

constituents 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 dissuaged 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 opinion 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 unbiased 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:

Mr. Howard D. Porter  
Chief, Prefectural Branch



*Law*

SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section  
Local Government Division

Paper No. 4.

ADMINISTRATION, FUNCTIONS AND RESPONSIBILITIES

The officials of departments and sections, the secretariat and the assembly's staff compose the administration of the <sup>village town</sup> mura, machi, <sup>city</sup> shi and <sup>prefecture</sup> fuken. In general, the officials of the administration compose the Civil Service. These officials are also called a bureaucracy. There is but one and only one justification for the existence of a Civil Service or bureaucracy in a democratic form of government. The justification is to serve the public. Whenever there is a deviation from this principle, the sovereignty of the people is betrayed.

In the representative form of government, a legislature exists to give the people, by proper legislation, solution to their needs and wants. The chief executive, with either his large or small administrative staff, has the function of putting these laws into execution. The Civil Service forms the foundation of any government to carry out the directions of the laws as the executive may require and as the rules, procedures and regulations provide. The judiciary, as many may well know, exists to declare what laws and actions are within and what laws and actions are without the constitutional framework of government. Each of these branches of democratic government checks upon each other; one is not to intrude on the other's function.

In the large modern governments of today bureaucracies are necessary. The public functions performed by the governments require the employment of several millions of persons. This fact alone necessitates an intricate, formal organization, innumerable degrees of specialization in training, skill and experience, and continuity of service. The execution, therefore, of these extensive and great public affairs develops a bureaucracy. The essential goal in the development and in the adequate administration of the bureaucracy is to have it perform daily



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.

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 was 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 <sup>ant. Shintarō Mitsukuni</sup> 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 I do 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 <sup>Genji</sup> 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, in cementing his Kenryo Seiji over all the land, soon earned the name



Kanryo shugisha, which the newsmen coined for him.

In building his <sup>Bureaucratic Control</sup> Kanryo sei-ji 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 kanryo 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 <sup>bureaucracy</sup> kanryo knows this is because they practice it! What more is needed?

Under such conditions the kanryo can even be guilty of <sup>being very cold</sup> fushinsetsu. To my regret, in my travels, I have heard that one of the reasons for the public continually losing confidence in the kanryo is because of this very fact. Why should Suzuki-Kun have all the trouble that he encounters with the <sup>man behind the window</sup> madoguchi shubi? 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 kanryo 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



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*Red Tape (memo)*

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 <sup>*desk plan*</sup> kijyo no plan! Is there any wonder why Suzuki-kun is angered? He has a right to be so.

*Bureau head*

The Chihōjichiō 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 Chihōjichiō, 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 specialties 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 or Forestry, Commerce and Industry, Labor, Fisheries and Public Utilities. In Tōkyō-To and Hokkaidō 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 <sup>leeches</sup> 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 of 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 of 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 Chihōjichiho 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



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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 unforgiveable. 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, <sup>"Minister often mistaken for loyalty"</sup> Taikan wa chu ni niteri! 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 machi-nations! His allegiance, positively expressed, is to enforce the law through rules and regulations as legislation provides.



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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 distasteful to so many? Perhaps Yakunin would be better.

*Of all flowers the cherry is the most beautiful; of all men the samurai is the finest.*

The proverb "Hana wa sakura-gi hito wa 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



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some noble warriors. From now, 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.



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Law

SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section  
Local Government Division

Paper No. 5

THE COMMITTEE SYSTEM OF THE LOCAL PUBLIC BODIES

The Law Concerning Local Autonomy in Section V, Chapter VI, Articles 109-10-11, provides for the assemblies of prefectures, cities, towns and villages to have standing committees. The Law in Article 110 provides for the appointment of other committees such as the local governments may determine in the need of some particular occasion. The great national law, therefore, established the authority for the existence of any one or all committees. The assemblies of the prefecture, city, town and village have the power and authority given them by this Law also, to determine the jurisdiction, function and operation of these various committees. Indeed, the legislators of all the assemblies must pay careful and continuing attention to the committee system.

