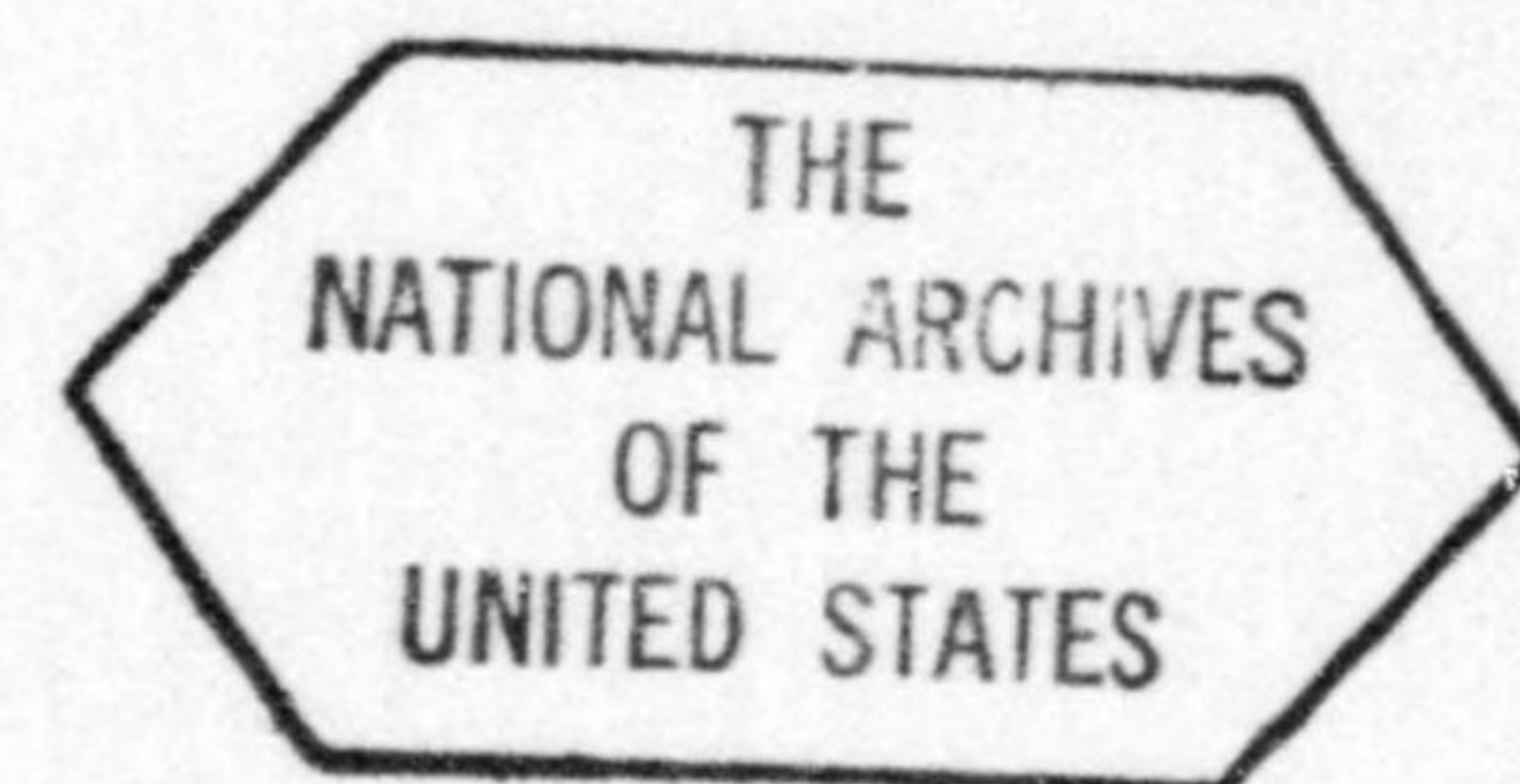


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2037
- (2) Folder title/number: (11)
National Personnel Authority - Miscellaneous
File - 1946-47

(3) Date: June 1946 - Dec. 1947

(4) Subject:

Classification	Type of record
324, 741	e

(5) Item description and comment:
With a List of Papers

(6) Reproduction: Yes No

(7) Film no.

