

in the manner consistent with the basic concept of representative government -- shuken toshite no kokumin. Specifically, in the modern democratic governments the problem is that of making the bureaucracy serve the people, or, most simply stated, making the bureaucracy enforce the law. The bureaucracy does not make the law, as I have already said.

The position of the administration is, therefore, clear in a democracy: The civil servant secures his or her position through appointment after examinations and interview. Once appointed, however, he or she, precisely like those persons coming into office directly as a result of the ballot, has the one duty of serving the people loyally as long as his or her tenure lasts.

The chronicle of the Civil Service in world history shows very clearly the evils which the people of the nations have suffered when the allegiance of administration has been shifted away from the main goal which, as I have stated, is service to the people.

In the centuries past, the administrative officials gave their full energies to serving the crown, no matter on whose head it rested, benevolent or cruel, sane or insane. In zestful eagerness to achieve personal favor, these administrators herded and hounded the populace. There was such complete isolation of the people themselves (as taxpayers) that the regimentation burst in violent revolutions, as French history demonstrates; brute forces made the change. Upon this point many people must cast thoughtful glances backwards.

These people, of course, must hope that the incidents are far behind!

In England's historic past the Civil Service once served the monarch only, then served only Parliament; the bad conditions within themselves forced a healthy change, thus remedying the evil.

In the United States one hundred years ago the administrative officials served but the political parties, election after election. This type of plunder satisfied hosts of people and dissatisfied only a knowing few. Nothing in a legal way was done in the first one hundred

years of the American Republic to develop a sound public personnel policy. The first six presidents did not recognize the necessity of the problem. They made their appointments upon merit as a rule, though without examinations of a formal character. The Office Act of 15 May 1820 provided a maximum term of four years for numerous governmental positions so as to allow the proper dismissal of dishonest and inefficient personnel as well as to provide a regular turnover, merely to assure good administration. Excessive political activity of all appointed to office, however, reversed the situation which I stated above. A host of persons were dissatisfied and only a few remained satisfied. Too many of the appointees did nothing but attend to party organization in their offices on government hours of time; they gave too little of their efforts to the office of government. The appointees were forced to pay considerable sums from their salaries to the party funds which they soon learned went into the pockets of those who secured their appointments. For some years, however, party organization continued to demand as a matter of simple right assessments from party members.

Gradually, and in democratic manner, laws were passed which corrected the "Spoils System" by inaugurating a Civil Service. One of the purposes of the Law was to stop the party or political assessments evil. Today Federal laws forbid any United States Senator, Representative or other officeholder directly or indirectly to solicit or to receive any assessment, subscription or contribution from any other officer or employee in the Service. It also makes illegal any such solicitation in any Federal building or place used for the purpose of the national government. Violators are, therefore, guilty of a gross misdemeanor and are subject to fine of not over \$5,000, imprisonment for not over three years, or both. Many states have similar laws and regulations. The Civil Service in the United States, was, therefore, evolved over many years to produce a loyalty of service to the people; the people met their conditions squarely with appropriate laws.

The history of administration in Japan, of course, is a long chronicle of a relatively small group of people. My remarks will concern only a short period of time. There is little need to relate events of the Tokugawa Bakufu. All here are familiar with that three hundred year record of control, control, control; all here know of the penalties which were inflicted when administrators found or caught erring souls! The modern bureaucracy in Japan today had its foundation in the middle of the Meiji Era. It is about this that I wish to review some facts and to offer some thoughts.

What were the conditions under which the Japanese modern bureaucracy was established? You all know better than do I the details of the decisions which the young leaders surrounding the even younger Meiji made. One great fact stands out, however, through the entire Era, and that was the everlasting determination of the Hanbatsu to retain the power of government not only for the Emperor, but also for themselves. A rather remarkable chain of circumstances permitted the Hanbatsu to accomplish their willful purpose. Within his iron will and under his cunning and adroit maneuverings, Prince Yamagata developed a bureaucratic network, the like of which the world has rarely seen.

The Continental System of government, as has been related in another paper, pleased Iwakura, Itō and especially Yamagata. The Prussian Victory which crushed the French in 1871 dazzled the Japanese students of government. High officials and some scholars of the new unified Germany inveigled them into believing that the Prussian System of authoritarian controls was the Western answer to Japanese problems. Yamagata did not deviate from his course of action. As Naimu Kyo he took control of domestic affairs and formalized the elements of his plan. As Naimu Daijin, after the Cabinet System was adopted, for five years he explored further, enlarged the number of officials, and extended the limits of their powers and his system. The Prince, by cementing his Kanryo Seiji over all the land, soon earned the name

Kanryō shugisha, which the newsmen coined for him.

In building his kanryō seiji Yamagata wielded tremendous influence and, in so doing, built careers for some and wrecked those who opposed him. Yamagata as a Hanbatsu statesman developed a satanic policy of effecting liberal measures at one instant and of mitigating them promptly at another. The Chōsonsei, the Shisei and the Gunsei appear to be liberal steps. The term of self-government is employed, but that is all that can be said. Yamagata had the local officials so heavily supervised by national agents that no breath of fresh air was frequent enough to prevent suffocation. Even though the Fukensei became a Diet Law, it was in many ways vitiated by the continuous power of the Chihokankansei of 20 July 19 Meiji. Yamagata's policy, unfortunately for the Japanese taxpayers, has pervaded the kanryō too long. A series of bureaucratic generations has grown up. I have been talking as though this one strong person was responsible for it all. Such is not so; the blame has to be borne by others too.

Under an authoritarian, highly centralized, highly cliquish bureaucracy, the administrators "can afford to be" arbitrary and curt to the public. They have taken the vow to be loyal to anyone but those people whose tax money furnishes them with a livelihood. The laws have been made for everyone else but them, and the reason that the kanryō knows this is because they practice it! What more is needed?

Under such conditions the kanryō can even be guilty of fushinsetsu. To my regret, in my travels, I have heard that one of the reasons for the public continually losing confidence in the kanryō is because of this very fact. Why should Suzuki-Kun have all the trouble that he encounters with the madoguohi shugi? Will the person who stands there never show any friendly interest in the problems of Suzuki-Kun? When he goes into the inside office, why must he be forced to look at the kanryō behind the desk with a long face, on such a very long face that no barber could make any money shaving it? Will the man behind the desk remember how bad he is, in so doing? He should. The people

of Japan today, I am certain, are weary of hambun jokurei day in and day out. And when a business man comes for an answer to a pressing problem he receives no answer. Why? The kanryo is too absorbed in his kijyo no plan! Is there any wonder why Suzuki-kun is angered? He has a right to be so.

The Chihōjichihō in Article 158 establishes the department or bu as the highest administrative division in the prefectural government. Within the department or bu are the sections or ka and within these, in turn, are the units or kakari. Before the enactment of the Chihōjichihō, the department was an integral division of the old governmental system; it was a part of the bureaucratic ladder of organization. The official as buchō looked with longing eyes toward Tōkyō for recognition and promotion. Today that system does not exist. Today the official on becoming buchō has reached the highest administrative office in the local autonomous system. Today within this sphere of jurisdiction the buchō corresponds precisely to the post of kyō-kuchō within the national sphere of jurisdiction.

As representative government develops in practice more and more in Japan, the realization of what I have been stating will be greater and greater to all. 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.

The structure of the administrative departments affects each one of you and is, therefore, of your concern directly. 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 half century; thus the division of fixed and permissive categories for departments has been retained. It has been desirable to have such departments as are basic to all prefectures the same because of the advantage of simplicity and uniformity. In other words, the

major functions and operations of prefectural governments in their dual capacity can be carried out essentially through these fixed departments. It must be remembered here that these offices which are in the vertical or single line of national authority are not included here. Because of some prefectures having divergent interests with a major volume of business, it is desirable that a series of permissive departments be allowed so that these local specialities can be performed. This flexible feature is most desirable. The stated limit of the permissive departments is also advantageous, as it allows for conservative expansion. It would be odd government in principle, not to say costly government in operation, were all prefectures to begin with the maximum and then start in the program of contraction. As officials of experience and training each of you knows the many difficulties of administration and personnel which are bound up in a program of contraction. It is most desirable that officials in all the local levels now become specialists in particular fields of knowledge, rather than to continue the program of specialty administration.