In representative government the committee system plays a major part in developing and maintaining democratic procedures. The committee system historically has proven not only useful but of real necessity to all legislative bodies whether they are unicameral or bicameral as organs of representative government.

Today and tomorrow we shall discuss together (1) the reasons for the rapid growth and widespread use of the committee system, (2) the classes and organization of committees, and (3) the nature of a committee's function and operation.

Some generalizations can be given at the outset: (1) The first reason concerns the competence of a large body of legislators to handle the complex affairs of the public trust with any real degree of rationality and promptness. For the proper handling of affairs, the members of the assembly have to utilize their time in the best possible manner. They at once form committees which can specialize on particular matters. The committees, therefore, serve to produce an adequate solution to a given problem in the shortest time. Were matters handled otherwise, all members



of the assembly would be forced into the unhappy and unsound situation of giving opinions and judgments on many matters at the same time. The baneful result of this would be that only superficial action could be taken. Each person here today is thoroughly familiar with this problem.

(2) The second reason is that the committee system serves the general body of which it is a part as a second mind or a second set of brains. This situation is true even though the membership of the committee comes from the membership of the parent body. Stated in another manner the assembly has its problems and the legislation concerning them, handled in two logical parliamentary steps. Moreover, in general procedure, the public has more opportunity to know about its affairs and how they are being solved.

Different entirely from these two general reasons is a particular and special reason for the committee system to be utilized to the fullest extent by the legislative organ of government. It will be remembered for all time that the function of passing legislation rests solely with the legislature. This is why we have legislatures. Legislatures have to be strong, careful in their duties and responsibilities and devoted to drafting and passing good legislation. Moreover, legislatures must be ever vigilant to see that their powers and jurisdiction are never exercised or encroached upon by any other agency or person. Legislatures must prevent the intrusion of either an over zealous chief executive or a grasping bureaucracy, no matter how kindly either may act toward the legislature.

For a legislative body, either unicameral or bicameral, to be strong and self-functioning, the committee system has to operate continuously, carefully and with measured dispatch. The full realization of this democratic procedure depends entirely on the class and organization of the committee and on its jurisdiction and administration.

Let us turn our attention now to the classes of committees and their organization. For the specified purpose of the Law Concerning Local Autonomy, there are two classes of committees, the standing committee and the special committee. The standing committee through by-laws of the



assembly is established to control and direct a major and continuing function of government. Thus the standing committee is more than less permanent. Contrasted with the standing committee is the special committee which comes into existence for a particular situation or problem. When the situation is cleared or the problem solved to the satisfaction of the assembly, the committee is dissolved. In general these special committees are of a very temporary nature when compared to the standing committees. Special committees may be established by a resolution of the assembly. Moreover, they may deliberate during the session of the assembly upon matters referred to them by a resolution.

How can these committees best be organized to perform their function? A committee has a chairman who is elected by the committeemen from among their number. He has exactly the same powers as do the other members, no more, no less. As chairman he (1) calls the meetings, (2) steers the committee through its business from the agenda, (3) casts a deciding vote by breaking a tie when need be, (4) reports the committee's action on the resolution or the bill before the plenary session and (5) adjourns the meetings.

A feature of the committee system which is of importance is that of their size. In determining this feature a number of considerations have to be taken into account. Among them the most important are (1) the size of the assembly itself, (2) the number of committees for which provision is made, and (3) the importance and volume of work to be handled by the several committees. Although it is true, generally speaking, that a small body is a more efficient instrument than a large one, it is desirable that the committee should be of such size as to afford an opportunity to all of the assemblymen to participate equitably in committee work. This fact means that the smaller the number of committees the greater should be their size. This is especially true of the committees of major importance, both because it is desirable that as great a proportion as practicable of the assemblymen should participate in their proceedings and because of the volume of business to be handled by them.

