2. The ^{responsibility} competence of each department was well
defined. Further divisions of the department were made into sections and these
into units. ~~Throughout this long-standing Ordinance of fifty or more Articles,~~
~~there is~~ ^{Home} the control of the Minister of Home Affairs on all issues of any impor-
tance ^{was reflected in the fifty or more articles of this long-standing Ordinance.}
^{process of drafting the Law Concerning Local Autonomy,}
In the ~~work of codification,~~ the Local Government Division used a number of
provisions of this Ordinance; ^{concerning} matters ^{on} the control of the central government and
police affairs were discarded in the main, because of the policy of decentralization.

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IV The Central Government.

~~The Ministry of Home Affairs~~
The central government ~~and administration~~ of Japan has for over a century been highly authoritarian and oligarchical. ~~The central government, in terms of government of the Japanese way of doing things,~~ ^{The administration of the affairs} has ~~always meant~~ ^{been in the hands of a} bureaucracy within the great organs of ~~state~~, the Ministries. At the beginning of the Occupation, each of the central ministries had its particular jurisdiction ~~and authority~~ over the prefectural governors for the accomplishment of affairs falling under the competence of that Ministry. The Law Concerning Government Organization established the relationship of the Ministers to the governors. Article 5 of the General Provisions ^{of this law} prescribes:

"The Minister of each Ministry possesses the right to give directives or instructions to the Governor of Tokyo-To, the Superintendent-General of the Metropolitan Police Board, the Governor of the Hokkaido District, and all the prefectural governors concerning the affairs for which he is responsible."

~~Also, in Article 6 of the same law~~ ^{provides} there is the provision that:

"The Minister of each Ministry supervises the Governor of Tokyo-To, the Superintendent-General of the Metropolitan Police Board, the Governor of the Hokkaido District, and all the prefectural governors, concerning responsible matters. In case he finds that the order and treatment given by the Governor of Tokyo-To, the Superintendent-General of the Metropolitan Police Board, the Governor of the Hokkaido District, or the prefectural governor, injure the public benefit, or infringe upon his competence and are contrary to provided regulations, he may suspend or cancel the order and action."

Within each of the ^{national} ~~central~~ Ministries a particular bureau has existed for the supervised ^{and} execution of the Ministries' functions in the prefectures. Although all the Ministries have exercised at times most important powers over the prefectural authorities, the two most influential ^{were} ~~have always been~~ the Ministry of Home Affairs and the Ministry of Finance, ^{and} of these two, there has never been any question but that the former has been the ~~more~~ dominant one. The Home Ministry did not ^{just} grow into this position ^{either} automatically or gradually.

^{It}
~~The Ministry~~ was created with the responsibility of controlling domestic relations and, in general, all conditions within the interior. Because of ^{its} ~~the~~ control of (1) the Shrine Bureau which zestfully fostered State Shinto, (2) the Bureau of Local Affairs which had charge of the administration of elections and all the local governments, (3) the Police Bureau which headed the ~~centrally controlled~~ ^{centralized} police system, (4) the Bureau of Public Works which had charge of internal construction coupled with subsidy payments therefor, and (5) the Planning Bureau, whose function was essentially to make policy for all types of construction, ~~this~~ ^{the} Ministry ^{of Home Affairs} reached into the most intimate elements of the family life of every subject in Japan, ~~if not the whole Empire.~~

The Bureau of Local Affairs, which supervised the six echelons of the government ^{previously discussed, was} ~~listed above~~ ^{Agency of the Home Ministry} has been the ~~one~~ ^{one} with which the Local Government Division has had most of its relations ^{in the conduct of its task} ~~during the Occupation.~~

2. ~~The Ministry of Finance,~~ ^{The Ministry of Finance,} ~~has~~ in general, worked in close relation with the Ministry of Home Affairs. At times, because of personality clashes and ~~intense~~ ^{intense} jealousies over administrative power, ~~the resulting friction has been to~~ ^{resulted.} the detriment ^{of} ~~of~~ the local governments. The Ministry of Finance has been directly concerned ^{with} ~~in~~ the matter of local taxation, in the problem of local budget making, and in the matter of floating of local loans. ^{In matters related} ~~With regard~~ to the execution of the tax law, implemented at times by Imperial Ordinances and Ministerial Regulations, ~~it has been of such a nature that there has been a requirement~~ ^{was required,} for mutual consent of both ministers. With regard to budget making and floating ^{of} ~~of~~ loans, ^{the} ~~the~~ orders, directives and regulations which have generally gone down to the prefectural governors, ~~they~~ have usually been of such nature that agreements ~~reached~~ between the vice-ministers were all that was needed.

3. Other Ministries. →
The relations of other national government agencies with the governors are summarized below:

Other ^{and} bodies of government and the ^{National} central Ministries which have had a relation^s with the governors are tabulated below in summary form:

1. Within the Cabinet the Bureau of Pensions and the Bureau of Statistics had authority to make specific requests from the prefectural governors. ~~And~~ While they were not required legally to go through the Ministry of Home Affairs, they did so in general practice.
2. The Ministry of Education in supervising the national school system dealt directly with its respective units ^{in the prefectures} and only indirectly were the governors or the Ministry of Home Affairs involved.
3. The Ministry of Agriculture and Forestry, because of its functions in the administration of agricultural matters in the villages, towns and cities, had many working agreements with the Ministry of Home Affairs. These matters concerned not only ~~the~~ crops, livestock and fisheries, but also the enforcement of provisions of many laws dealing with agricultural organizations, both private and quasi-governmental.
4. The Ministry of Commerce and Industry carried out only a few functions in the prefectures ^{through} ~~in~~ the Commerce and Industry Section of the Economics Department ^{of the prefectural government.} Because of the great variation of controls ^{of Commerce and Industry} desired both before and during the war, the Minister ^{exercised his competence almost completely independent of} ~~exercised his competence in little connection with the~~ Minister of Home Affairs. ^{formerly a Bureau of the Home Ministry,}
5. The Ministry of Welfare ^{upon a bureau's} ~~separation from the Ministry of Home Affairs~~ during the war. ^{However,} A close relationship existed between the two, even to ^{the} interchange of personnel. In fact, joint services were performed ^{by these two Ministries, in} the prefectural governments.
6. The Ministry of Railways and ^{the} Board of Communications ~~have~~ had no real connection with the Ministry of Home Affairs or the prefectural authorities,

because of their essentially national character.

In addition to the specific Law given above, a host of other laws and Imperial Ordinances clothed the Ministers at particular times with authority to direct the governors to take action in one form or another. ~~It is evident,~~ however, ^{however, it is evident,} From the type of delegations of authority sent down, that the real controls never left Tokyo. ~~Moreover, it was also evident that~~ The governor, even though a nationally appointed official, rarely was given outright powers of his own in the laws. ~~But such a situation was to be expected, for, through promotion and knowledge of high ranking personalities, the bureaucrats in the prefectures gravitated to Tokyo and continued their intrenchment for self-preservation.~~ Whatever ^{actual} local autonomy, ~~was~~ ^{permitted by some} ~~allowed through a~~ benevolent official ~~who was~~ acting individually rather than ^{in pursuance of} ~~as a representative~~ of the Central Government, ^{policy,} ~~in which all power was lodged.~~

Insert

These steps may be summarized as follows: (1) formulation of a definite policy concerning local autonomy; (2) discussion of problems of local government and reforms through conferences with various official and interested groups; and (3) surveys conducted in the field for the purpose of testing local reactions concerning the new program.

Centered + all Caps

IV. Drafting the Law Concerning Local Autonomy.

1. ~~Methods Established and Followed in Producing the Law Concerning Local Autonomy.~~

The procedure planned and followed in order to develop sound and lasting changes for local government involved three separate steps, each of which contained many parts. ^{Insert # new Gov.} The first of these had to do with the coordination, ^{with other divisions of Government Section} not only ^{and} with other Staff Sections of ~~the~~ ^{General Headquarters} SCAP, ~~but also with other divisions within Government Section itself.~~ In general, the definite ^{suggestions} ~~changes~~ proposed and the many ^{changes} ~~suggestions~~ advocated by the Local Government Division during the year 1946 and the first half of 1947 met with friendly support. During the latter half of 1947 some differences of opinion arose as to the establishment and maintenance of national branch offices beside the offices of the prefectural governments. These differences arose from the desire of some divisions ⁱⁿ ~~of~~ other Sections ^{of GNR} ~~to~~ have highly concentrated ~~economic~~ controls emanating from Tokyo, believing that this was necessary because of the critical condition of the Japanese economy. The main program, however, of the Local Government Division, as embodied in Article 156 ^{of the Law Concerning Local Autonomy,} has been a preventive measure against a further unwarranted intrenchment of the ^{national central government's} bureaucracy in the prefectures. The ^{main direction} ~~central purpose~~ of the Local Government Division's program ^{was toward} ~~has been~~ the elimination of ~~all~~ branch offices of the national government performing the same or overlapping functions as ~~are~~ ^{had} performed by the prefectural governments, themselves.

Indent 5 sp. cap + 20.

1. ~~Coordination within SCAP Sections and the Japanese Government.~~
 The first step, therefore, for Local Government Division was to formulate a ~~clear~~ definite policy which the Chief, Government Section, could approve as ^{the} Government Section's policy ^{to guide} the course ^{toward} ~~to pursue for~~ realization of local ^{self-government in} ~~autonomy, as an adequate~~ implementation of Chapter VIII of the new Constitution.