The Chihōjichihō in Article 158 provides for the prefectural departmental organization. The mandatory class contains the departments of General Affairs, Health, Education, Welfare, Economic Affairs, Agricultural Land and Public Works, and the permissive class contains the departments of Agriculture and Forestry, Forestry, Commerce and Industry, Labor, Fisheries and Public Utilities. In Tōkyō-To and Hokkaido some few variations will be 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 Tōkyō can suggest that the permissive departments be established; the suggestion, such as it is, may be taken or may not be. Under no conditions can the Central ministries order the particular permissive department established. The prefectural authorities should be particularly careful in this regard.

This 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. The continuous establishment beside the prefectural office of national branch offices of a duplicating and overlapping character should be stopped at once. Such a flood of Kanryo over Japan is worse than nanking mushi. While they make in one bite only two holes, the kanryo make many holes which are bottomless so far as taxes are concerned. The prefectural authorities should prevent such mismanagement. They have the legal power for many cases under Article 156, which states:

"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."

The officials who compose the bureaucracy in the mura, machi, shi and fuken have before them today truly great opportunities to develop notable careers. Notable, I repeat, because they can become generally respected and admired by the public at large. The past record, I am told regularly, is that only a very few people, individually, in each public body enjoys the confidence and sincere respect of his fellow citizens. The Chihōjichihō has filled a long existing vacuum because there will be a great variety of opportunities in the local governments to develop careers. The opportunities will vary from one locality to another, but the changes will now invite young and intelligent men and women to enter the

local services without being frozen out by Tōkyō appointees. Better recruitment and more channels for proper promotions will take place. The personnel administration will undergo better the selection, training, promotion, general morale and discipline for the men and women who actually patrol the streets, operate water plants, extinguish fires, and do the thousand and one things to which local governments must attend. Upon the quality of their performance depends almost completely the quality of local government itself. If the rank and file of public servants are competent, contented, industrious and loyal, there is almost sure to be good government. If they are incompetent, discontented, lazy, or disloyal to their trust, good government is clearly impossible.

There is a vast distinction in the concept of knowledge and of interest. I am fully aware that for the adult the development of interest and good action from it are difficult. Too few officials have an interest in the great task of law enforcement. To have the real interest in his work, the official has to feel the significance of what he or she is doing.

In local government the local official is under much more scrutiny day by day than if he were in the national government. In the local governments the official lives not only his or her official life in the community, but also his or her personal life. I am certain that many a local official lives with many of his official problems in his home most of the time. The national official, freed from these neighbouring continuing interests, does not have the close supervision day in and day out, year in and year out. In many ways the national official can escape censure by taking official tours. In fact, he often does so. Even inspectional tours are few and far between for the local official.

The bureaucracy in Japan has long been under the stinging, although sincere, criticism that its members are too aloof from Kobayashi-Kun and Watanabe-Kun. To whatever extent this criticism

is true, it is most regrettable. It is unforgivable. In sound representative government there is no place for this aloofness, or for arrogance or fushinsetsu. The bureaucrat who continues to flaunt his position will only, too soon find this fact out.

Moreover, the kanryo in a democracy do not make policy for the government. They have performed this very function in Japan far too long for the good of the country. The elected candidates of the people, chief executives and legislators, have that function to perform and they must perform it in their high offices of public trust as reflecting the will of the electorate at a given time. The chiefs of local public bodies and the legislators in the New Japan must be everlastingly awake and on guard against any encroachment by the bureaucracy.

Worse and in greater betrayal of the public trust in representative government is the formation within the kanryo by its members of small cliques or large cliques who seek to divert authority for themselves and, in so doing, thwart and vitiate the will of the people found expressed in the laws. When one group either within or without the government establishes or forces its will above that of the government itself, untold evil and wanton power are released. No loyalty to the public can exist. Such action is conspiracy; it can never be loyalty. Indeed, Taikān wa chū ni nitari! The investigatory powers of either the special investigating committees and of the standing committees in every assembly throughout Japan will, however, when exercised wisely and fearlessly, be a democratic guard to this greatest of evils. When this self-reform is not democratic, it takes an uglier pattern. Cannot the New Japan have all that evil left forever behind?

The bureaucrat must forever, because of the very nature of his position, be neutral politically -- be neutral, I say, to all machinations! His allegiance, positively expressed, is to enforce the law through rules and regulations as legislation provides.

The bureaucrat today can develop an interest in his work and have a sincere appreciation of what he is doing. The public official in Japan must realize quickly that his obligation is to satisfy the public's wants, needs and desires. He cannot indulge in his own fancies or his theories or give vent to his temper. No part of what I have been stating, however, is to be taken even by inference that the kanryo in a democracy is not to be a "good colleague" as well as an "enterprising subordinate". In Japan the kanryo has long whetted his taste to a large appetite for governing others. The influence of Yamagata in founding a system which has forced a bureaucracy to be primarily interested in preserving itself for power should be buried in the past.

There will, as the Diet and the local assemblies legislate, be those changes so long needed. Did you hear Suzuki-Kun and Watanabe-Kun talking last week? I did. The former had just come from kanryo after trying very hard to get his business problem answered by this long faced official. "Did you notice that the kanryo's right eye was a glass eye?" Watanabe-Kun asked. "Yes, I did finally," replied Suzuki-Kun. "How did you realize the glass eye to be his right eye?" asked his friend. "Well," said Suzuki-Kun, "When I was discussing the difficult part of my affairs, I noticed a faint and quivering gleam of sympathy in his right eye! His real eye was stone cold to me!"

The voters and citizens of Japan are expecting sincere service from a reformed kanryo. In fact, why keep the term kanryo which has been distastful to so many? Perhaps Yakunin would be better.

The proverb "Hana wa sakura-gi hito was bushi" is old in Japan. This proverb was given to me twelve years ago when I was in Japan before this terrible conflict. I was never happy with finding the word bushi in that proverb, even though the world has produced

some noble warriors. From now on, let us put the words "seijitsu
na koboku" in the place of "bushi". The world will look forward
eagerly and earnestly to see this proverb a working reality in
Japan.

Delivered by:

Participating Officer
Regional Military Government Team.
Prefectural Military Government Team.

MSC

SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Local Government Division

Paper No. 3

POWERS AND RESPONSIBILITIES OF THE LEGISLATIVE BODY

The Law Concerning Local Autonomy creates and establishes for the first time in the long history of Japan village, town, city and prefectural assemblies with powers and responsibilities such as would rank them with similar legislative bodies in England, Australia, New Zealand, the United States and the Western democracies. In England the councils have always held steadfast for the peoples' desires, wants and needs. In the United States their role has not been as long but they have been the great and real legislative voice of the people.

Under the old Imperial Ordinances and Regulations concerning the authority of government officials, the Law Concerning the Organization of Urban and Rural Prefectures, the Law Concerning the Organization of Cities, the Law Concerning the Organization of Towns and Villages and their enforcement ordinances, all the assemblies if viewed as legislatures were weak, impotent bodies. In more than one way they were not only ineffectual to the people who elected them but also they were ineffectual to themselves. The assemblyman as a law-maker in the old Japan had little power or authority. He made representations and resolutions and rarely in Japan's history has he had the legal position in his own right to resist the chief executive's pressure for action.

Under the old regime, therefore, the assembly was a hollow representation of a democratic legislative body. It was too often the rubber stamp of a distant central government or of some agent of that central government whose watchword was never more than kanson mimpi.