The membership of committees is usually in some equalized proportion



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to the political party strength. With regard to standing committees, the composition of membership from one-half to two-thirds at least should be the same from one session of the assembly to another. When membership is arranged in this fashion that only one-quarter or one-third is new each session, continuity of function, continuity of business and continuity of the committee's system of work is maintained. Indeed, the membership of committees should be arranged only in this manner.

A committee must have an adequate staff which can perform the allotted tasks. These men or women as qualified specialists and capable secretarial assistants compose the committee's permanent personnel and because they are, aid the committee to preserve its character and strength.

The organization of committees must provide for its rules of procedure to administer its business such as the following (1) maintenance of a record of incoming and outgoing business, (2) provision for its agenda, (3) determination of a proper quorum for the opening of deliberations and transacting of business, (4) method of securing advice from technical experts and professional men, (5) proper travel by committeemen to determine conditions first hand, (6) the subpoena for witnesses, books and records, (7) conduct of hearings both open and closed, (8) report of the committee's actions to the assemblies, (9) report of the minority opinion to the assembly, and (10) method of procedure when the assembly is not in session.

Once the assembly has established the standing committee or the special committee--that is, determined the class-- and once the committee has formed its own rules of procedure, then the committee is ready to receive its function and to carry out its business such as is on its agenda. In each House of the Diet in Tokyo there are twenty-one committees as well as some special ones established from time to time. Because the Diet is the national body, because its affairs are most complex and because of its great volume and pressure of work, the fact that it has twenty-one committees is to be expected. The function of the committee is determined for all practical purposes by its name. A similar parliamentary procedure can be followed in the prefectural, city, town and village assembly. The number of the committees and their functions are determined by the will of the



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assemblies, not by the chief executive, not by the bureaucrats. Because harmony must exist among these three agencies of government, one would expect to find a standing committee to correspond to each department as a minimum. Because of the nature of the work in some departments, the assembly may in its own discretion, create more than one corresponding committee. Quickly summarized, one might find in each assembly, committees on Finance, on Health, on Education, and Administrative Affairs, on Agriculture, on Economic Affairs, on Public Welfare, on Labor, on Fisheries and on Public Works. Others could be listed. Very important from this moment forward because of the responsibilities and power of every assembly in Japan, is the solemn responsibility of each assembly to establish an adequate body to prepare and to draft properly all legislation. The assembly can do this either by having a Standing Committee on Legislation or by creating a body within the secretariat of the Chairman of the Assembly.

The assembly in its by-laws must establish each committee's function with clear jurisdiction.

How is the work of the standing committees (or the special ones) accomplished? How do they operate? How do they administer the business on their agenda? How do the members as representatives of the people, prepare themselves to carry out the trust of the people? A number of extremely important suggestions can be listed here today. (1) None of you before me can under-estimate the importance of selecting qualified members for each committee and the committee in turn selecting the best of their group for a strong chairman. In this great problem of appointing the proper representatives to the responsibility of committee membership, one principle is certain and that is that active brains are not co-equal with age simply because of age. The assumption of democratic practices by any people or set of people is a serious and solemn act and the possession and exercise of brains--active brains--are continuously necessary to discharge the duties to make a happy community, indeed, if you please to produce a happy life. Each one of you before me knows the importance of this entire problem; age is not important of and by itself, brains and common sense are needed. Please choose people with them!



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(2) The members of a committee must, to accomplish its purposes, be thoroughly informed on the affairs before them. Through the Law Concerning Local Autonomy the members have unlimited opportunities to obtain the facts and knowledge they need. There are three specific methods which furnish the opportunities never possessed before.

The Assembly Library, which every Assembly in Japan must establish, will be a firm and developing foundation from which all members can inform themselves continuously. This library is the legal property of this assembly and not that of any other branch of government in the local public bodies. The assemblies should cooperate with these other branches of course. Moreover, the prefectural budget must be adequate to operate and maintain it. As a depository of all national laws, papers and documents coming from the Diet, the members, through the libraries, will have information readily available. Each committee should make every effort to increase the number of papers, pamphlets, books, documents, letters and any testimony related to its particular function. The Committee on Finance should secure all information available on bonds, taxation and budgets, that on Health all on its related matters and the other committees the same. There is much to do. The physical problems alone of securing and maintaining a library are enormous. An inter-prefectural or inter-city, town and village library loan system is most desirable and effected easily. Intelligent committeemen will seek information from all sources.