The second step taken in developing ^(an adequate) ~~the~~ Law in terms of a ^{settled} ~~decided~~ policy

involved
~~concerned~~ the many conferences held with five different groups of Japanese in Tokyo. These conferences and discussions were carried on daily ^{and, although entailing much} with meticulous ~~time~~ ^{care} and effort, ~~and~~ yielded most fruitful results. The first group of conferences and discussions was held with the high ranking officials of the Ministry of Home Affairs ^{and of} ~~and of~~ the Ministry of Finance, because of the direct and indirect jurisdictions of these two Ministries over all the affairs of the local public bodies. Further effort was directed toward the Ministry of Commerce and Industry, Ministry of Agriculture and Forestry, Ministry of Education and Ministry of Welfare. The essential work was with the Ministry of Home Affairs at the beginning, almost entirely with the Bureau of Local Affairs, ^{particularly with the} ~~The efforts were made with the~~ bureau and departmental chiefs, ~~first~~, because it was necessary ^{at the outset} to obtain facts in law and in procedure for the operation of the three levels of local government as the bureaucracy in Tokyo ^{had} conceived them to be and, in fact, actually directed the local officials to carry out. ^{In} daily meetings week after week ~~in order to go over~~ the details of every ^a article ^{of} in each of the five organic laws, ^{affecting local government were analyzed.} ~~reference to which has been given.~~ The same analytical process was followed in the examination of the enforcement ordinances for each of the laws and ^{of} the Imperial Ordinance concerning the authority of local officials. It was fundamental, of course, to the proper implementation of the established policy for the entire program to have these sets of facts together with the Japanese bureaucratic reasoning and conception not only of what local government had meant, but also of what it could mean ^{under the new policy} ~~in a New Japan.~~

^A ~~The~~ second series of conferences and discussions was ^{undertaken} with the executive members of the many political parties. ~~Not only were~~ All the political parties, ^{those} which had membership in the Diet ^{and those which had failed to elect candidates to office,} asked for written and oral expressions of

^(were asked to submit expressions of)
opinion ^{and} as well as definite ~~written~~ proposals, but also many political parties which had been unable to elect candidates to office were asked for the same information. In each of the detailed conferences, normally the first question asked the men and women of political parties was whether or not each had the authority to represent and to speak for the Party on matters ^{relating to} of local government. Sharp distinctions ^{was} were made ^{between statements of} in the records of Local Government Division as to ~~what~~ ^{between} specific party programs, ^{and the} as contrasted with what were personal opinions of the various members of the parties. Some of the most interesting observations in Local Government Division's records are found in these various interviews, because of the wide range in thinking and ^{the} earnestness ⁱⁿ of the presentation of ^{views} their thoughts by the participants.

^A The third series of conferences and discussions was held with the women members of the Diet, not as particular members of political parties but, more especially, as representatives of ^{specific} particular electorates ⁱⁿ from their ^{respective} particular districts. Their insight into the ~~governmental~~ issues of villages, towns, cities and prefectures ^{of governments} was a revelation to many people, ^{not} none the least of whom were the Japanese men representatives. Without particularized backgrounds or special training in governmental and political matters, they displayed ^{the} greatest common sense, advancing practical, workable solutions to many issues. Too many had discounted their abilities. Their contributions came mainly in ~~a~~ suggestions ^{concerning} with regard to governmental organizations, ^{for} of schools, matters of health and welfare, and what ^{are} is frequently referred to as "matters of good citizenship," ^{elections} in particular, matters of the ballot and the ^{duty} of individuals ^{voters} to vote promptly and regularly.

^A The fourth series of conferences and discussions was ^{held} with men and women

from learned ~~and~~ educational institutions and societies. Their remarks and contributions were not confined to matters which ~~need~~ ^{requiring} long range policy and ~~planning for proper activation~~; the members contributed definite ~~and~~ ^{proposals of} immediate ~~applicability~~. The freedom with which they spoke ^{up} and the substance of their remarks ~~was~~ ^{as a group} a tribute to the perspicacity of ~~another wholesome indication that~~ the political scientists ~~have been men of~~ merit. That they had ~~been restricted and threatened not to express their liberal~~ ^{previously reticent about expressing views} views ~~lies squarely on~~ ^{that might be considered liberal was due to the restrictions and threats to which they were subjected} the military cliques, or ~~Gumbatsu~~.

The fifth and final set of conferences and discussions was held with the Diet committees specifically appointed to deal with the development of ~~Local~~ ^{contained} Autonomy. The Diet committee in 1946 ~~was composed of~~ ^{removed} a number of members who ~~had eager desires to see~~ ^{were} the long-standing and unwarranted national restrictions ~~removed and taken away from~~ ^{on} their ~~little~~ ^{local} communities. This special committee ~~of course~~ was of a temporary nature, as were most committees under the ~~pro-~~ ^{Imperial} cedures established by the old Diet. Nevertheless, these members, recognizing their new position of responsibility as legislators with actual power, exerted themselves to attempt legal realization of long-cherished hopes for the improvement of the local government system. The new Diet, meeting under the new Constitution, established twenty-one standing committees. ~~and hence~~ ^{thereafter}, the Local Government Division dealt with the members of the Standing Committee on Public Safety and Local Government ^{established in} which ~~exists for~~ each House. Each of the committees ~~have with eagerness made great efforts~~ ^{and earnest} to produce a law which would ~~not only~~ strengthen, ~~but also~~ ^{and} clarify the powers and responsibilities of all ~~the~~ local entities. ~~The~~ ^{Included the} members of the ~~two~~ ^{both} committees ~~have~~ ^{contributed a number of} ~~indeed~~ had ideas of their own, ~~as contrasted with~~ ^{in contrast to} bureaucratic concepts, put forward in the government bill. Their participation ~~in the law is in marked evidence~~ ^{contributions were responsible for} by a great many amendments to the original government bill. Because the Standing Committees are the

executive elements of the Diet charged with the responsibility of implementing Chapter VIII of the Constitution, the discussions and remarks in the committee sessions were of a more "finished" and formal nature than those of the ^{previous} ~~former~~ four series of conferences ^{discussed above.} ~~just given.~~ ^{then were} Indeed, ~~the two~~ committees became the governmental crucibles in which all the political elements ^{were} ~~could be~~ fused to produce a final law for the plenary session of the Diet to consider. All the ideas from these other four groups were ^{transmitted to the} ~~given to the~~ two committees, ^{for their consideration.} The free and unrestricted pooling of the opinions, suggestions and points of view upon ~~the particular~~ courses of action to be taken with regard to the ^{in the preparation} ~~drafting~~ and passage of a real law on local autonomy, forms a record of deliberations ~~as~~ ^{unique} being the first of their kind in the history of Japanese governmental affairs.

Indent 5 spaces
Capable
2. Field Surveys

The third step taken to carry out the program consisted of many detailed investigational trips and surveys into the prefectures. ~~The program was most~~ ^{The purpose of these trips} ~~carefully planned.~~ ^{to gather} It was ~~one~~ not only ~~of~~ fact and opinion, ^{in the field,} ~~gathering,~~ ^{to test} ~~but also~~ ^{against the opinions and comments of the people in the local areas} ~~the facts and opinions that had been~~ ^{amassed in Tokyo,} ~~were given for comment to those in the field.~~

The work in the field was ^{done} ~~taken~~ in two stages. The personnel of the Military Government Teams were met before the Japanese, ^{and} ~~the purpose of~~ the mission was explained to them, ~~and~~ ^{They} responded with friendly and instant aid. ~~Not only~~ ^{Their} ~~did the~~ ~~reports~~ and records ^{collected as well as} ~~proved of great value,~~ ^{volunteered} ~~but also~~ their remarks and advice on the "local situation", ^{to personalities and background.} This ~~letter~~ type of information was always welcome, ^{for it} ~~and of a value which~~ could not ~~otherwise~~ have been ^{acquired} ~~gained~~ by the ^{members of the} Local Government Division in the ~~limited~~ time available for the survey.

The many interviews and long discussions with the local ^{Japanese} authorities took

place in the villages, towns, cities and prefectures. The checking process on the Tokyo data was ^{something} ~~in many ways~~ new to ^{them} the Japanese. The reactions of the local people to the ^{ideas} thoughts and plans ^{put forth for them} ~~made~~ by the Tokyo bureaucrats and others ^{The reactions varied:} were always revealing. At times there was agreement, ^{sometimes} ~~at others there was~~ amazement, ^{or simple} ~~and at others~~ there was disappointment and ^{was registered} ~~deeply registered~~ regret. At no time during the entire field checking did any official fail to state his opinion upon a problem or an issue put to him. In the prefectures the discussions were ^{held} with the governors, departmental and sectional chiefs and the chairman and ~~some~~ members of the prefectural assembly. In the villages, towns and cities they were ~~held~~ with the mayors, their deputies, section chiefs and the chairman and members of the assemblies. Many other conferences for fact finding, checking and testing were carried on with quasi-governmental officials ^{and with} ~~or~~ some of the leading citizens in the various communities, such as representatives ~~from~~ the press, ^{financial} ~~and~~ institutions, ^{industrial} ~~and~~ companies and farm organizations. The localities in the far North ~~at~~ Wakkanai, ~~and~~ Habomai and Hokkaido, and in the far South at Yamagawa and Kagoshima were the extremes in distance from the central government ^{covered by the field trips} ~~in which measurements and evaluations were taken determining the needs and desires for procedures and practices.~~ In more than one locality there was the expressed hope that a "hands and legs" government would soon be relegated to history and that it would be replaced by a thinking government, one in which ^{needs, ideas and desires} ~~some~~ local thoughts would ~~never~~ be influential in the local public body's life. ^{The ideas of these local citizens furnished} ~~In no uncertain terms did these people's ideas give and inspiration for~~ the entire effort embodied in the program for local autonomy. ^{Even the interest and ideas} ~~From the direct expressed~~ ^{by} these people ^{were a source of} ~~inspired one may deduce with~~ deep satisfaction ~~that~~ ^{and furnish reason to hope} that the fundamental elements of a representative and democratic form of government ^{will be} ~~must~~ have a direct and ^{lasting} ~~particular~~ part ^{of} in the lives of the Japanese.

On the return to Tokyo the reactions ^{of} the government officials to ^{the} information ^{and ideas gathered} secured in the villages, towns, cities and prefectures ^{service as} were a counterpart to those ^{previously} shown by the local officials ^(to the Tokyo ideas) in some ^{circumstances} situations the bureaucrats showed ready agreement with the data, in others, outright astonishment and, in some, deep resentment at having their thinking and planning questioned, ~~much less~~ challenged. The results of these interviews, discussions and talks, both in the ^{local communities} ~~villages, towns, cities and prefectures~~ and in Tokyo, attest ~~in-~~ ~~de-~~ ~~li-~~ ~~ably~~ to the fact that all the brains ^{capable of planning} ~~of how to plan~~ for, ~~how to establishing~~ and ~~how to carry out~~ responsible government, either locally or nationally, do not rest ~~solely~~ with the bureaucracy in Tokyo ^{or} ~~its essential counterparts in~~ ~~the other great cities of Japan.~~

This part of the program, to produce a reorganization in all the local governments, required a basic six months' period of ~~arduous~~ travel ~~and~~ over all Japan. This basic period was supplemented by another period approximating four months in which another series of field investigations ^{was undertaken in order to} ~~was made for re-~~ ~~examination of~~ proposals, procedures and practices, and ^{to analyze} ~~for~~ the reactions to ~~some~~ new plans and considerations. ~~But the written record must state that the tedious work and the wearisome hours were rewarded with satisfactory results in terms of the goals set forth in the directives for the mission of the Division.~~

all cap + centered

VI. THE LAW CONCERNING LOCAL AUTONOMY

VI. Summary Statement of The Law Concerning Local Autonomy.

Under the system of
 During the past half century of the functioning of local governments ^{administration} ~~in~~
~~existing in~~ *over the past fifty years*
 Japan, the reality of government in which the people are an important partici-
 pant has never been a part of the average Japanese family's ~~existence~~ ^{experience.} Nor
 has it been so generally in the average individual's life. The people of Japan
 have always been kept in a separate sphere by the whole system of government,
 except at such times when the State moved to claim for service some particular
 group or individual. The traditional hierarchies have been convenient in-
 stitutions of authority from which the oligarchy has warded off and held down
 any proffers from the subjects.