Today the assembly is a legislature of real power and responsibility. It is a free organ or agent of government. It is free to deliberate for the best interests of the people and as I shall make clear later, all of the actions taken by it are within the Constitution and subject to existing national laws. The people of the local public bodies now have a new breath of life and they must develop and utilize their

assemblies to the fullest extent.

Because of my background and training, I am pleased to talk on this subject to you all, because first, many of the people here are assemblymen, interested in that general subject and second, the word "assembly" brings back to my memory events of several years ago when I was a member of the General Assembly of the State of Ohio, one of the great States of the United States of America. Ohio has many large cities with their urban industrial problems and likewise it contains many acres of some of the richest farmland in the United States. I, therefore, feel as if I know personally some of the problems and issues that constantly beset you who are members of the assembly here, both those from the densely populated urban centers and those from the rural areas.

Membership in a legislative assembly is an honor for which any man or woman should be proud. It is a trust which has been placed in you by others to act for them in matters which materially affect their property, their well being, their happiness, their freedom and even their life itself. This honor today of being an assemblyman in Japan is greater than it has ever been before because as I have said already, never has the assembly had the powers and the responsibilities that it has at present.

The assembly derives its existence fundamentally from the Constitution. Article 93 of this great document provides, "The local public entities shall establish assemblies as their deliberative organs, in accordance with law." This is implemented by the Law Concerning Local Autonomy, passed by the Diet, which in Article 89 states that "An ordinary local public body shall have its Assembly."

A brief summary of the mechanics of becoming an assemblyman or the mechanics of the operation of an assembly is all that is necessary today. I am certain that you are more familiar with these matters than I am. You know that any qualified voter twenty-five years of age or over is eligible for the office (Article 19) with the exception of a

man or woman holding a particular position which because of the nature of that position disqualifies him or her, such as (1) an election official, (2) a public procurator (Article 21), (3) a member of the Diet, (4) a paid official of the local public body concerned (Article 92). You know very well, too, that the term of office is four years (Article 93) and that the assemblyman is elected by the people from an electoral district (Article 22) and that the number of assemblymen varies according to the population. (Article 91).

After its election the assembly convenes to organize itself to carry out its responsibilities. In general three parliamentary steps are taken: (1) Elects from its members a chairman and a vice-chairman (Article 103). The chairman, (a) presides at the meeting, (b) maintains order and discipline among the spectators or the members themselves, and (c) conducts the business which comes before the assembly in an orderly fashion (Article 103, Section IX). (2) The standing committees receive their new members and special committees may be appointed, and (3) The Calendar or agenda is 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 (1) of a certain rank or class, or (2) that he be possessed of a certain portion of the wealth of the country, either in land or other property. The Law does not state anywhere that there is a qualification for voting of rank, class, family or wealth. It 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 has committed certain acts against society. Today, therefore, you are a part of an assembly free from domination or control of small groups. You are representative of the people at large. In most solemn and the highest of duty,

you are responsible to those same people.

What can the assembly do? What are its powers? The answers to these important questions demand that all assemblymen give them continuous thought. The assemblyman has heard either through the newspaper or from other sources that he now possesses more power and that his position is more important because of increased responsibilities and functions. Some factors may intervene which prevent him from exercising the powers fully and assuming the responsibilities. The assemblyman often is not given the information which will give him the facts. Even worse is the fact that often the information is withheld from him by certain groups who are averse to losing the power which they once possessed. These certain people are prone to allow those who now possess the power legally to exercise the same. The assemblyman himself though must make every effort to obtain the information he needs to advise him of his powers and responsibilities. He cannot refrain from doing so. He must do this to perform his duties adequately as an elected representative of the people. He must study the Constitution and the Diet laws and then discuss them earnestly with his colleagues and neighbours. He must read the newspapers and listen to the radio. Because of representing the people he must bend all energy to be one of the best informed men in his district on matters of local government. Moreover, and of utmost significance is the duty of this elected representative to report back on what he has been doing to the people who elected him. He stands on his record at the polls.

What are some of the powers and responsibilities of the Assembly? 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."

This part of the charter of self-government is implemented through

laws passed by the Diet. For self-government the principal law of them all is The Law Concerning Local Autonomy. 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."

Article 14 empowers the prefectural assembly and all assemblies for that matter to enact any by-law, which it deems fit in regards 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 can be and is wide and varied, ranging from by-laws regulating traffic to by-laws levying taxes necessary for the operation of the local entity. I shall cite a few examples of powers of the local government for which it might be necessary and possible for an assembly to enact by-laws or resolutions:

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

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 grant rights to use them.

3. To manage water plants and water supply, sewerage systems, electric plants and distribution systems, gas plants, street-car services, automobile services, vessels and other transportation systems, and other services.

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

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 grant 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, pawn-shops, workhouses, public nurseries, asylas for the aged, almshouses, reformatories, jails, butcheries, dust-disposing stations, dirt-disposing stations, crematories, cemeteries and other structures concerning safety, health, and social welfare.

7. To clean, disinfect, beautify, and prevent from noises or to restrain public morals and action profaning cleanliness and besides to administer the matters concerning refinement of safety, health and social welfare.

8. To protect against criminal offenses, to prevent from disasters, to make rescue at disasters and 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 others.

10. To manage forest, ranch, markets, fishing water surface, public work houses 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 district under poor condition and other improvements of land.

12. To manage affairs concerning invention, betterment or protection and promotion of special products etc., increase of other productions and undertaking of industries.

13. To protect and manage historic places, places of scenic beauty, and other remembrances.

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 etc., concerning the inhabitants, visitors thereto and other persons recognized as 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 regulate occupation or business or to grant it for the sale of local public welfare.

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

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

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

22. To create and manage the permanent property, sinking funds and besides the reserve fund and grain.

23. To determine the estimated annual revenue and expenditure.

24. To approve of a report of the final accounts.

25. 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.

26. To take or dispose of property and to establish or dispose of structures.

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

28. To make contracts.

29. To handle matters relating to filing of objection, the appeal, action reconciliation, intermediation, arbitration and peace-making.

30. To determine the amounts of compensation for legal damages.

31. To handle matters relating to the adjustment and coordination of the activities of the bodies within the area of an ordinary local public body.

An assembly also has the power to regulate itself and 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. This right of discipline must always be exercised with a great deal of caution as the Assembly must remember that the person being disciplined has been elected by the people and the people will be, at the next election, the final judge of the member. (Section IX).

Some of the most far reaching powers ever to be exercised by an assembly in Japan are provided in Article 100. It is often necessary for an assembly during the course of its existence to investigate the

affairs of the local entity and during the investigation to obtain certain information. The assembly as it may deem necessary, or the committee (as will be shown in a later paper) conducting the investigation, has the power to summon persons to give information. This person must 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.

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 which he believes to be official secrets. 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 30 days after being requested, the government or public official (1) does not declare the matter in question contrary to the public interest if disclosed, or (2) gives its consent, then the testimony must be given or the records produced. (Article 100)

This power 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 method of execution of resolutions and the manner of raising revenue and the expenditure thereof. (Articles 98 and 121) I do not have to remark that such a profound and sober condition simply could not have existed under the old laws and Imperial ordinances. This great change, however, is precisely as it should be.

This 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 matters are concerned with the public benefit, a written statement can be sent to the administrative office concerned. (Article 99).

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 applies equally to any official including the election administration committee and the inspection committee. (Article 121)

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 inspectors or investigators as the inspection committee often are members of the assembly. (Articles 98, 195 and 199).

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 and it must be considered by the assembly. Because of its importance the assembly has been given great power in this field. This power is one which is often abused by the body to which it is given. The assemblyman too frequently forgets that it is the money of the people which is being wasted when he approves extravagant expenditures for unnecessary matters. The assembly in its approval of the budget has an opportunity to be of the greatest benefit to the people in determining necessary appropriations and in striking out unnecessary expenditures. The assemblyman, especially in these trying days, must scrutinize carefully every item contained in the budget, and if there is any item on which he is doubtful, he should call for an adequate explanation before approval.