Expert or technical information can be secured from professional persons or technicians, depending upon the problem--health, mining, agriculture, labor or industry. Moreover, the Committee must be ever on guard to see that it gets its money's worth from these people. The Committee will have to determine carefully well in advance how to pay for such services from meager budgets! Nevertheless, the duty of the committee is to get the information necessary for it to act. You cannot hesitate in this regard.

First hand knowledge of the facts often requires the committeeman to travel directly to the locality for which corrective



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action is to be taken. The committeeman takes the bus, the train or the ship and goes to the area to discover the conditions for himself and his committee. If these trips are not well planned, are not result producing and are not thoroughly justifiable in written reports for the people to see, they are nothing more than disgraceful wasteful expenditures of the taxpayer's money. The committeeman who allows himself to be a party directly or indirectly to such chicanery should be recalled by the voters at once or defeated soundly at the polls at the next election. Direct travel may be the key to the situation, hence the committeeman cannot hesitate just because of criticism. He has a job to do and he must act.

(3) The open hearing or the closed hearing is a procedure and practice of vital importance to the life and existence of the committee system. Discussion to some extent has been given already. No more democratic method of conducting representative government has been devised. The open hearing gives the Committee its golden opportunity to hear and to make use of all the people, institutions or agencies which one way or another are concerned with the problem. If necessary, the people should "come from far and wide" to present all issues. Article 109 of the Law Concerning Local Autonomy provides for holding public hearings. These can be held on the initiative of the committee itself. They may be called in pursuance of its desire to secure information upon which to base its actions. They are desirable to hold on the request of outside parties who desire to advocate or oppose the measure, or to secure its modification. The hearings may be conducted by the entire committee or by a sub-committee appointed by the committee for that purpose. Although it rests entirely with the committee to determine whether or not it will hold a hearing upon a particular bill or resolution, such a hearing need rarely be refused when a person or persons request it and can show any reasonable ground for being heard. The facts and opinions brought out at these hearings should be made available not only to all members of the committee, whether they were present at the hearings or not, but to all other members of the assembly and, to the extent possible to general public. This system affords all persons affected by or interested in the



proposed legislation the opportunity to be heard. At the hearings, no attempt should be made by the committee to consider the bill under discussion with a view to reaching conclusions regarding its approval, modification, or rejection, though the committee members often participate in the discussion and at times freely express their opinion regarding its merits. Such considerations generally can be left to the formal meeting of the committee from which the public is excluded. These meetings should be called by the Chairman or upon written request by a majority of the committee. After the committee has heard, studied, and debated the testimony of witnesses and experts as the case may be on the bill, the members must then prepare an exhaustive report setting forth their decision and their reasons therefor. The report should be available to all. These open and closed hearings, because of the overlapping nature of the public questions, will be held by more than one committee--such are called joint hearings. But the responsibilities cannot be divided; each committee has to assume its own responsibilities.

(4) The power or privilege of the subpoena is inherent in representative government. On far too many occasions in grave public matters, certain people are needed to testify and particular documents, books, or records have to be produced for they alone possess the secret parts to what would otherwise be a bad puzzle. The subpoena is generally used when individuals either refuse to come themselves or to send the adequate written instruments. Penalties should and must be noted out when such antagonism is encountered. Severe penalties must be imposed, for either oral or written misleading or false information. In this regard no excuses can be tolerated for such wrong doing is criminal in nature. It is an insult to the peoples' representatives. It certainly is a flaunting of the public justice. The committee has this great power today which it never had before. It should exercise it carefully but fearlessly. Again, all testimony should be tabulated, documented and made available properly "to all concerned".

(5) The final committee's endeavor, whether it is the drafted bill or a great report, must be presented to the executive sessions of the assembly.