Enacted April 17, 1947

The Law Concerning Local Autonomy, ~~or Chihōjichihō~~ ^{enacted April 17, 1947}, for the first time
 in the history of Japanese governmental affairs ~~has~~ established legal rights
 and procedures through which the people themselves can ~~be living parts of~~ ^{participate in} their
^{local} governments. Moreover, for the first time the Law has brought forward the executive
 branch and the legislative branch of government ^{to} for all local public bodies,
 villages, towns, cities and prefectures ^{the executive and legislative branches of government out,} as they are ~~practiced, understood and~~
^{understood} ~~believed~~ by the Western democracies. There has been a severance, long needed,
 of the executive's powers of domination over the legislative. ^{one} In the executive's

department there have been desirable changes in the administrative organization.
 The nature and extent of the reforms may be gauged from a brief ^{explanation} ~~summary~~ ^{of} there follows an explanation of:
 the Law's provisions with respect to:

- 1. The People's Position in Relation to their Governments.
- 2. The Powers and Responsibilities of the Executive together with the ad-
 ministrative Reorganization.
- 3. The Powers and Responsibilities of the Legislative Body.

(VII)

89

Viz-a-viz Autonomy
I. ~~The People's Position in Relation to their Governments.~~

The ~~people~~^{people} of Japan ~~has~~^{have} been brought in close relation to the village, town, city and prefectural authorities. The citizens of each local government today have powers which they can exercise directly for dealing with their chief executive, their legislators and other elected officials.

a. The voters have the power of recall.

(1). (i) The first use of this power is when an electorate is dissatisfied with the chief executives or particular members of the assembly; the voters, by following the procedures of the Law (Articles 80, 81, 82, 83) ^{may} cause the individual or group of individuals to vacate his or her or their offices.

The steps taken are as follows:

(a) The persons concerned draw a petition which must be signed by one-third the voters of the local public body, whether it is a village, town, city or prefecture;

(b) The petition is then given to the Election Administrative Committee which forthwith must hold an election;

(c) If the election by a majority vote of the electorate is unfavorable to the person or people, he or she or they must vacate the position (Article 83).

(2). The second use of this same power can be taken by the voters to cause dissolution of the assembly, the steps for which are the same as those given above.

(3). The third use of this power concerns the recall and removal of the assistant governor or mayor, the assistant head or treasurer, electoral

administration committeeman or inspection commissioner, as is provided in Article 86. These people are not elected to their offices, but appointed with the ratification of the assembly; their recall and removal procedure necessarily is different from the two situations already given:

(A) A petition to start the proceedings must be signed by at least one-third of the voters;

(B) The demand is given to the mayor who must forthwith

(1) Make the matter public; and

(2) Present the case to the assembly;

(C) The vote of the assembly can only be taken if two-thirds of the members are present; it is an unfavorable vote if three-fourths of the members cast their ballots against the incumbent; and

(D) The notification to vacate is given to the official by the chief executive rather than by the Election Administration Committee, as is the case with the elected officials.

b. The second power ^{which can} be exercised by the people directly is ~~called~~ the initiative. Many issues - the enactment, revision or repeal of by-laws - may come before the public for which they will desire to start proceedings of their own. Moreover, they may desire to force a slow-acting local public body to make a decision. The steps in this procedure are as follows:

(1) The petition to get the issue started requires but one-fiftieth or 2% of the voters;

(2) The petition is presented to the mayor who must

(a) Make the demand public, and

(b) Within twenty days call a meeting of the assembly, should it not be in session, and then present the demand, together with his

opinion, to that body.

(3) The assembly has to act one way or the other; and

(4) The result The mayor must make known to the public. (Article 74)

Another form of the people's ^{power to} demand ~~the~~ action is ^{their right} to require the inspection commissioner to undertake a particular investigation into the management of any public undertaking or, more especially, into financial affairs. The petition goes to the inspection commissioners who ~~must~~ ^(and also the investigation) make ~~known~~ the demand known to the public ~~and~~ ^{and,} ~~also the investigation and~~ after completion of the ~~mission,~~ ^{investigation,} report the findings publicly to the assembly and to the chief executive.

(Article 75)

102p → c. The third power of the citizens of any local public body concerns the right of the individual, man or woman, to bring suit against the local public body itself for recovery against an illegal action ~~supposedly~~ committed by ~~the~~ ^{that body.} This issue, now before the Diet, ~~will probably be~~ ^{is expected to be enacted as} an amendment to Article 96 ^{of the Law.} In addition to the section which will be added for such a needed right, there are general provisions of the Civil Code which establish procedures for citizens to recover damages from local public bodies.

102p d. The fourth power provided the individual citizen is his or her right to sue any official personally for his wrongdoing as an official. ^{(similar to a "taxpayer's suit" in the United States,} An amendment to Article 243 provided this long needed remedy. ~~Such action will,~~ ~~without question,~~ ^{local public} make all officials ~~a little more~~ ^{a little more} circumspect in their work. ~~In the United States this action is generally termed "a taxpayer's suit."~~

2. The Powers and Responsibilities of the Executive ~~Together with the Administration Department.~~

^{(Under the Law, the functions of}
The governor of the prefecture and the mayors of the village, town and

city ^{follow} ~~will by the law perform their functions in terms of the principles of~~ representative government. ~~Because of the fundamental~~ ^{The} changes ^{introduced by the Law} which have ^{are fundamental. The prefectural} taken place, ~~the position of the governor~~ ^{has a} in his dual capacity; ~~is given~~ first, ^{he is the chief executive} ~~is an~~ elected official, of the prefecture, performing local functions; ^{he is} second, ~~is~~ a national official performing national functions. The position of the mayor ^{differs;} ~~must be distinguished;~~ hence it is treated separately.

^{Indent 10 sp.} ~~a.~~ ^{The governor} as a local official. ↩

~~a. First of all, what are the qualifications of the candidate who is to run for the office of governor? Any citizen of Japan thirty years of age and eligible to vote~~ ^{is eligible to run for} ~~can be elected to~~ the office of governor. ~~In similar manner with the British parliamentary practice,~~ The candidate need not necessarily be a resident of the prefecture in which he runs for office; age and Japanese citizenship are the two tests of eligibility. The governor, ^{has a four-year} ~~as well as other chief executives of the village, town and city~~ ~~serve a term of~~ ^{term of} ~~office, for four years.~~ ~~In utilizing this specified or fixed term of office as~~ ~~a practice the presidential system is followed.~~ However, the term of office as used in Japan is actually not "fixed" in the sense in which the term is used in the United States, because the chief executive can, during this term of four years, be ousted by a vote of non-confidence. ^{This} ~~The use of the procedure of a~~ ~~vote of non-confidence~~ follows the British pattern.

^{Indent 10 sp.} ~~b.~~ Certain restrictions ~~of great merit~~ are put upon the governor the moment that he assumes office. In general, ~~summary~~, they are the following:

^{15 sp} (1) He shall not hold either the office of Councillor, or the office of Representative in the National Diet concurrently with his governorship;

(2) He must not make any contracts with the public entity, directly or indirectly;

(3) He must give a thirty-day notice before resigning from office, unless he has the consent of the assembly (Article 140, 141, 142, 145); and

(4) He may not appoint his wife, one of his children, one of his parents, or brother or sister to either the offices of chief or deputy accountant or chief or deputy treasurer. (Article 169)

Indent 10 sp. ← *Concerning* ~~to~~ personal matters:

15 sp. (1) The governor's salary and travelling expenses are provided by law (Article 204); and

(2) Upon retirement the governor is given an allowance and, in case of his death, his family is given an allowance. (Article 205)

Indent 10 sp. ← ~~to~~ The governor ~~is~~ the chief executive of the prefecture ~~and~~ ~~as such he~~ has charge of and coordinates all ~~of the~~ departments:

(1) He supervises some specific and administrative organs (Article 156); and

(2) He must set up such bureaus and departments as are provided for specifically by Diet law, or by prefectural by-law. With regard to the establishment of those departments ~~in the class~~ designated as permissive, he ~~has~~ ~~discretion~~ *has* discretion. (Amended Article 158) Moreover, in case he believes that any act of an administrative officer is ultra-vires, he can suspend its action. (Article 151)

Indent 10 sp. ← Formerly, the governor was the coordinator of all the *offices of national agencies situated in his prefecture,* ~~national branch offices~~, subject only to the instructions or veto of the *Cabinet* Minister *concerning* ~~in Tokyo, concerned.~~ Now he does not have this general authority ~~unless the law which sets up given kinds of his prefectural offices setting up these offices must specifically provides him with this responsibility.~~

(Article 157). In the event an office or department is to be abolished or transferred by Cabinet Order under an existing law, the governor takes the action and should anyone refuse to comply, he can be given a fine, the maximum of which is ¥2000. (Amended Article 159).

Indicates → *Specific functions of*
~~Specifically~~ the governor include:

150p → (1) Administers all functions of the prefectural government for which the prefecture pays the cost. ~~the prefectural budget will, of course, provide for the proper expenditures.~~ These functions ~~cover~~ cover all the *usual local activities* range of government, such as ~~police, fire, public works, roads,~~ agriculture or fishing;

(2) *Presents* ~~Continues, as he always has done, to present~~ bills to the assembly for legislation, as well as other messages and communications;

(3) Manages the real estate and establishments of the prefecture, ~~the affairs concerning which may be most complex and extensive;~~

(4) Is the chief accounting officer of the prefecture, ~~This responsibility is of the utmost importance in the proper management of the prefectural affairs. Indeed no one can minimize this function's significance.~~

(5) Possesses the custody of all official documents, papers and instruments. (This function *should* not be ~~confused~~ confused ~~with~~ *not* with the ~~jurisdiction~~ jurisdiction of the newly established assembly libraries *to* which ~~must~~ *must* be instituted in conformity with the Law Concerning Local Autonomy),

(6) Enforces and authorizes the collection of the independent local taxes, ~~the~~ charges, ~~the~~ fees, and ~~the~~ rents according to ~~such~~ national laws or prefectural by-laws, ~~as may give him that authority,~~

~~(7) Administers other matters of government, even though not specifically delegated to do so. This provision means, of course, that in~~

(7) Administers other governmental matters not otherwise specifically provided for (Articles 147 and 149),

~~general all administrative matters are the governor's responsibility (Articles 147 and 149); and~~

(8) Makes appointments of personnel and exercises discipline (Article 154).