It should never be forgotten in the approval of an expenditure of government funds that those funds are only obtainable by taxation,

charges, licenses or other forms of revenue which must be obtained from the people. All forms of taxation are unpopular no matter how worthy the purpose. It is normal for people to desire all of the benefits of government without cost to them. The assembly in its deliberations on the question of levying taxes must always keep in mind the fact that the power to tax is the power to destroy. No tax is a proper tax which destroys the object of taxation and this can be done by levying excessive taxes beyond all reasonable ability to pay.

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. Here again as all of you will realize, a long road has come to an end. How different the power is today for the assembly from the lack of it under the old laws! The work of the assembly in regard to the receipts and expenditures is not completed upon approval of the budget. In addition, the assembly is informed of proper accounts through the audit of the receipts and expenditure. (Article 240).

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) 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.

The assembly has many duties in regards to the appointment and dismissal of personnel of the local public body. This responsibility may determine the efficiency of the operation of the local public body. It is to be hoped that this will take place.

The assembly elects the electoral administration committee which controls the election machinery of the local public body. (Article 182). An honest electoral administration committee, one which is not subject to corrupt influence, can practically prevent corrupt practice in an

election and insure the electorate that their candidate will receive a fair and honest count. Honest elections are fundamental to good government.

The inspection commissioners are appointed with the consent of the assembly. Their duties as watchdogs of the government, to prevent improper practice upon the part of the public officials, is of extreme importance. Many officials, while not dishonest, are subject either to making or becoming involved in mistakes. These mistakes are detrimental to the people the same as are unlawful acts. Therefore, it is essential that the inspection commissioner be a person who shall be alert to detect both honest mistakes and unlawful acts in time to prevent them both. (Article 192).

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. Likewise, these people can be removed by the assembly either by petition of the electorate or on its own 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).

In addition to the powers and functions already referred to, the Assembly, as you well know, has many additional powers and functions, all of which are important when required to be exercised. Let me refer to such matters as (1) determining or changing the location of the office of the public body (Article 4), (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), (5) conducting hearings for employees who feel aggrieved at the allowances made to them (Article 206), and many more, sufficient to keep an assemblyman always busy. Did I really hear someone state that the assemblyman really had nothing to do? Every prefectural assembly could be as busy

with prefectural affairs as the National Diet has been with national matters!

There are certain affairs of a purely national character which belong to the central government. The assembly of the local public bodies should not exercise any power over them. They are as follows:

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 has only one principle 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. I do not mean just those people who voted but I mean all of the inhabitants of the local body.

The question that should always be paramount in the mind of the assemblyman is how, as a duly elected assemblyman, one in whom the people have reposed their faith, can he best fulfil this obligation.

An assembly is made up of a wide variety of persons, some farmers, some lawyers, some doctors, some merchants, some workmen, some industrialists, and some of various other vocations and professions. Rightfully so! It should, if it is to be truly representative of all the people. Many of the assemblymen were elected as members of various political parties. They were elected with the help and assistance of certain groups, the laborer may have had the backing of his union, the fisherman the backing of his cooperative, but after the candidate is elected, he is a member of the assembly representing to the best of his ability all of the people all the time. He is not just representing the special group which supported him in the election. He is a representative. He

is not a simple delegate to a rally or convention. Please think carefully and regularly upon this vital point: You are a representative not a dologate. An assemblyman, therefore, is a servant of all of the people, all of the time.

The Law Concerning Local Autonomy recognizes this fact in numerous articles. Thus, all by-laws enacted by the assembly shall be publicly announced in conformity with a stated form of public notice (Article 16) and all sessions shall be open to the public except upon certain occasions, secret sessions may be held, hence giving the public knowledge of the activities of the assembly.

Thus far we have had many points to discuss. In this pleasant hour with you, I wish to leave for your daily thought and action one final issue -- if you please -- an issue which has no compromise when it is put to the test.

Leadership is essential in an assembly as it is essential in all groups of people in order to achieve a definite goal. Without good parliamentary leadership you have a loose grouping of individuals arriving at a momentary course of action; never is the action a parliamentary decision. This defeats the goal of all legislative bodies to enact sound legislation. Leadership and dictatorship are two widely different things. Leadership is to guide; dictatorship is to domineer. Leadership has a definite place in an assembly but dictatorship has no place. The chief of a local public body, because of his intimate knowledge of the needs of good legislation, can be of great assistance to the best interests of the people by suggesting to the assembly courses of action necessary for the conduct of the affairs of the public body. By leadership, never dictatorship, he can guide the legislation through to enactment.

Leadership, though, must be developed in strength as to be unchallengeable within the assembly itself. From this day forward you cannot rely constantly, as before, upon leadership from without. The assemblyman must familiarize himself with the needs and desires of his

constitutents and upon his own initiative, bring forward a host of new ideas to be introduced into positive legislation. Through his own leadership, by logical discussion, argument and debate, he should see that this legislation is enacted. The assemblyman, unless he exercises this right of leadership which is given him by law, betrays the trust given to him by the electorate who have elected him to represent their wishes and desires. In addition, the voters demand that he use sound judgment for their best interests, that he stop being only the echo of a source far removed from them. Now is the time for the assemblyman to grasp this opportunity to be the leader, portray to the electorate that he can think for himself and that in the conduct of the affairs of the assembly he acts in unhampered manner.

Finally, therefore, act for yourselves. Do not be dissuaded by someone who states that what you are proposing is wrong, that it is unconstitutional, that it is not legal, or that someone else might be or could be responsible for the action which you are taking. The Courts and the Courts alone state what is legal and what is not legal. The governor and the administrators cannot do this for you nor should their opinions no matter how sincere, stop your action. Your action is sincere too! This difference of sincere opinion when put into the law goes to the courts. As assemblyman, you must rest your case there and in no other place. This is the character which you must possess. You cannot be defeated in your purpose by side line yapping and sniping. In other words, please produce! In the last analysis in a democracy the great issues are settled at the polls in the Bar of Public Opinion.

Mr. Chairman and Guests, in closing, I desire to quote to you part of a letter written many years ago by an eminent member of the British Parliament, and advocate of civil liberties, Edmund Burke, in which he so ably expressed the relationship which he thought should exist between an assemblyman and his electorate:

"It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence and the most universal

communication with his constituents. Their wishes ought to have great weight with him, their opinion high respect, their business unremitting attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions to theirs; and above all, and in all cases, to prefer their interests to his own.

"Best, his unbiassed opinion, his mature judgment, his enlightened conscience he ought not to sacrifice to you, to any man, or any set of men living. These he does not derive from your pleasure, nor, from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable.

"Your representative owes to you, not his industry alone, but his judgment, and he betrays, instead of serving, you if he sacrifices it to your opinion.

"To deliver an opinion is the right of all men; that of constituents is a weighty and respectable opinion which a representative ought always to rejoice to hear and which he ought always most seriously consider."

A legislative body, whose members have been honestly elected, freely deliberating on the problems which confront it, in cooperation with the executive and his administration, is bound to produce a democratic local government, subservient only to one -- the people.

What limits cannot be reached in the New Japan with such high ideals?

Delivered by:

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SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
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Legal

Paper No. 2

POWERS AND RESPONSIBILITIES OF THE OFFICE OF GOVERNOR

The Law Concerning Local Autonomy for the first time in the history of Japanese governmental affairs has brought forward the executive branch of government for all local public bodies as it is exercised and wholeheartedly believed in by the Western democracies. In responsible and representative government, the executive exercises powers and authority within his own jurisdiction; he does not in law exercise legislative or judicial functions. Powerful tradition, constitutions or statutes make clear the chief executive's powers and responsibilities in law and in administration for the structure of government over which he presides. In Japan today, the Law Concerning Local Autonomy enumerates the chief executive's governmental powers of the local public bodies as executive powers only. For particular functional powers in each of the great activities of government, there are other Diet laws and local by-laws which provide the chief executive with special duties and responsibilities. All of you present are familiar with this manner of administration in Japan.