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More than likely there will be divided opinion in the committee, especially on grave issues. There may be majority and minority opinions in other words. Both are the property of the assembly as a whole. The minority group must present its case; it must speak up. Members who fall in this responsibility make a bad compromise with the voters who elected them.

(6) It is important to bear in mind that a friendly press is a great asset in endeavoring to inform the public of committee efforts which are naturally to their benefit. Invite the press to conferences. Send the press prepared statements. Whenever the committee deems it necessary to conduct business behind closed doors it is advisable to talk to the press "off the record" in order that it will understand the motives of the committee and thus aid it in its work. Again, remember that a friendly press is a valuable asset in accomplishing works of public interest. Because of the extraordinarily responsible position of all the press to the public, the committeemen must be frank and truthful with newspapermen: *Out of the mouth comes wisdom* Kuchi wa kazawai no kado.

In summary, two final suggestions may be taken to heart as to the entire committee system and its functioning. The first of these relates to the normal or routine business on the calendar of the committee. I have stated already that the calendar or agenda not only of the assembly, but also of all the committees should be kept with meticulous care. The committee should make sharp, clear distinctions between normal or routine business and the special or grave affairs which come before it. Matters of all kinds which are routine should be handled with real promptness and dispatch. Rapidity does not mean, however, that the matters or affairs can be slighted; they cannot be passed upon haphazardly. Yet, no time consuming period need be involved on them. The special affairs or the grave public problems are those upon which the full strength of the committee machinery is reserved and should be exerted. On such serious affairs



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the committee will (a) engage in a comprehensive study at once; (b) entertain formal hearings; (c) take careful testimony in writing; (d) make a complete report to the plenary sessions of the assembly, and (e) give wide publicity to the public.

The second of these final suggestions relates to the procedure in which the committee will obtain its business: First, suppose that Kobayashi-Kun desires to have a matter introduced into the assembly. He can request either the representative from his district or another representative to introduce it for him. In many states of the United States a representative will perform this public duty automatically. Generally the member has printed on the bill after his own name, the words "Introduced by request." Such a statement informs all of the bill's origin, as well as that the legislator is doing his duty. This bill, like all other bills, goes at once to the assembly through the chairman, the assistant chairman or the presiding officer of the assembly, who, after recording and giving the substance to the assembly, then sends it to the proper committee for action. Second, suppose that Kobayashi-Kun has a pertinent matter to the affairs under consideration by either the special investigating committee or the standing committees. Because his matter is directly germane, Kobayashi-Kun can give it to either of those committees. The respective committee chairman will take the matter personally or call the committee together which, as a body, will take it. If the affairs and matters are not germane, the committee should not accept them. The chairman or committeeman should refer these non-germane affairs to the general assembly for action like all other new matters.

In terms of both of these final suggestions, that is in terms of the affairs and business of a committee, it must be said that the committee has within its own discretion the right to say whether these affairs are important enough and of sufficient public interest to come before plenary session of the assembly. In the United States it is often said,



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"The bill was killed in committee." This means that the committee, for its own reasons, did not report the matter back to the assembly for action. It may happen that the general assembly might object to the committee's decision in not reporting the affairs of the committee. In such a situation, of course, the assembly may request that the affairs be brought before it. Probably, in only very serious situations, would the general assembly as a body take issue with one of its committees.

Thus far we have been talking about governmental procedures and practices. These are grave matters indeed. All of you can observe that standing committees are vital organs of a democratically functioning assembly.

In closing, let us turn now to the most serious of affairs. In a democracy, once a candidate has been elected to office, he is in the position of the public's confidence. This very act means that he has assumed a very definite responsibility. No elected representative of the people can dodge or possibly circumvent this solemn fact.

The Law as has been stated puts more power and responsibility in the lawmaking assemblies. The committeemen, therefore, have more public and governmental work to do than ever before. There is the opportunity today for every assemblyman to produce as he never was allowed previously. Each assemblyman is today and henceforward a more important element of government than he or she has been.

In the foundation of the New Japan what committeeman in his new position can resist being a creator for the public good ?

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