Indent 10 spaces
The governor may ~~be given~~ ^{derive} further local government powers from other national laws. His functional powers in particular fields of government are found in such laws as the two following; ~~illustrate~~:

(1) In Police Law, Section 3, Article 20, the governor is vested with the following authority:

5 "There shall be established under the jurisdiction of the Governors of To, Do, and Prefectures Public Safety Commissions of To, Do, and Prefectures.

"The Public Safety Commissions of To, Do and Prefectures shall exercise operational control over the National Rural Police of To, Do, and Prefectures."

Article 21 provides:

"Members of the Commission shall be appointed by the Governor -- with the consent of the assembly, etc."

Article 24 gives the governor authority to dismiss members of the commission for cause with the consent of the assembly or if two members belong to the same political party.

Indent 15 sp.
(2) In the Fire Defense Law complete authority is given to the mayors of villages, towns and cities, however, Article 17 thereof reserves to the governor ~~as follows~~ ^{the following}:

"The fire defense of such special wards shall be controlled by the Governor of To."

"The Chief of the Fire Department of special

wards shall be appointed and dismissed for cause by the Governor of To."

Article 22 provides:

"The mayors and headmen of cities, towns and villages shall, on forms and in the manner provided for by the National Fire Defense Board, make reports of fire defense statistics to the National Fire Defense Boards through the Governor of To, Do and Prefectures."

Article 24 provides that the Fire Board, the National Safety Commission, the governors and the mayors and headmen may make agreements beforehand to carry out the purpose of the Act effectively. ~~More might be given but these two examples will suffice.~~

Indent 10 sp. The governor of a prefecture ~~forward on his office~~ may have from one to three assistant governors who, ~~receive and act~~ under certain delegated authority, ~~they~~ act on behalf of the Governor ~~They have~~ *but have* no authority in their own name. Only when the governor dies or vacates his office can one of these assistants actually assume the office and ~~exercise~~ the powers of governor. ~~He does so at such time only for a short period as the~~ *an* ~~until~~ *an* election can be held and a new governor selected. The assistant governor is ~~appointed~~ *by the governor subject to* ~~after~~ *after* confirmation by majority vote of the assembly. If there is more than one assistant governor, assumption of the governor's office is in the order of their previously fixed priority, *as* ~~provided~~ *as* provided for in a prefectural by-law. ~~In grave situations in which both the governor and the assistant governor are disabled at the same time, the senior secretarial official~~ *Temporarily* ~~carries out the duties of the governor.~~ (Amended Article 247). The governor has the power to delegate temporarily any of his duties to an official of the prefecture (Articles 152 and 153).

Indent 10 sp. The governor has many duties and responsibilities in his executive relationship with the assembly. *The major ones are listed below:*

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~~Indubitably~~
Indubitably
15 Apr.

(1) His general duty is to call the assembly for the regular and special sessions although the assembly has certain rights also regarding the same;

(2) It has been the custom in Japan for the governor to introduce most of the bills into the assembly, but it is not his exclusive jurisdiction because any member of the assembly can likewise introduce bills;

(3) Perhaps of all the bills which the governor introduces into the assembly, none is more important than the budget which by law he must prepare and submit (Article 234). Later, ~~because of~~ ^{if} necessity ^{arises}, he may supplement or ~~submit~~ ^{submit revisions of} budget which has been passed (Article 235); and

(4) He is required to make a financial report at least three times a year to the public at large, ~~the taxpayers, indeed, have a right to know how much money has been collected and how it is being spent.~~ The assembly through a by-law can specify the dates of such reporting to the public.

Indubitably
10 Apr.

⇒ Differences of opinion on public affairs between the executive and all of the legislative bodies are settled in two ways:

(1) The governor may send the issue back to the assembly for reconsideration when he considers it ultra-vires. If the reconsideration is refused, the governor may bring an action in court (Article 176);

(2) He can and probably will rely upon the procedure of non-confidence. This ~~is~~ generally results ^{from irreconcilable} ~~of~~ ^{strong} differences on the budget (Article 177). In the exercise of the vote of non-confidence the governor takes one of two steps:

Indubitably
20

(a) ~~either he decides to remain in office or he~~ dissolves the assembly, and then waits for a confirmation of his stand from ^{bringing about the election of a new assembly,}

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the newly elected assemblymen. Should he not receive a favorable vote, he must resign forthwith ~~and a new gubernatorial election would be held~~ ^{and a new gubernatorial election would be held} ~~according to the~~ ^{or}

~~Lawyer~~

*Indent
20 sp*

(b) he decides not to dissolve the assembly, and, therefore is forced to resign immediately. The Election Administration Committee must hold an election within the specified period provided by the Law (Article 178). ~~In either situation there is an expression of the opinion of the voters, which is the most democratic procedure.~~

*Indent
10 sp*

~~The~~ The governor's powers in relation to other matters of the prefecture are supervisory but far different from those under the old Law Concerning the Organization of Urban and Rural Prefectures, ~~the~~ and other ordinances. He can remove a mayor of a village, town or city from office for cause only (Amended Article 146). The process is through a mandamus procedure which involves the courts. The Japanese had utilized this procedure ~~administratively in a minor way~~ ^{administratively in a minor way} ~~at most~~. The officials were interested in it and desired an extension of it to suit the new situations. Because the removal of a person from high elective office is serious action, the function of doing so is no longer left to administrative discretion, ~~is~~. Thus ~~no longer is~~ ^{is no longer} the power of removal left to the simple discretion of the governor and the man who appointed him, the ~~Minister of Home Affairs~~ ^{Minister of Home Affairs}.

*Indent
10 sp*

As another local right, the governor, ~~today and henceforward~~ ^{decides} instead of the ~~Minister of Home Affairs~~ ^{Minister of Home Affairs} ~~the determination affecting~~ changes in the boundaries of any political subdivision ~~based upon proper proceedings taken~~ ^{on the basis of appropriate} by the local public entities involved. (Amended Article 259). The same determination is made with regard to divisions of local entities (Amended Article 260). When two or more prefectures join in a project for some specific purpose, the

governors choose a central chairman from among those concerned. (Article 253)

Index 10 sp ~~The Governor~~ ^{as a national official.} *↳*

↳ The other half of the dual character of the governor's position is evidenced when he ^{acts as a} ~~is a~~ national agent ~~acting~~ for a competent minister of the national government, as provided for in a Diet law. ~~Stated in another way, the governor is the representative in the prefectures of the Central Government and the Ministries thereof. As such, he is responsible for the execution within the prefectural boundaries of Diet Laws and Cabinet and Ministerial Orders relating to national affairs. The administration of many functions must during the present emergency be executed through a national policy in order to conserve and allocate scarce items in the national economy, like food, building materials, ^{and food products,} ~~new materials and natural resources.~~ Experience in Japan has indicated that the dual system can work efficiently. The cooperation of the~~

critical economic conditions following war and defeat had to be executed through a national policy in order to conserve and allocate scarce items in the national economy, like food, building materials, and food products.

↳ ~~governors in carrying out the rice delivery quotas and other similar programs indicate that this dual system can work effectively in Japan. Until normal conditions, especially in finance, on all levels of government, ^{return,} local governments will be working under ^{certain} unusual restrictions. They can, of course, work in close harmony with the national policy even though they are quite independent of it.~~

Index 10 sp ~~When the governor, is in this position as a national representative, he must be answerable to the Central Government, especially must he be responsible in the management of central government funds placed in his hands for national purposes.~~

Index 15 (A). The Administrative Offices Law ¹¹⁹⁴⁷ ~~for (Yōsei Renshō) 1947~~ in Article 7 provides the competent ministers of the Central Government with directive and supervisory powers over the heads of the local governments when

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the latter are to execute national affairs, ~~on the basis of laws.~~ The Law Concerning Local Autonomy gives the Central authorities a procedure ^{for} ~~by~~ bringing a governor to account for failure to carry out the prescribed duties under the national law or cabinet or ministerial orders. The ~~mandamus proceeding~~ is incorporated in an amendment to Article 146, and applies not only to the governors but to mayors also, ~~as was shown above.~~ The amendment provides a simple, relatively swift and effective method of ~~enforcing~~ ^{governors to carry out} national functions assigned to ~~these~~ ^{their} offices. The ~~procedure provides for a method to compel the governor to act.~~ In certain cases of necessity it allows the ministry concerned to take over particular duties until they have been accomplished. The proceeding also provides ~~in extreme situations~~ for the removal of the governor in cases in which he refuses to act after a court order has been issued requiring him to do so. The removal is made by the Prime Minister after the case is referred to him from the appropriate High Courts. The proceeding is in three parts:

Indent 20 of

- (1), The original or ~~mandamus~~ hearing;
- (2), The contempt hearing, and
- (3), The transfer of the case by the High Court to the

Prime Minister for ~~possible~~ removal proceedings. While this proceeding is designed to provide a method of control by the central government over the execution of national laws and orders in the prefectures, it also affords to the governor a sounding board on which he can raise legal objections to laws which might be unconstitutional or otherwise unpopular with his constituents. (Amended Articles 146 and 150).

Indent 15 of

- (2). ~~The enforcement of national laws by the governor may cause~~ *In the execution of national laws, the*

governors may at times perform acts unpopular with
~~and arouse much local criticism about or against him. This may result in un-~~
~~his local constituency. As national official he has the task~~
~~popularity which, of course, is damaging to him politically. The governor by~~
~~of persuading his constituency of the ~~need for~~ necessity for~~
~~a good press, radio, and proper addresses to the people can explain to them that~~
~~such actions in the ~~proper~~ execution of national laws~~
~~he is enforcing a national law. He can state the name of the law, the particu-~~
~~lar articles concerned and show the implementations which he has devised to~~
~~carry it out. In this manner he makes clear to the voters that in the given~~
~~situation he is acting as an official of the national government and is not~~
~~acting in a purely local matter. Moreover, by citing the Diet law under which~~
~~he must perform his duty, he lets the voters know that there is no double talk~~
~~or simple political excuse behind which he is attempting to hide or to placate~~
~~the electorate's anger. The voters always have to be on their guard to dis-~~
~~cover and to see through the political propaganda devised cunningly to gloss~~
~~over a bad or unpleasant situation for which the official should take the entire~~
~~responsibility and blame.~~

Judith
16 ap. (3). Further assignment and delegation of national functions can ^{to the} be observed in some newly passed Diet laws. In these the governor is required ^{governor} to perform as a national representative in one way or another.