There is a vast difference between the manner in which a chief executive CAN conduct and CAN administer his office in a representative government from that in which he does in a highly centralized or authoritarian government or in which he has done so in the past history of Japanese governmental affairs. The Diet, composed of representatives from this very prefecture, decided unquestionably in passing the Law Concerning Local Autonomy and many other acts, to establish once and for all the office of governor on precisely the same pattern of power and responsibility as Western democracies for themselves provide and enjoy. In taking this unqualified and forward

stand, the Diet has implanted in the villages, towns, cities and prefectures a newer, more healthy life. In doing so the Diet has created additionally a fuller national life for the New Japan.

What are these factors or divisions of power among the elected officials which account for the vast existing differences? All of these points will be made clear to you by contrasting what powers your governor exercised under the old and rightly discarded regime with those powers which he holds in law today. In other words, I am now going to summarize what existed prior to the Diet's enactment of the Law Concerning Local Autonomy which was promulgated 16 April 1947.

First of all, you will please recall the middle years of Meiji, the days of Prince Itō and Prince Yamagata. The Cabinet System was adopted in 1885 for Japan. You will remember that one of the first acts accomplished by the new cabinet was to issue a Chokurei -- the Chihokankansei -- on 20 July 1886. It has existed until abolishment by the passage of the Chihojichihō, 16 April 1947. In these years of Meiji the prefectures were entirely national organs. Naturally the governor and all important officials exercised national powers because they were the national agents of the national government. This important Chokurei established in any prefecture the authority of the governor without any question as the highest authority, exercising national governmental powers in the prefectural boundaries. That this was true is evidenced clearly by the fact that of all government officials the governor was the only one who could (1) issue Fukenrei, (2) demand the dispatch of troops, and (3) supervise the heads of villages, towns, gun and cities. These Regulations also fixed the number of officials and the structure of the organization. Over both of these the governor was given great powers. His power of selection, promotion, transfer and dismissal in relation to hannin and sonin rank officials is thoroughly familiar with all of you. Moreover, when the Gunsei was in force, power over personnel existed also. As

important as all of these, was the provision that the governor was the direct appointee and in some degree a henchman of the Naimudaijin who controlled virtually his entire career as a government official.

You will remember full well that the Fukensei was enacted by the Diet 17 May 1890. This law introduced and fixed the principle of dual capacity and power of administration in the prefectural government. The governor, therefore, from that date forward has had dual responsibilities. Prior to the enactment of the Fukensei, three other laws had been passed -- the Chosonsei, the Gunsei and the Shisei. The first and last laws were passed to inaugurate self-government. In passing let me state, and I do so regretfully, that while self-government was started by these laws it never was nor has been developed with reality.

The Fukensei gave the governor in law further powers over the prefectural administration, as well as over the other two levels of supposed, self-governing bodies. These new powers we will call his authority in the local government system.

Within the prefectural government itself, the governor was an official to be pleased and feared: (1) he alone could call the assembly into regular and special sessions and to all practical extent determined their duration; (2) he could when he chose override the assembly's action and if the occasion seemed difficult through the assembly's stubbornness, he appealed to the Naimudaijin who appointed him; and (3) he presided over the fukensanjikai which met during the some nine, ten and eleven months of the year in which the assembly was not in session. Only by a miracle through a benevolent governor, could an assembly possibly get its own action passed!

Further powers in the self-governing 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 of the indirect elections of the sōnchō, the chōchō and the shichō, the candidates' names went to the governor's office for formal

approval; hence, the election process was never complete. The governor could almost by his own discretion remove a sōnchō or chōchō from office as well as dissolve the little sōnkai or chōkai. Upon his recommendation the Naimu Daijin removed the Shichō or dissolved the Shikai.

These are all political controls. They must be contrasted with his financial ones, especially on the submissions and actual approval of budget with the kenkai. Over the villages and towns and the cities the governor had indirect supervision of their budget and borrowings. What better way can a governor supervise than by holding the purse strings? Especially when he exercised these other powers too? Let me hasten to say that the general supervisory powers varied from time to time in terms of the amendments to all three laws. I have been talking in general terms which I'm certain you understand.

Court ranks in Japan have always been significant. Under the JoiJorei of 6 May 1887 which became the I Kai Rei on 21 October 1926, the governor was a Chōkunin official and of a high grade within that rank. This was a source of great political and social prestige.

What is to be said of this important government official in final summary? Simply this: No one professing even the slightest knowledge of government and political science could but state that no one man or no one office should be allowed the power and right to wield such extensive authority. In a democracy the citizenry could not and would not tolerate it.

What of Japan today? As a result of over two years of our travelling throughout Japan, I can say that countless Japanese citizenry and local government officials, have loathed the domineering, centralized controls; they too have had enough. They have demanded a change and the Diet has given them their answer as desired.

In a representative form of government, in a democracy, the elected chief executive can also possess wide authority at times.

But even so, operating restrictions are provided in the laws, legal standards replace wild discretionary privileges and the legislative and judicial branches of government contest and hold in check any over-zealous executive.

The Law Concerning Local Autonomy established the democratic pattern of government for the office of chief executive of all public bodies. I wish this morning to talk about the kenchiji only. I shall make my remarks in terms of the more important articles of the Law. I should state at the beginning that there are many practices in local government which follow the British parliamentary system and there are as well many procedures which follow the presidential system of the United States. I shall point out a few of these similarities.

The first part of the discussion concerns that division of the dual character of the governor which deals with local autonomy. As the elected governor of the prefecture, what powers may he exercise over prefectural affairs for the benefit of the taxpayers? Stated in another way, what are powers of local autonomy which the governor can exercise?

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 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 as well as other chief executives of the village, town and city serve a term of office for four years. In utilizing this specified or fixed term of office, a practice, the presidential system is followed. However, the term of office as used here 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. The use of the procedure of a vote of non-confidence is again the pattern of historic British custom.

Certain restrictions of great merit are put upon the governor the moment that he assumes office. In general summary they are the following: (1) he shall not hold either the office of Councillor or the office of Representative 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 (Articles 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).

As to personal matters, (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).

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, of course, uses utmost 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).

Formerly, the governor was the coordinator of all the national branch offices, subject only to the instructions or veto of the Minister in Tokyo concerned. Now he does not have this general authority. The law setting up these offices must specifically provide him with this responsibility (Article 157). In the event an office or department is to be abolished or transferred by Cabinet order,

the governor takes the action and should anyone refuse to comply, he can be given a fine, the maximum of which is Y2000. (Amended Article 159).

Specifically, the governor, (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, of course, cover all the range of government, such as, for example, police, fire, public works, roads, agriculture or fishing; (2) continues, as he always has done, to present bills to the assembly for proper legislation, as well as other messages and other 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 entire prefecture, indeed no one can minimize this function's significance; (5) possesses the custody of all official documents, papers and instruments. This function is not to be confused, however, with the proper jurisdiction of the newly established assembly libraries which 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 all other matters of government, even though not specifically delegated to do so. This provision means, of course, that in general all administrative matters are the governor's responsibility (Articles 147 and 149); and makes appointments of personnel and exercises discipline (Article 154).

The governor may be given further local government powers from other national laws. As I have stated, 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:

"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.

(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 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.

The governor of a prefecture, for aid in his office, can have from one to three assistant governors who receive and act only under certain delegated authority. They act on behalf of the Governor. They 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, in consequence, the powers of governor. He does so at such time only for a short period as the law provides, that is election

can be held and a new governor selected. The assistant governor is an appointed official 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, 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, designated by prefectural by-law, 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).

The governor has many duties and responsibilities in his executive relationship with the assembly. Nothing is more important for good government than to have an harmonious relationship between the executive and legislative branches. The major relations which can be listed are as follows: (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 he is not to usurp the rights. It is not his exclusive jurisdiction because any member of the assembly can do so likewise; (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 necessity he may supplement or revise any 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, in particular, where and how it is being spent. The assembly through a by-law should specify the dates of such reporting to the public.

Because of the seriousness of public affairs, strong minded men should, and often do, have sincere and widely different opinions

regarding them. In case that there is a sincere disagreement between the governor and the members of the assembly, the lawful means exist to settle the problem. In fact, this difference of opinion on grave occasions is taken for settlement to the people themselves in whom all sovereignty lies. First, 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). Secondly, he can and probably will rely upon the great procedure of non-confidence. This is the general result of strong differences on the budget (Article 177). In the exercise of the vote of non-confidence the governor takes one of two steps: (1) either he decides to remain in office and does so, then dissolves the assembly and then waits for a confirmation of his stand from the newly elected assemblymen. Should he not receive a favorable vote, he must resign forthwith. There would then follow an election according to the Law; or (2) 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.

What are the governor's powers in relation to other matters of the prefecture? His powers are supervisory but far different than under the old Fukensei 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 the mandamus procedure which involves the courts. In a democracy the removal of a person from high elective office is serious action. Because of this the function is never left to administrative discretion alone. Thus no longer is the power of removal left to the simple discretion of the governor and his friend who appointed him, the Naimu Daijin.

The governor today and henceforward, instead of the Naimu Daijin,

will make the determination effecting a change in boundries of any political subdivision based upon proper proceedings taken 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).

We have been discussing thus far the governor's powers and responsibilities when he is exercising them as a prefectural governor of a prefectural electorate. Let us discuss now the governor's position when he is a national agent acting for a competent minister of the national government, as provided for in a Diet law. This is the other division of the dual character of the office. Stated in another way the governor is the representative in the prefectures of the Central Government and the Ministries thereof. Being so, he is responsible for the execution of Diet Laws and Cabinet and Ministerial Orders relating to national affairs within the prefecture boundaries. 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, raw materials, and natural resources. Experience in Japan has indicated that the dual system can work efficiently. The marvelous cooperation of the governors in carrying out the rice delivery quotas and other similar programs attest this fact. Until normal conditions, especially in finance, on all levels of government return, local governments will be working under unusual restrictions. They can, of course, work in close harmony with the national policy even though they are quite independent of it.

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. A provision has been placed in

the Law Concerning Local Autonomy which gives the Central authorities a procedure to bring a governor to account for failure to carry out the prescribed duties under the national law or cabinet or ministerial orders. This proceeding is one in the nature of a mandamus proceeding which has been utilized in a limited way in the administrative law heretofore. The 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 the national functions assigned to these 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 in one of the High Courts. The proceeding is in three parts: (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).

The enforcement of national laws by the governor may cause and arouse much local criticism about or against him. This may result in unpopularity which of course is damaging to him politically. The governor by a good press, radio, and proper addresses to the people can explain to them that he is enforcing a national law. He can state the name of the law, the particular 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 as their elected official. Moreover, by quoting the Diet law under which he must perform his sincere duty, the voters know that there is no double talk or simple political excuses behind which he is attempting to hide or to placate the electorate's anger. The voters always have to be on their guard to discover 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.

Please let me turn now to some of these actual situations in some newly passed laws by the Diet. In these we shall observe what the governor is required to do as a national representative in one way or another:

1. In the Road Transportation Law there are delegations of authority to the governor. Article 4, paragraph 5, sub. 2 provides:

"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 recommend to the Minister of Transportation and he, in turn, to the Prime Minister and the members of the Local Road Transportation Commission.

2. The Employment Security Law, Article 7, leaves to the governor the following:

"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."

Article 9, page 3, provides as follows:

"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."

Article 10 gives the governor authority to appoint and to discharge liaison officers under the Act.

Article 27 gives to the governors the authority to establish and to maintain vocational training projects or to delegate this authority to some other agency.

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.

3. 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 Governor in Article 8, page 1, and Article 13, page 1, and Article 52 of said law.

4. The Disaster Relief Law, Article 12, gives the governor wide powers in taking over supervision of business, of production, collection, sales, distribution, custody and transportation of supplies necessary for relief, or he may expropriate 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.

5. 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 what 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 I have listed and shown the functions and administration can be appreciated. In terms of the Japanese governmental structure and economy it is necessary. There will, however, always be some difficulties, especially through clashes in personalities, but they will not be of great burden.

A major problem today of the entire prefectural government is the onrush of national officials, swarming like leeches, into the prefectures. In general, their duplicating services are undesirable, unwarranted and an unforgiveable drain of expense upon the taxpayers. In particular in those instances in which these national officials are performing the same or similar functions which have been and are being performed by the local governments. These national branch offices and their officials, one and all, should be invited to leave if set up in violation of Amended Article 156. Indeed it is the duty of the Chief Executive to take action to restrain such maneuvers. The prefectural governments cannot perform their duties nor can the mounting expense be justified for these duplicating branch offices and agencies.

The Law Concerning Local Autonomy cannot be realized adequately without ample funds. The Local Finance Committee of the Diet has this great problem to solve. Every citizen in Japan must meet this issue in the interest of his own village, town, city and prefecture. The local finance problem must have an early practical solution.

In this general review of one of the great branches of government, I am certain that each person here has visualized many more issues

that are most significant and I shall welcome any and all suggestions tomorrow in the conferences.

In closing, let me state that the record of the governors to date has been a most impressive one. They must be congratulated. From my heart I can do so freely. Indeed, they have contributed to an early movement to build a democratic local government in the New Japan.

Delivered by:

Mr. Michael E. Nolan
Chief, Town and Village Branch

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Paper No. 1

Representative Government

Mr. Chairman, Mr. Governor, Mr. Chairman of the Assembly
and Ladies and Gentlemen:

The long and splendid history of your Prefecture is a great heritage. All who hear or read of this impressive chronicle, will ponder long in thoughtfulness and with profound happiness over the trials, the sorrows, the great happinesses and the splendid triumphs through which your mothers and fathers and your mothers' mothers and your fathers' fathers have gone. We are happiest, of course, and we give thanks from our hearts when we examine their achievements. From the experiences in their progress during such a long history, today each citizen of your Prefecture can learn much and benefit greatly.

We have come to your Prefecture to talk with you about the fulfillment of some of the goals which your forefathers struggled to realize. For many reasons these greater joys which can be yours were never theirs. Progress is always in the beyond but when we set our hearts and minds to attain it, we can be a living part of it. We must work for these goals: Hatake-kara hamaguri torenu.

Your forefathers desired liberty and freedom of thought and action. You know this and so do I. As individuals they did not have the opportunity to pioneer a system of government which could and would further their aims as good and loyal members of that system. Those men and women, because of the great difficulty of the years and the paucity of means to work the resources perhaps, could not have organized themselves for action as a state in which they were sovereign. You good people and all of your friends' friends have the greatest and most favorable juncture of circumstances in all Japanese history to possess it and to maintain it. No Japanese could think otherwise!

Your presence here today is indicative of it.

The system of government in which men and women organize themselves as sovereign and through elected representatives attain their goals, is a democratic or representative government. This system of government is given its proper foundation by a constitution. More frequently than not in the Western worlds, the constitution is written as in New Zealand, Australia, in the South American republics and the United States. In England it has never been written. In all of these countries bodies of laws or codes and statutes exist only in terms of their constitutions for no other laws have any legal force. The laws, of course, implement the constitutions.