20 ap. (a). In the Road Transportation Law there are delegations of authority to the governor. Article 4, paragraph 5, sub. 2 provides:

25 "The power or authority provided in Chapter V shall be delegated or commissioned to Director of Road Transportation Supervision Office as well as to Governor of To, Do, Fu or Prefectures."

Sub-paragraph 3 provides:

"Matters pertaining to entry or use of land for the purpose of constructing automotive car road may be delegated to Governor of To, Do, Fu and Prefecture."

Article 8, paragraphs 5 and 6, provides that the governor shall ^{make} recommendations ^{to} the Minister of Transportation and he, in turn, to the Prime Minister and the members of the Local Road Transportation Commission.

^{20p} (b). The Employment Security Law, Article 7, leaves to the governor the following:

^{25p} "The authority to manage such affairs concerning the enforcement of E.S.L. as control of the business of the Public Employment Security Office and the supervision of the chief of personnel thereof."

^{→ move in 20 p.} Article 9, page 3, provides as follows:

^{25p} "The authority to appoint and discharge the third officials and other personnel who are engaged in the affairs concerning the enforcement of the Employment Security Law in the Prefectural Office and in the Public Employment Office."

^{→ move in 20 p.} Article 10 gives the governor authority to appoint and to discharge liaison officers, ~~under the Act.~~

^{20p} Article 27 gives to the governor the authority to establish and to maintain vocational training projects or to delegate this authority to some other agency.

^{20p} Article 55, page 3, gives the governor authority to expend necessary funds other than those given by the central government to carry out the purposes of the Act.

^{20p} (c). In the Unemployment Insurance Law, the authority to give approval to employers desiring to come under the Act, a normal function of the Labor Ministry, is delegated to the ^g governor in Article 8, page 1, and Article 13, page 1, and Article 52 of said law.

^{20p} (d). The Disaster Relief Law, Article 12, gives the governor wide powers ^{to take} ~~in taking~~ over supervision of business, ~~of~~ production, collection,

sales, distribution, custody and transportation of supplies necessary for relief, or he may expropriate ^{necessary relief supplies} ~~supplies necessary for relief~~. Article 13 gives him or agents authority to enter ~~in~~ places to look for supplies and to demand reports thereof. Article 22 gives to the governor the exclusive jurisdiction of handling relief work under the Act. Article 24 gives him authority to requisition medical construction, engineering, and transportation facilities to aid in the relief of disaster under the Act. Articles 25, 26, 27 and 28 delegate other similar powers.

¹⁵ (2). In the Children's Welfare Law ~~for example~~, there are sixteen paragraphs which give certain powers to the prefectural governor ~~in the Act~~. Article 8 places the Local Child Welfare Board under the jurisdiction of the governor. Article 9 gives to the governors and the Welfare Minister authority to appoint members to the Central or Local Welfare Boards. Article 11, gives the governor authority to designate in ^{which} ~~that~~ area the welfare workers shall be assigned. Article 16 provides that Child Welfare Stations shall be under the jurisdiction of the governors. Article 19 places the Welfare Program and security phases ~~in~~ Chapter 11 under the supervision of the governors.

~~The dual character of the office of governor, when viewed as listed and the functions and administration shown, can be appreciated. In view of the Japanese governmental structure and economy it is necessary. There will be some difficulties, especially through clashes in personalities, but they will not be of great burden.~~

¹⁵ (4). The governor exercises direct supervision ^{over} of the prefectural administrative departments which ^{handle} ~~form the organization through which~~ the affairs of the area ~~are handled~~.

The Law in Article 158 establishes the department ^(bu) ~~ex-bu~~

as the highest administrative division in the prefectural government. Within the department ~~are~~, are the sections ^(ka) ~~are~~, and within these ~~are~~, are the units ^(kakarai) ~~are~~ or kakarai. Before the enactment of the Law, the department was an integral division of the old governmental system; it was a part of the bureaucratic ladder of organization. The Chief of the department, ^{with} ~~of~~ ^{he had} ~~of~~ ^{looking} ~~of~~ ^{looked} ~~with~~ ^{with} ~~longing eyes to~~ Tokyo for recognition and promotion. ~~The system does not exist.~~ Today the official ^{he had} ~~of~~ ^{reached} ~~has~~ reached the highest administrative office in the local autonomous system. ~~Today~~ Within his sphere of jurisdiction the ^{chief of a department} ~~post~~ corresponds ~~to~~ to the post of bureau chief, or kyōkushō, ~~in~~ in the national sphere, ~~of jurisdiction.~~ The details of organization of Civil Service for the local public bodies will be provided for by the Diet; selection, placement, training, promotion, dismissal, retirement, salary, pension and such related affairs will compose the substance of the Law.

^{SP} Because ^{the} ~~the~~ structure of the administrative departments affects the whole prefectural government, ^{it was} ~~it has been~~ desirable to continue the development of the structure of the departments in harmony with a principle ~~of government~~ which ~~has been~~ utilized by Western countries as well as by Japan itself for ^a ~~over~~ half a century; thus the division of fixed and permissive categories for departments ^{was} ~~has been~~ retained. It ^{was found} ~~has been~~ desirable to have such departments as are basic to all prefectures the same, because of the advantage of simplicity and uniformity, ^{so that and in order that} ~~in order that~~ the major functions ~~and operations~~ of prefectural governments in their dual capacity ^{could} ~~can~~ be carried out essentially through these fixed departments. ~~It must be remembered that these offices which are in the vertical or single line of national authority are not included here.~~ ~~These~~

~~are the national branch offices of the central ministries.~~ Because of some prefectures having divergent interests with a major volume of business, it ~~was~~ desirable that a series of permissive departments be allowed so that these local specialities ~~can~~ ^{could} be performed. ~~This flexible feature is most desirable.~~ The stated limit of the permissive departments was considered advantageous, as it allows for conservative expansion ^{(in the future).} ~~The Japanese were amused at one suggestion that it would be odd government in principle, not to say costly government in operation, for all prefectures to begin with the maximum number of departments and then start in a program of contraction. As officials of experience and training, they know the many difficulties of administration and personnel which are bound up in a program of contraction.~~

152p Article 158 provides for the prefectural departmental organization. The ~~mandatory~~ ^{mandatory} class contains the departments of General Affairs, Health, Education, Welfare, Economic Affairs, Agricultural Land and Public Works, and the ~~permissive~~ ^{permissive} class contains the departments of Agriculture and Forestry, Forestry, Commerce and Industry, Labor, Fisheries and Public Utilities. In Tokyo-To and Hokkaidō some few variations ~~will be~~ ^{are} found. The Law makes quite clear that no prefecture need form a permissive department unless the prefectural government desires to do so. The Central ministries in Tokyo ~~can~~ ^{can} suggest that the permissive departments be established; the suggestion, such as it is, may be taken or may not. Under no conditions can the Central ministries order the particular permissive department established.

152p The prefectural governmental structure, as provided in Article 158, has ample room by itself to accomplish all the work necessary to administer the prefectural government, not only in its local character for

functioning locally, but also in its national character in functioning nationally. Besides the prefectural office, there had been the establishment of national branch offices of a duplicating and overlapping character. The prefectural authorities should prevent such mismanagement. They have the legal power for many cases under Article 156, which states:

20pp'
"No local branch office (including fixed staff. The same rule shall apply herein and hereafter) shall be opened by any Ministry or Central Governmental agency hereafter without first being authorized by the Diet. All funds needed in connection with the operation and function of such authorized branch offices shall be paid for by Ministry or Central agency concerned.

"The provisions of the preceding paragraph shall not apply to the judicial administrative and disciplinary organs, police offices, railroad, communications, postal services (including insurance and savings divisions), national institutions of learning, national hospitals, and sanitariums, navigation, meteorological stations, hydrographic organs, harbor construction offices, and forestry stations and public works branch offices whose functions are solely supported by the national treasury."

30pp'
3. The Powers and Responsibilities of the Legislative Bodies.

The powers and responsibilities of the village, town, city and prefectural assembly ^{have undergone} ~~has changed in a~~ ^{far-} ~~major~~ ^{changes.} reaching ~~major~~ ^{representative} Today the assembly is a legislature of real power and responsibility. It is a ~~power~~ ^{representative} organ ~~of government~~ of government, ~~it is~~ free to deliberate for the best interests of the people. All of the actions taken by it must be within the Constitution and subject to existing national laws. The people ~~of the local public bodies~~ now have a ~~new breath~~ ^{real part in government of their local entities.} From ~~of life and they will~~ ^{they may be expected to} their already expressed eagerness, develop and utilize their assemblies to the full ~~extent~~.

10pp' a. The assembly derives its existence fundamentally from the Constitution, Article 93 of ^{which} ~~this document~~ provides, "The local public entities

shall establish assemblies as their deliberative organs, in accordance with ~~Law~~ Law." This is implemented by Article 89 of the Law Concerning Local Autonomy, which states that, "An ordinary local body shall have its assembly."

1024. ~~By Law~~ With the exceptions noted below any qualified voter twenty-five years of age or over is eligible to run for the ~~assembly~~ local assembly of the community in which he resides. The exceptions are: holders of certain positions which by their nature disqualify the candidate (such as election officials, public prosecutors, Diet members, ~~other~~ ^{any} paid official of the local public body concerned); persons subject to certain stated physical or mental disabilities, or persons who have committed certain crimes against society. Each assemblyman is elected by the voters of a given ^{electoral} district ~~the~~ the size of which varies ~~with the~~ ^{is} according to the population (Articles 22 and 91). The term of office is four years (Article 93).

with the provisions of the Law Concerning Local Autonomy, which states that "An ordinary local public body shall have its Assembly."

shall establish assemblies as their deliberative organs, in accordance with law." This is implemented by ~~the Law Concerning Local Autonomy, promulgated by the Diet, which in Article 89~~ ^{of the Law Concerning Local Autonomy, which} states that "An ordinary local public body shall have its Assembly."

2. ~~A brief summary of the mechanics of becoming an assemblyman and the mechanics of the operation of an assembly can be given.~~ Any qualified voter twenty-five years of age or over is eligible for the office ^{of Assemblyman} (Article 19) with the exception of a man or woman holding a particular position which because of ~~the~~ ^{its} nature of ~~that position~~ disqualifies him or her, such as:
~~election official,~~
~~public procurator (Article 21),~~
~~member of the Diet, or,~~
~~paid official of the local public body concerned (Article 92).~~
The term of office is four years (Article 93) and the assemblyman is elected directly by the people from an electoral district (Article 22), the number of whom varies according to the population. (Article 91)

10th c. After its election the assembly convenes to organize itself. ~~carry out its responsibilities.~~ In general, three parliamentary steps are taken:

- 15th (a). The assembly elects from its members a chairman and a vice-chairman (Article 103). The chairman,
 - 20th (a). presides at the meeting,
 - (b). maintains order and discipline among the spectators and among the members themselves, and
 - (c). conducts the business which comes before the assembly in an orderly fashion (Article 103, Section IX).

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15 AP (2). The standing committees receive their new members and special committees may be appointed, and

15 AP (3). The calendar or agenda is ^{drawn up} ~~made~~.

The important part of the formation of the assembly is the fact that the Law reads that (any qualified elector) ^{With} the exceptions stated, may be a member. Further, that the assemblyman is elected by the people. Nowhere in the Law is there a statement that the qualification for an assemblyman is even indirectly dependent upon his being ~~of~~ of a certain rank or class, or ~~that~~ that he be possessed of a certain portion of the wealth of the country, either in land or other property.

The Law states clearly that the only qualifications require the voter to reach a certain age and to be a resident of the area and a citizen of Japan and not subject to certain physical or mental disqualifications, nor have committed certain acts against society.

10 AP ^{What} ~~are some of the~~ ^Powers and responsibilities of the Assembly?

15 AP (1). The powers of all the local assemblies are derived from the Constitution, Article 94, which reads:

"Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law."

15 AP (2). This ~~part of the charter of self-government~~ ^{of which} is implemented ^{by} through laws passed by the Diet. ~~For self-government~~ the principal ~~law~~ ^{one} is the Law Concerning Local Autonomy. ~~or Chihōjūhō. Let us first refer to~~ Article 14 of that Law ~~which~~ reads as follows:

"An ordinary local public body may promulgate any by-law on affairs mentioned in paragraph 2 in Article 2, unless the by-law contravenes the national

law, cabinet order and ministerial regulation duly authorized by law.

"The local public entity shall stipulate its disposition of the administrative affairs by its by-law unless otherwise provided by the national law, cabinet order and ministerial regulation duly authorized by law.

"The prefectural government may stipulate the disposition of the administrative affairs of the city, town and village by its by-law unless otherwise provided by the national law, cabinet order and ministerial regulation duly authorized by law.

"If the city, town and village by-law regarding the disposition of the administrative affairs contravenes, to that of the prefecture mentioned in the above clause, it shall be null and void.

"The local public entity may stipulate by its by-law the imposition of the imprisonment with or without hard labor not exceeding two years, the fine not exceeding ¥100,000, the detention, charge or confiscation for the violation of its by-law unless otherwise provided by the national law, cabinet order and ministerial regulation duly authorized by law.

"The crime specified in the preceding clause falls under the jurisdiction of the national court."

10 sp. ← Article 14 empowers assemblies to enact any by-law which they deem fit in regard to the affairs of the local entity, provided that it is not contrary to the Constitution or that it does not contravene a law passed by the National Diet. The subject matter of these by-laws ~~is~~ is wide and varied, ranging from by-laws regulating traffic to by-laws levying taxes necessary for the operation of the local entity. ~~The following powers show~~ The type and nature of the jurisdiction which can be exercised by each public body ~~are~~ illustrated by the following:

15 sp. (1). To maintain local public order, protect and preserve and care for the safety, health, comfort and general welfare of the inhabitants and visitors.

15 (2). To establish, construct and administer the parks, playgrounds, open spaces, green districts, roads, bridges, rivers, canals, reservoirs, irrigation and drainage waterways and dykes, and to regulate the use of them.

15 (3). To manage water plants and water supply, sewerage systems, electric plants and distribution systems, gas plants, streetcar services, automobile services, vessels and other transportation systems, and other services.

15 (4). To establish, construct and administer docks, moles, piers, wharves, warehouses, sheds and other structures necessary for other sea and land carriage and/or to grant rights to use them.

15 (5). To establish, construct and administer schools, laboratories, experimental stations, libraries, museums, art museums, goods exhibitions, auditoriums, theatres, musical pavilions and other structures concerning education, literary accomplishments, culture and promotion of industries and/or to regulate rights to use them.

(6). To establish, construct and administer the hospitals, isolation wards, sanatoria, disinfecting stations, lying-in stations, residences, lodgings, dining-halls, baths, public latrines, pawnshops, workhouses, public nurseries, asylas for the aged, almshouses, reformatories, jails, butcheries, dust-disposing stations, crematories, cemeteries and other structures concerning safety, health and social welfare.

(7). To prevent nuisances or to restrain actions profaning against cleanliness and to administer the affairs concerning improvement of safety, health and social welfare.

(8), To protect against criminal offenses, to safeguard against disasters, and to provide aid at disasters to relieve the sufferers.

(9), To relieve, instruct and care for minor, poor, sick, old and weak, widow, defective, vagrant, insane or inebriate persons and other similar persons.

(10), To manage forest, ranch, markets, fishing water surface, public workhouses and besides to undertake for profit works considered as necessary in order to promote public welfare.

(11), To carry out hill and river improvements, farm cultivations, adjustments of arable land, reclamations of land from public sea, city plans, improvement of districts under poor condition and other improvements of land.

(12), To manage affairs concerning fostering and promotion of invention, improvements or special products and other increase of improvement and production.

(13), To protect and manage historic places, places of scenic beauty and other memorials.

(14), To investigate and make statistics of the matters necessary for disposal of affairs of a local public body.

(15), To manage the affairs relating to enumeration, identification and registering concerning the inhabitants, visitors thereto and such other persons as it may be considered necessary.

(16), To inspect meters, all sorts of produce, domestic animals.

(17), To make restraint concerning structure of building, equipment, the area of yards, courts, density, open spaces, districts, dwellings,

the areas on the basis of space, industry and other business of inhabitants in accordance with the determination of laws.

(18). To appropriate, enter upon and hold personal or real property for any local public purpose in accordance with the determination of laws.

(19). To adjust and coordinate the activities of the bodies within the area of an ordinary local public body.

(20). To levy and collect local taxes, rents, fees, allotted charges, entrance fees, or statutory labor and actual articles.

(21). To create and manage the permanent property, sinking funds and besides the reserve fund and grain.

(22). To determine the estimated annual revenue and expenditure.

(23). To approve of a report of the final accounts.

(24). To make refund of moneys paid for local taxes, rents, fees, allotted charges, entrance fees or statutory labor and actual articles unlawfully levied or charged.

(25). To take or dispose of property and to establish or dispose of structures.

(26). To assume new duties, to take by charged gift, grant, bequest or devise and to waive rights.

(27). To make contracts.

(28). To handle matters relating to filing of objection, appeal, action, reconciliation, intermediation, arbitration and peace-making.

(29). To determine the amounts of compensation for legal damages.

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(30), To handle matters relating to the adjustment and co-ordination of the activities of the bodies within the area of an ordinary local public body.

Judith 10 sp. *Ed.* An assembly today, as contrasted with its previous existence, has the power to regulate itself and to determine to a certain extent its own membership. This power in itself is very important as it could deprive the electorate for a certain period of time of full representation. This power is exercised by the Assembly when it passes on certain qualifications of its members and when it exercises its right to discipline its members for misconduct even to the extent of expulsion. (Section IX)

10 sp. *f.* Some of the most far reaching powers ever to be exercised by an assembly in Japan are provided in Article 100. An assembly during the course of its existence can investigate the affairs of the local entity in a far more thoroughgoing and final manner than ever before provided. The assembly, as it may deem necessary, or the special committee conducting the investigation, has the power to summon persons to give information. This person, of course, is required to appear. If the assembly determines that this person has given a false statement, he is subject to imprisonment. If, however, prior to the conclusion of the investigation he tells the truth, then the assembly may not refer the person to the procurator for prosecution. The assembly itself has no power to inflict punishment; it can only refer the facts to the procurator for whatever action he may decide to take. This power for the assembly has long been needed and from the evidence thus far shown it will act as a decided support for strong local autonomy.

10 sp. *f.* ~~One class of persons is exempt from testifying before the assembly during the course of investigation. This exemption applies to~~ A person who is

called upon to give testimony or present records ^{relating} which he believes to be official secrets, ^{may decline on that ground.} ~~Under this condition he can so declare to the assembly.~~

The assembly must then obtain the consent of the government or public office concerned before the person is forced to give the testimony or produce the records. If within thirty days after being requested, the government or public official ^{either}

~~does not declare the matter in question contrary to the public interest if disclosed, or~~

^{gives its consent to its disclosure,} then the testimony must be given or the records produced. (Article 100)

^{10 sps. Investigatory of the} This power ^{is given to} assemblies ~~to investigate~~ is extremely important, as it may involve the right of the assembly to question the acts of the chief of the local public body by demanding reports and examining his management of the affairs of the local body, his execution of resolutions and the manner of raising revenue and the expenditure thereof. (Articles 98 and 121).

Such a procedure simply could not have existed under the old laws and Imperial ordinances. Indeed, as the legislators use this power, the over zealous bureaucracy will be checkmated on many counts.

^{10 sps.} The power does not apply to the management of local affairs only. It also applies to national affairs delegated to the chief of the local public body. If the ^{as} matters ^{are} concerned ^{with} the public ^{interest,} a written statement ^{may} be sent to the administrative office concerned. (Article 99)

^{10 sps.} This power to call an official of the local government to report or make explanation is not limited to the chief of the local public body. It

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applies equally to any official including the ^{members of} Election Administration Committee and the Inspection Committee. (Article 121)

10 ap. The assembly need not conduct the investigation itself, but may call upon the inspection committee to make an inspection of the affairs of the local public body and upon completion of its inspection to make a report to the assembly. This should be the normal procedure for routine inspection ^{work} or investigation ^{work} as the inspection committee often are ^(constituted from) members of the assembly. (Articles 98, 195 and 199)

✓ 10 ap. g. The question of finances is always a matter of major importance to any public entity. ~~for without funds it is impossible to operate.~~ Practically every matter which comes before the assembly involves ^{the question} ~~of finance~~ ^{of finances} must be considered by the assembly. Because of ^{this} ~~its~~ importance the assembly has been given great power in this field.

10 ap. The chief of the local public body has the responsibility of preparing the budget, but the final responsibility rests in the assembly, as it has the power to revise ~~or expunge~~ before final approval. The work of the assembly in regard to the receipts and expenditures is not completed upon approval of the budget. In addition, the assembly must be informed of proper accounts through an audit of the receipts and expenditures. (Article 240)

10 ap. Practically every financial transaction of the local public body must be approved by the assembly or conducted in accord with a by-law previously adopted. The amount of salary and allowances of public officials and employees (Chapter ~~VIII~~ ^g), the obtaining of a local loan (Article 226), the establishment of a special account (Article 239), and many other matters, all require action on the part of the assembly.