What is representative government? What is democratic government? Let me relate some characteristics of it to you: (1) through the enactment of laws by which minimum qualifications are established regardless of classes or groups, a substantial proportion of the adult citizens is given the right to vote; (2) there is freedom of thought, speech and press which the common man enjoys daily; (3) most all the principal policy-making officials of the government are elected freely by the voters at reasonably frequent or regular intervals; (4) the men or women who are elected and assume office will both endeavor to, and will have the power to, carry on the government in accordance with the public will and general welfare; (5) the men and women representatives of an electorate are responsible to that group and must report back to these people what has transpired and what action he or she has taken; (6) the men or women who have been defeated at the polls will withdraw from office peacefully but that they can and often do at the subsequent elections, advance their candidacy again and again; (7) the greater issues and problems of the country are settled at the polls rather than by executive discretion, and (8) above all, the laws of the land are for everyone. Men and women are equal before law, because their government is one of laws rather than for a class or

group of persons.

Representative government is to be valued in terms of its suitability for the conditions which have to be transformed into the power of the state for execution. Constitutions and laws change in terms of the times and peoples' will, and rightly so. The amending process answers the critical issues of the days. The law makers of one generation cannot foresee in any detail what will mature in the future.

Political parties play a dominant role in democracies, because in countries with great populations there would be either autocratic cliques controlling or a multitudinous crying of weak independent candidates. Some parties are large enough to be called communities, because they join thousands of cities and towns for a common cause. By their platforms they adopt economic, social and political reforms. The parties and their leaders must be responsible for their actions to the people; parties must be substantial bodies whose membership is more steadfast than not. No democracy can exist without responsible political parties.

The constitution of Japan is one of the most democratic in the world. The Law Concerning Local Autonomy implements the Japanese Constitution in similar manner as other laws do in Western governments. The citizens of your Ken as a whole, the residents of each village, town and city, will receive today from their respective local governments many more rights of action, many more responsibilities of government and many more needed services of benefit than they have yet experienced in their history.

The framers and drafters of the Meiji Constitution established for Japan a centralized government with strong controlling powers over all the lands. No provision was made for local self-government in that document. Prince Itō, Prince Yamagata and the remaining Hanbatsu adopted and adapted the Continental or German and French principle of government. This Continental System provided that each central

government would possess and exercise all the authority and power. The Central Governments allowed the local governments to exist and to exist only for the convenience of the Central Government rather than for a few or any of the interests of the local bodies. The natural and inevitable result for Japan has been a system of centralized authority as rigid as any this world has ever known. Prince Ito's and Prince Yamagata's Hanbatsu established a system which made it possible for the Central Government to reach into every buraku in Japan (1) to exercise arbitrary control over the lives of the inhabitants, (2) to probe for intelligence of the most personal nature, (3) to disseminate propaganda, and (4) to make certain that all local governments conformed to an arbitrary and deliberate pattern deemed best suited to its exercise of full and complete control over them with ease and without noise or pain to the national administrators.

Prince Yamagata did produce the Chōsonsei, the Shisei, the Gunsei and the Fukensei. Altogether there were some elements of local self-government in their program. But as a practical matter, the self-governing system was hollow. These two strong characters made their determinations known; they established the system for their own purpose. The structures established, such as they turned out to be, were overshadowed by strict and purposeful Imperial Ordinances and purposeful administrative procedures which in discretion the Central Government determined.

In contrast to the Meiji Constitution and all of those authoritarian and rigid laws, Chapter VIII of the New Constitution, composed of Articles 92, 93, 94 and 95, guarantees that the future government of local public entities shall be in accordance with the principle of local autonomy. This principle is then defined to include direct popular election of local chief executives, assemblies, and such other local officials as may be determined by a law or series of laws passed by the Diet. It includes the right of local communities to manage

their own property, affairs, and administration and to enact their own regulations within law.

The principle of local autonomy is grounded on recognition of the impossibility of introducing or maintaining an effective and healthy system of democratic government for any nation unless the central organs of government are supported by strong and democratic local units. These very local units derive their just powers from the consent of the people whom they govern. These same local units possess the important powers and responsibilities to manage local affairs. This condition means that powers otherwise in the central government are decentralized. This decentralization is particularly desirable in a country which has no strong tradition regarding the rights of individuals or the rights of the community to control the exercise of governmental power.

Essentially, of course, local governments are the strongest check on the unwholesome concentration of national power. Autocracy and centralization are not synonymous. However, history has taught the world that freedom and justice are more likely to survive and flourish in nations in which government is decentralized than those countries in which great power lies in the hands of a few. An interesting Japanese proverb applies here: "Oni ni kanabō."

To provide this necessary brake, it is particularly important in any democratic country that both national and local governments be equally democratic in their own spheres. Such means that citizens enjoy rights in respect to their local governments comparable to those they possess in respect to the national. Above and beyond such technical considerations as centralization or federalization, it is all too possible to have democracy on the national level but to deny it on the local level or even to reverse the condition and have it on the local scale but not on the national.

What services do the local governments render? Traditionally, in all countries, strong local governments have provided:

a. Opportunity for popular participation in political affairs at lower levels, providing that experience and training which is essential for the development and maintenance of democratic government at higher levels.

b. Sufficient responsibility for elected and appointed officials in local government to permit the development of qualities of leadership and initiative which subsequently can be exercised in the arena of national affairs.

c. Opportunity for the people of a local community to experiment for themselves with the general governmental organization of their own community.

d. Opportunity for local representative bodies and officials to participate in the determination of national policies. Local units of government, rather than merely serving as vehicles for the transmission of national policy, are given opportunity to participate in the formulation of that policy.

e. Opportunity for experimentation on a small scale with governmental practices and procedures which, when tried and tested, may later be applied on a national scale.

All these opportunities are made possible by the New Constitution. Thus the Japanese man and woman can realize a great and precious grant and position in life. The government has a welcome place for him or her. While greater experience in local government will naturally be required before the Japanese people avail themselves of these to the fullest extent, there are already indications of progress and of widespread interest.

Let us talk now about some specific provisions of the Law Concerning Local Autonomy as they relate directly to the citizens and voters themselves. We cannot talk about self-government with any practicality unless we mean within our minds and hearts that each person is a definite part of that self-government. The Law Concerning Local Autonomy, therefore, brings the men and women closer to their

local government.

The citizens of each local government have today methods for direct relation with their chief executive, their legislators and other elected officials: (1) The voters themselves have the power of recall. Disagreements on courses of action in public affairs is commonplace among all people. When an electorate is dissatisfied with the governor or particular members of the assembly, the voters, by following the procedures of the Law (Articles 80, 81, 82, 83), cause the individual or group of individuals to vacate his or her or their offices. What steps are taken? They are as follows: (1) 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; (2) the petition is then given to the Election Administrative Committee which forthwith must hold an election; and (3) 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).

The second situation of this same power is its use in dissolution of the assembly, the steps for which are the same as those given above. However, one-third or more of the voters are required to sign the petition in order to launch this serious action.

The third situation in the 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 appointed to their offices with the ratification of the assembly rather than being elected; their recall and removal procedure is different from the two situations already given: (1) a petition to start the proceedings must be signed by at least one-third of the voters; (2) the demand is given to the mayor who must forthwith (a) make the matter public, and (b) present the case to the assembly; (3) the vote of the assembly can only be taken if ~~two-thirds~~ 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 (4) 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. The second power to 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 slowly 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 two percent of the voters; (2) the petition is presented to the mayor who must (a) make the demand public, (b) and 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 peoples' demand for action is 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 make not only the demand known to the public, but also the investigation and, after completion of the mission, report the findings publically to the assembly and to the chief executive. (Article 75)

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 it. This issue, now before the Diet, will probably be an amendment to Article 96. 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. In a democracy public bodies

are actionable before the law as are private bodies and natural persons. Why should not it be so?

The fourth power provided the individual citizen is his or her right to sue any official personally for his wrongdoing as an official. An amendment before the Diet to Article 243 will provide this long needed remedy. Such action will, without question, make all officials a little more circumspect in their work. In the United States this action is generally termed "a taxpayer's suit", for it normally has been concerned with local public body's use or misuse of the taxpayers' money.