10 ap. h. The assembly has many duties in regard to the appointment and

dismissal of personnel of the local public body. ^{It} ~~This responsibility may determine the efficiency of the operation of the local public body.~~

~~The assembly~~ elects the electoral administration committee which controls the election machinery of the local public body. (Article 182)

^{10 ap} The inspection commissioners are appointed with the consent of the assembly. Their duties ^{as} as watchdogs of the government, to prevent improper practices ^{on} on the part of the public officials, is of extreme importance.

~~Should these persons not satisfy the public at large, they can have legal action taken against them by the people directly. (Article 183)~~

~~The power of ratification of the assembly is a strong one.~~ The vice-governor and certain other officials are appointed by the governor, but the consent of the assembly is required to complete the action. ^{Further,} ~~likewise,~~ these ^{officials} people can be removed by the assembly, either by petition of the electorate or the assembly's initiative. In the original appointment the number of officials is controlled by by-law. The assembly maintains by this authority a close check on the activities of the executive and administrative branches of the government. (Article 162, 86 and 87)

^{10 ap.} ~~In addition, to the powers and functions already referred to,~~
The assembly has ^{a number of} ~~many~~ additional powers and functions, all of which are important when required to be exercised, such ~~methods~~ as:

^{15 ap} (1) Determining or changing the location of the office of the public body (Article 4);

^{15 ap} (2) Disposing of property as a result of a boundary change (Article 7);

(3) Receiving reports from various committees and officials;

(4) Entering into mutual agreements for the creation of a partial affairs association (Article 284), and

(5) Conducting hearings for employees who feel aggrieved at the allowances ^{given} ~~made~~ to them (Article 206).

Every prefectural assembly could be as busy with prefectural matters as the National Diet has been with national affairs.

^{100p.} ~~In the Law there are certain~~ ^{specifics} affairs of a purely national character ~~which belong to the central government.~~ ^{is} The assembly of the local public bodies do ~~not~~ exercise any power, ~~over them.~~ They are, ~~as follows:~~

- ^{150p.} (1) Affairs concerning judicial administration.
- (2) Affairs concerning penal and national disciplinary punishment.
- (3) National transportation and communication affairs.
- (4) Postal affairs.
- (5) National institutions of learning and research.
- (6) National hospitals and institutions of medical treatment.
- (7) National navigation, meteorological and hydrographic functions.
- (8) National museums and libraries.

The assembly under the Law, therefore, has only one principal responsibility and that is the obligation to exercise its functions with a view to the promotion of the interests of the people of the local public entity.

^{100p.} Outside ~~of~~ the powers ~~themselves~~ ^{additional} which the assembly can now

exercise, no more important addition has been made to their functions^s than the general provisions ^{own} for standing committees. The Law in Section ⁵ Chapter ⁵, Articles 109-10-11, establishes standing committees for the village, town, city and prefectural assembly. ~~The Law in~~ Article 110 provides for the appointment of other committees such as the local governments may determine in ~~the~~ ~~particular~~ particular circumstances.

From many points of view, ^{another} ~~no more~~ important provision ~~has been made part~~ of the Law ^{is} ~~than that in~~ Article 100, which provides that all local public bodies will establish and maintain assembly libraries. This ^{is new} ~~important step has never~~ ~~been taken before~~ in the history of Japanese governmental affairs. These libraries will be the automatic depositories for all nationally published laws, Cabinet Orders, documents and other publications. Other publications of all types can be added. The standing committees will be insistent that material concerning their functions and work will be on hand for their use. The present allotments of funds from the meager and straitened prefectural treasuries, as well as the present allotments of physical space, together with the accumulated books and materials, are immediate barometers of the assemblymen's realization of their libraries' importance. Hitherto, all such laws, ordinances, books and papers have been the ~~precious~~ possession of the governor and a few other bureaucrats. They used the knowledge contained therein for their own purposes and to their marked advantage. In far too many situations the elected officials and assemblymen were ^{never} ~~not~~ informed of affairs ^{now} ~~they were not~~ given the opportunity to be informed ~~at all~~.

Controlled
all cases

VII
VIII

TONARI GUMI

The Abolition of the ~~TONARI GUMI~~ System.

(network of "neighborhood associations" ^{known as}

During the war years the Japanese perfected the Tonari Gumi system, a feudalistic quasi-governmental institution, by means of which the personal lives, activities and even the thoughts of the people of Japan were brought under the effective over-all control of a mere handful of central government officials. This system provided a chain of command from the central government bureaucracy down to each family and individual, and channels of intelligence up to those central authorities. Ostensibly, the system was based on voluntary associations, but police ^{intimidation,} intelligence, the latent threat of denial of the necessities of life and a general fear of retaliatory measures against non-conformists stifled any possible freedom of choice. During the war the Imperial Rule Assistance Association assumed dominant control over the system and utilized it for propagandizing the people with the official party line as well as for holding them under control.



1961
II. The Tonari Gumi System Abolished.

During
In the war years the Japanese constructed a feudalistic quasi-governmental institution, the Tonari Gumi System, ~~whereby~~ *whereby* a mere handful of central government officials ~~controlled~~ *(were able effectively to)* ~~the thoughts and activities,~~ *control* the personal activities and even the thoughts lives and destinies of the 70,000,000 people of Japan. Although the hierarchy ~~was~~ *based on* ostensibly ~~a~~ *voluntary* ~~institution,~~ *associations, but* ~~the fear of~~ police intimidation, the latent threat of denial of the necessities of life, and a general apprehension by the individual of retaliatory measures ~~negated in effect~~ *was satisfied in any possible* freedom of choice, which is the essence of democratic government. It stultified that free interchange of opinion among members of the same community, without which the development and dignity of the individual could not be realized. This system ~~constituted~~ *constituted* a ~~combination of~~ *combination of* ~~network for~~ *network for* ~~which combined channels of authority and command~~ *which combined channels of authority and command* enabled the central agencies of government to impose pernicious ~~propaganda~~ *propaganda* from the ~~and propaganda from the~~ *and propaganda from the* central government ~~authorities down to every family and individual~~ *authorities down to every family and individual* and policies arbitrarily upon the people and to extract from the people intimate ~~with a system of espionage for extracting information about the~~ *with a system of espionage for extracting information about the* details of their private lives. ~~The assumption by the Imperial Rule Assistance Association of dominant control over the Tonari-Gumi during the war years demonstrated the manner in which this system was available for exploitation by an unscrupulous minority.~~ *Of the people.*

(H)
Lynch

1. History.

The origins of the Tonari Gumi are deeply rooted. ~~During the~~ *During the* Japanese adoptions for the war, a resume can be made. In order that the ruler of a large area or the governor of a province might safeguard his power and dominate the lives of the populace in cities, towns and villages, there has existed in the Orient, with China as its source, ~~a system of~~ *an* ~~arbitrarily forced,~~ *imposed,* mutual responsibility ~~an~~ *(system) --* ~~an~~ *espionage* ~~and hostage~~ *system* or coercive protectionism. The population ~~by family combination~~ *was* ~~is~~ *based upon family units,* divided into compulsory groups, with either appointed or indirectly elected heads, ~~and the levels of organization when placed~~

(and organized in layers of responsibility resembling)
~~upon each other resemble~~ a pyramid. ~~(2)~~ The base is composed of the whole
populace; ~~(3)~~ ~~the immediate higher and shorter level is composed of units or~~
which is divided into units or ~~groups of from five to ten families,~~ *called* ~~or Neighborhood Associations;~~
or Tonari Gumi ~~(4)~~ ~~the next higher~~
~~shorter level is composed of blocks, each made of ten units,~~ *the* ~~or Chonai Kai~~
or Block Associations;
~~(5)~~ ~~the still higher and shorter level is composed of federations, or Rengo Kai,~~
each made of one hundred blocks, ~~and (5)~~ *R* Representatives from these federa-
tions) normally their heads, ~~receive their orders directly as they are generally~~
form the top body which is
(and receives instructions directly from) ~~presided over by the ruler or governor.~~ Because ~~the~~ membership of these groups,
units or blocks is compulsory, ~~intimate details of their private lives can be~~
the entire population is blanketed
~~forced from people and with sinisterly reported to the central~~
~~authorities; propaganda and orders are pushed by these autocrats down to the~~
~~lower echelons and thus the lives of the people are regimented minutely.~~

The Chinese called this hierarchical spy system Pao Chia. The rulers of
Japan in the 7th century introduced the Chinese system into Japan. During the
protracted civil wars of the 14th to 16th centuries, the system fell into disuse,
but later was revived under the Tokugawa Shogunate as Gonin Gumi, five-family
units, and Junin Gumi, ten family units. ~~These~~ *These* were used to discover ~~Christians,~~ *and report*
~~control the population and ferret out other enemies of the regime such as lordless~~
(and generally keep the population under control,
~~samurai, or warriors.)~~ The Gonin Gumi was particularly effective as a spy-hostage
system because each member was ~~forced to be~~ *made* responsible for the actions of all
the others. In the Meiji Restoration Gonin and Junin Gumi were abolished; no
voices appear to have been raised to deplore their disappearance. For seventy
Hereafter
years ~~then~~ Japan was, for all practical purposes, without neighborhood associa-
tions of ~~the~~ *the* compulsory type.

by The Japanese ~~made~~ *made* The first move to revive the compulsory associations *was made*
in Formosa early in ~~this~~ *the twentieth* century, where it was called the Hokō system. Through

it the resistance of the Formosans and Chinese living there was reduced substantially.

After the Japanese entered Korea and Manchuria, they ^{extended and} intensified the use of the system under the name of Rinpo Han. In Japan's conquest southward, the system followed the flag into China, Burma, Malaya, the Philippines, and the Netherland East Indies as an annex of Japanese military government. Shortly after the launching of the China War and in preparation for the Pacific War, the system was applied to Japan itself with a change in name again. By 30 September 1940, the inhabitants of Japan had been organized by compulsion into 1,200,000 Tonari Gumi and 199,005 Buraku Kai and Chonai Kai. As of 1 April 1946, the number of Tonari Gumi remained substantially unchanged; the number of Buraku Kai and Chonai Kai had risen to 210,120.

Legal justification for the existence of the Buraku Kai, Chonai Kai and Tonari Gumi was found in Ministry of Home Affairs Instructions No. 17, dated 11 September 1940, and in supplementary instructions issued thereafter. In addition, the two organic acts governing the organization of cities and of towns and villages provided for the transfer of certain powers to the Buraku Kai and Chonai Kai. The nature of this legal delegation of the mayors of cities, towns and villages to the heads of respective levels within the system is shown by the provisions within Article 38 and Article 94 of the Law Concerning the Organization of Cities:

"Article 38. The mayor of a city is authorized to take such measures as are necessary concerning the management of the property and expenditures of the Chonai Kai and Buraku Kai and their Federations as well as for the alteration of the districts belonging to such Associations and Federations.

"In cases where the mayor's permission is obtained, the heads of the Chonai Kai and Buraku Kai and their Federations may own property in their own names.

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"Article 94. The mayor of a city, in prosecuting part of his official business may engage the services of the heads of the Chonai Kai and Buraku Kai or their Federations."

Similar provisions for ~~the~~ ^{such broad} wide delegation of authority to private and quasi-private bodies or natural persons ^{of} governmental affairs are found in Article 72 and Article 78 of the Law Concerning the Organization of Towns and Villages.

The Buraku Kai and Chonai Kai were formed from existing political units, such as streets, blocks or administrative districts, as determined by the mayors or the headmen of towns or villages. All households were organic units. Heads of the groups were appointed by city, town and village heads, sometimes on the basis of recommendations by members of the organizations. Although no salaries were paid, membership fees were collected from all households. Departments included women's, agricultural, cultural, health promotion, consumption economy, young men's tax payment and other economic and social ^{functional titles.} ones.

The neighborhood associations had been most fully utilized as extensions of the executive agencies of cities, towns and villages. They provided thousands upon thousands of unpaid workers for local agencies of government, thus in actual effect placing an additional tax upon those ordered to serve. Furthermore, since no salaries were paid and the work was of a time-consuming nature, requiring much of the day, the average individual among the working element had been unable to accept a responsible position in the associations or had been forced to serve at considerable loss to himself. In many instances, therefore, the heads came from the "bosses" or, in some cases, loafers of the neighborhood, who had time to spare and who ^{were} ~~had~~ not ~~been~~ unaware of the opportunities for diverting rationed foodstuffs and other items to their own use.

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Such heads were destitute of any sense of public service, indifferent to the needs of the members, and in many cases had used their positions to become local tyrants and little despots. They had also served ~~too~~ well the purposes of the Imperial Rule Assistance Association, ^{the} thought police and other instruments of oppression. ~~Not only were~~ such individuals steeped ^{the past regime, in methods} in ~~methods~~ of surveillance and regimentation, ~~reminders of the war-time past,~~ but they also represented a serious danger to the successful democratization of local government, ^{not only because they were} because ~~during the past years~~ many built cliques and machines for their own patronage and control of local elections. ^{but} ^{of them had also}

2. Steps in Abolition.

In whatever manner the Tonari Gumi performed beneficial services, and ~~doubtless~~ ^{a few, these} there were ~~some,~~ they could not compensate for the attendant evils. On 22 January 1947 the Minister of ~~the former~~ Home Affairs, ^{Home Ministry} in Instructions No. 4, ordered the entire system abolished. "The Home Ministry Instructions No. 17 of the Fifteenth Year of Showa shall be repealed." ^{(11 September 1940).} ^{Home Ministry}

← ~~The~~ Detailed instructions from the Vice-Minister set forth the conditions and the time limit in which the operations ^{should} could be effected. ~~These~~ Functions which were of a ~~real~~ governmental character were to be transferred back to their ^{proper agencies, while} ~~rightful position and these functions~~ and activities which were not governmental were left to individual or other private voluntary group action. These latter activities had always been of a private, personal nature and in normal times would have been carried on without authoritarian regimentation. Paragraph 1 of the Instructions stated:

"All administrative functions, presently performed by Chonaikaicho, Burakukaicho and Rengokaicho thereof, will be transferred to city, town, village or ward on or before April 1, this year."

^{Sep.} ~~to~~ inform the general public, ~~therefore~~ the Home Ministry ^{issued} ~~made~~

newspaper releases explaining the government's action. These followed immediately after the Instructions of Abolition on (22 January) 1947. Other statements were made in February and March, ~~also~~. On (30 March) ^{or} radio statement to the public gave a detailed summary of the action ~~staken~~ and the required measures to ~~be followed~~ after (1 April) 1948.

~~Provisions in~~ The Law Concerning Local Autonomy, ^{specifically} prohibits the delegation of administrative and financial affairs of government to private and quasi-^{governmental} ~~private~~ bodies or natural persons.

Thus came to a legal end the ~~beneficial~~ system ^{whereby} in which the Minister of Home Affairs, ^{through his} ~~had autocratic~~ control of 47 governors who, in turn, ~~commanded and controlled~~ ^{controlled} influenced 11,000 mayors and headmen of cities, towns and villages, who, in turn, directed and commanded more than 200,000 Rengokaicho, Chonakaicho and Burakukaicho, who, in turn, persuaded and dominated more than one million Tonari Gumicho, ^{exercised the powers of a police state over the lives} ~~who together with the family groups composed the regimented~~ ~~action~~ of 70,000,000 people.

The abolition of the Tonari Gumi System was, of course, not an end in itself. The reorganization of the structure of all the local governments had been to simplify each in terms of the public services which it ^{could} ~~cannot~~ ~~should~~ perform daily. The governmental system must be one of clear definition in function and authority, rather than a maze of various levels of government saturated with a series of ~~useless~~ ad hoc authorities.

Central + all caps

VIII
IX

Financial Reform

1. Coordination ^{government}

Tax

The existing local ~~entity~~ finance system is based on the Local Allocation Law of 1940 and the Local Allocation Tax Law passed in 1940. The former act authorized a number of taxes called "independent" taxes to be levied and collected by local entities. The latter provided for allocations of certain amounts from taxes collected by the central government to be transferred to the local entities. Both of these acts were amended in 1946 and again in 1947 to increase the amounts available to the local public bodies. These amendments brought temporary relief to the stringent financial situation of local governments but subsequent increases in prices and wages upset the original calculations. ^{new para} Exercise of the powers and responsibilities given to local public bodies under the Law ^C concerning Local ^A Autonomy will naturally require financial reorganization of an extensive character. In conjunction with the Economic and Scientific Section of General Headquarters the Local Government Division of the Government Section conducted field trips, conferences and discussions on the problem of local finances, and on the basis of these studies recommended the creation of a special committee responsible to the Diet to study the subject and recommend necessary legislation.

2. Local Finance Committee

On December 7, ^{summer of} 1947, the Diet enacted the Local Finance Committee Law which created the Local Finance Committee of which the members are a Minister of State, acting as chairman, a member of the Diet, a representative of the Mayors' Congress, a representative of the Association of Towns and Villages and a representative of the Governors' Association. The committee is assisted by a secretariat. Its life was set at one year from the date of promulgation of the law and it was instructed to prepare preliminary draft legislation

for the Diet to consider within three months from the date of promulgation of the law.

Article 2 of the law provides:

"The Local Finance Committee shall prepare a comprehensive program for the effectuation of local financial autonomy consistent with the national public interest and local control over local responsibilities. Such plan shall include provisions for (1) assessment by and collection of taxes, (2) incurring of local indebtedness and bond issues, (3) budget, appropriation and audit procedures, and (4) equitable allocation of national funds for local purposes under local administration."

Within ninety days from the date of its creation the ^cCommittee rendered a preliminary report in which it recommended amendments to existing tax laws which would result in the transfer to local entities of additional annual revenues of approximately 35 billion yen from admission taxes and ~~monopoly~~ monopoly revenues, and another 10 billion yen from new local tax sources, increases from present local tax sources and the creation of new local taxes.

Another recommendation of the ^cCommittee was the creation of a Local Entity Central Bank and Deposit Fund to assist ^{local public bodies} in the solution of ^{problems} ~~questions~~ ^{of} ~~involved in~~ local ^{financing problems} borrowings. As of early June 1948, the recommendations of this committee had not been acted upon and the issue of local finances was attracting considerable attention in the press with indications that it had become a political issue. In general the role of General Headquarters in this program has been to encourage the Japanese to develop for themselves a program which would include the following elements: (1) the segregation and separation of tax sources for the national and the local government to attain as practical mutual exclusion as possible; (2) the finding of new sources of revenue by the local entities, and (3) the transfer of some existing sources of revenue to local governments, and (4) a reappraisal of the tax allocation, grants-in-aid and subsidy systems. At

the present stage it cannot be predicted how far the Diet will go in permitting the local public bodies to establish a sound financial system in keeping with their additional responsibilities.

Centered & all cap → IX CONCLUSION

~~IX~~ CONCLUSION: The Local Government Elections of April 1947.

After ^{the} drafting ^{of} the Law Concerning Local Autonomy, the elections of April 1947 constituted the next ^{logical and necessary} step in the process of reorganization of local government, ^{for} since the ^{incoming} elected officials would be the new functionaries to perform the new duties and assume the responsibilities provided in the new law. Henceforward, all chief executives of the local governments as well as all the representatives for the local assemblies would be popularly elected.

On April 5, 1947, elections for all executives, governors, mayors and village and town headmen was held; and on April 30, elections for assemblymen of prefectures, cities, towns and villages took place.

These elections provided the Japanese people with their first opportunity in history to choose all their local chief executives by popular franchise; ~~forty-six~~ ⁴⁶ governors, 209 city mayors, 10,210 heads of towns and villages, and 22 heads of the Tokyo autonomous wards. These elections, moreover, represented Japan's first elections for local assemblies on the basis of universal suffrage and the first election for local assemblies in which membership had been more than an honorary position. Voting in previous elections was based on limited manhood suffrage, with the consequent result that the assemblies normally represented only a restricted section of the Japanese population. Moreover, membership meant little in the way of legislative power, for assemblies met infrequently and were completely dominated by local chief executives. In effect, therefore, assemblies merely provided a fiction of popular participation in legislation.

The popular elections of 1947 marked a dramatic break from the past; both the newspaper world and the voters were aware of their implications. The newspaper Mainichi, for example, pointed out editorially that local governments constituted "the foundation of central government," that "democratic policies should be started

in a small way," and that "the reconstruction of Japan will depend on how our prefectures, cities, towns, and villages rise from the ashes."

In another section of this ^{history} work, the various technical and other aspects concerning the elections are analyzed in detail. [↓] It is enough to observe here in conclusion that the local elections of 1947, based on universal suffrage, brought a new breath of life into the many communities of Japan. No greater or ^{more effective} ~~start~~ start could have been made toward the functioning of democratic government in these local public bodies than through this extended free use of the franchise.

[↓]. See section on "POPULAR ELECTIONS."