When you return to your homes with your family and friends, please think about all these precious rights. Citizens of the Western world did not get them over night. They struggled many decades to possess them. The list which I have just enumerated is an impressive one. But I have stated already that the purpose of the Law Concerning Local Autonomy was not only to bring Suzuki-Kun and Watanabe-Kun closer to their government, but also to make them definitely parts of it and in a free manner.

In talking about people being a part of government and moving freely in it, I want to remark upon the ousted Tonari Gumi; ousted, I say, and abolished by the former Naimushō on 22 January 1947.

What has been the nature of this evil system of control? How was it organized and how did it function? Historically every Japanese citizen knows that all echelons of Local Government have served primarily as agencies of the Central Government. The chief executives of the villages, towns, cities and prefectures have been the officials who have passed the orders and instructions down to the people and performed the necessary action. During the war and since its cessation too, every Japanese citizen has realized that after the establishment of the Tonari Gumi System, he or she could move only with less and less freedom. The ten or so families who composed any Tonari Gumi

had to be members of it. No official ever asked the family as a unit or most assuredly any individual whether it or he or she desired or wanted to be a member of the particular Tonari Gumi. The family as a whole and individuals alike were forced to join whether they wished to do so or not. Indeed they had no way out because most all essential rations were distributed by the System and hence no Japanese could obtain sufficient necessities of life without joining and taking part in the compulsory organization's activities.

In every day life, the Japanese citizen through the Tonari Gumi System had between himself or herself and the village, town or city government at least two and sometimes three arbitrary, additional echelons of authority. The whole channel of authority stripped the villages, towns and prefectures of what vestiges of autonomy they possessed. The shicho, chocho and sencho became, and some against their wills, nothing but tools of the totalitarian government for the prosecution of the war, for prevention of any discontent among the population for regimentation and for the fulfilling of all requirements. There certainly was no place in this system for any type of criticism, for freedom of speech or action. The effect of this System put the national government mainly through one minister, that of Home Affairs, in autocratic control of 47 governors who influenced or ordered 11,000 mayors and headmen of cities, towns and villages to act as desired; the mayors and headmen influenced if not commanded more than 200,000 Rengokaicho, Chonakaicho and Burakukaicho and these in turn dominated or persuaded more than one million Tonari Gumicho, who, together with their families, made up the same 70 million people who composed the nation.

Within this regimentive Tonari Gumi System there were some leaders of unquestioned sincerity and community faith for fair and honest treatment of their particular group. Whatever bright and warm rays of light could be seen amid a cloud of controlled darkness came from their good hearts and aiding hands. But these men and women

alone could not release the groups (over whom they were elected or appointed) from the confines of the imposed autocratic controls. As all Japanese have since learned and certainly those who organized it know, this colossal and vicious System was built to convey orders from above to those below and to propagandize the nation. In wartime swiftness it stifled freedom; it rooted out democratic practices, and it provided rigid basis to perpetuate tyranny.

A real purpose for abolition also has been the result of the government's decision to shoulder its own functions, duties and responsibilities. During the war, as well as the immediate period following, the Tonari Gumi were forced to carry burdens of an unwarranted nature. People were compelled to give time and services to a pernicious degree without any compensation. Today, with the re-assumption by the government of its proper functions, the people are to be relieved from this involuntary servitude.

Thus, the Tonari Gumi, the Chōnaikai, the Burakukai and the Rengokai and all such compulsory organizations have no place in representative government. The fewer levels of authority between the citizen and his government, the safer and better.

All the people of Japan have to exert themselves for the development and progress of it. I dare say here, and with the deepest conviction, that the women of Japan will come forward to give the existing political and social institutions a breath of life! Their contributions are needed today and from hence forward in Japan. The music of the remarkable Beethoven in a majestic symphony exalts mankind when the glorious harmony bursts forth, "The eternal feminine leads us on!" Yet we need not idly sing their praises! In the Western world hundreds of thousands of women occupy professional position; some, indeed, have risen to high office in government and the law. In Japan, women in government will contribute the great qualities of honesty and efficiency. More than one office could use in like

manner the efficiency and care which she exhibits daily in her daidokoro. The women of the New Japan can take the leadership in many branches of government. Let them study and appraise the opportunities and assume their rightful positions.

In no system of government does the individual citizen have to think more often and more carefully about himself or herself and his or her neighbours, than he or she does in a democracy. All democracies rest upon the principle of shuken toshite no kokumin. Every Japanese will have to realize more and more that to afford the services and to live a better and freer life will necessitate revenues. These funds are nearly always from taxes; sometimes they are from bonds and other loans. The taxpayer, man or woman, should be far more careful to find out where the revenues are spent. He can't afford to sleep upon his rights! It is his responsibility, it is her responsibility, to be ever aware of what is taking place. Neither person can shirk that duty and then later seek redress when damaged! The local governments to operate properly can exert themselves even to discovering new, fruitful sources of revenue as their very own. But in so doing, one group of people need not be played off against another. The tax problem is everybody's problem.

Mr. Chairman and Friends, there is nothing more important than that Suzuki-Kun and Watanabe-Kun develop a sincere bunmin no sekinin. There must be for good local autonomy shimin no hokori. Would that you could travel to the Western world to observe these! In the ~~past thirty years~~ ^{past thirty years the} policy makers of Japan stopped going abroad as their predecessors carefully did. They have made tragic errors too, which their fathers did not do. Need these truly awful mistakes be repeated? The individual citizen with sincere effort can develop sōmin toshite no hokori, chōmin toshite no hokori, shimin toshite no hokori.

In closing our discussion, I want to say again that people in the great Western democracies think in terms of others. Their thinking

is not just in terms of hakuai which is noble in itself. Their thinking, good people of ~~Miyagi~~ Ken, transcends simple hakuai, for it ascends in the Christian way to even loftier heights, jinruiai! In the Western mind, in the Western life, in the Western action from day to day, there is a great difference in the concept and in the reality of the two. You, all before me, and your friends' friends, in diligent and sincere effort will understand and in so doing achieve the joys in the realization. Thus one person can no longer dwell within himself or his family; he and she can dwell, if you please, must dwell in the hearts of others too.

The people on this troubled planet must know that the democratic form of government in the Western world, especially in the United States of America encouraged and made the great industrial development and economic progress possible. Under democracy in the United States in particular because there have been abundant opportunities for self-expression and self-development on the general basis of merit regardless of race or creed or class distinction. There is a clear recognition by the people and therefore the government elected by them, of the fact that the individual is a responsible human being, free and self-controlling. Hence the costs of bureaucracy and policing have never strapped the taxpayer; in fact being low these costs have allowed him to reap the better share of the fruits of any extra effort which he was willing to put forth. The citizen has been free to concentrate his energies for a tremendous and unending production of useful goods and services.

Progress in greatness and power in the United States has generated and generates today from the democratic system that has allowed millions of people as freemen to toil a little harder, to save a little more, to invest in capital, to produce better tools and labor saving devices. Through this republican form of government natural human energies have expanded one billion fold. All

of this power, strength and happiness flower from the natural, normal outgrowth of a political structure that unleashed the creative genius and energies of millions of men and women, by leaving them free to work out their personal affairs unregimented, without coercive authority, but rather through voluntary cooperation based upon enlightened political consciousness and moral responsibility. Witness today that with this strength the United States has and does feed millions of victims of aggressor nations as well as feeds and helps reconstruct those very aggressors themselves.

In this troubled planet, my friends, all eyes of the world turn to observe your progress. Can you not feel their searching glance? In the old world of the pioneers who advised the Moiji, there was trouble too; those men perhaps performed as best they could. But whatever evil nexus there now remains, it must be broken and lost.

In this troubled planet, my friends, the stars are shining. Mankind in democracies will, and can, see them shining; the democracies for mankind will keep them shining.

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