Sheet no.

NO.	FROM	DATE	TO	SYNOPSIS
1	Esman	29 Jun 46	M/R	Japanese Govt Request for American Experts in Position Classification
2	Marcum	4 Sep 46	M/R	Japanese Govt Proposal to Effect Fundamental Reforms in the Administrative Organization of the Civil Service System and Mode of Operation
3	Bell	16 Aug 46	M/R	Request for Info from NPA
4	MacCoy	10 Feb 47	Hoover	John M. Maki's Article in the December Issue of Pacific Affairs
5	Marcum	10 Feb 47	M/R	Civil Service Reform
6	Noss	5 May 47	M/R	Number of First, Second & Third Class Officials
7		5 Jun 47	Hoover	Appointment of Head of Board of Audit
8		5 Jun 47	Hoover	Appointment of President and Judges of the Supreme Court
9	Marcum	1 Aug 47	Advisors & Div Hds	Civil Service Reform
10	Rizzo	6 Aug 47	Marcum	GS Staff Conference Comments on Proposed Civil Service Act
11	MacCoy	30 Sep 47	Hoover	Administrative Research Bureau Personnel
12	Marsh	24 Oct 47	M/R	Re Call of Mr. Konizashi
13	Swope	29 Oct 47	M/R	Cabinet Position on Personnel Ceilings in Executive Branch of the Jap Govt
14	Swope	6 Nov 47	M/R	" " " " " " "
15	Swope	7 Nov 47	M/R	Decision of Cabinet on 14 Oct 47, Placing Executive Ceilings on Government Personnel and Expenditures
16	Marcum	19 Dec 47	M/R	Conference with Representatives of Jap Govt at 2 P.M. on Dec 18, 1947
17	Marcum	30 Dec 47	Chief, CSD	Jurisdictional Conflict

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

*Govt
employees*

30 December 1947

MEMORANDUM FOR CHIEF, CIVIL SERVICE DIVISION

SUBJECT: Jurisdictional Conflict

1. It has come to my attention that the Labor Division of ESC has instructed the Japanese government to take necessary steps to clarify regulations for enforcement of discipline among the "white collar" employees of the national government.

2. I do not question the need of enforcing discipline among government employees, in fact two months ago I told Mr. Miki, Minister of Communications, Mr. Sone, Deputy Chief Secretary of the Cabinet, and several other officials of vice-ministerial rank, that it was the duty of all ministers and officials in charge of other agencies and offices of the government to enforce discipline and that no special regulations or cabinet orders were required since their present personnel regulations covered attendance and application to duty and that it was a matter of administrative discretion in each individual case.

3. However, I strongly object to the Labor Division's continued assumption of jurisdiction over government employees.

4. The provisions of the National Public Service Law definitely segregate employees in the regular government service from labor in private enterprise and in fact abrogate upon implementation after the effective date of the law current employee-union contracts with the government.

5. I therefore recommend that you initiate immediate action to clarify this jurisdictional anomaly and at the same time insist upon an immediate amendment to the National Public Service Law to reincorporate among its provisions those basic principles of employee-management relations common to American philosophy and practice which you and the other mission members recommended in your report to the Supreme Commander and which you submitted to the Japanese government for adoption.

6. Attached are two pertinent memorandums and press clippings.

CARLOS P. MARCELL
Chief, National Government Division

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

19 December 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Conference with Representatives of Japanese Government at
2 p.m. on December 18, 1947.

Present at Conference:

Administrative Research Bureau

Mr. Maeda
Mr. Kanazashi
Mr. Takatsuji

National Government Div.

Col. Marcum
Mr. McLean
Capt. Diamantes

After a general discussion of the work being performed by the Japanese government's Administrative Research Bureau, Mr. Maeda was informed that the following matters were considered of the utmost importance and should be given immediate attention: (Substance of the discussion is outlined below)

A. Public Service Law

1. The amendment of the National Public Service Law to include provision concerning employee-management relations in the public service. Specifically to incorporate those principles of employee-management relations which are common to American practice in federal, state and local government and which were initially recommended by the U. S. Personnel Advisory Commission to Japan, and subsequently elaborated by me in discussions preliminary to the final approval of the National Public Service Law, and to amend any other laws in conflict therewith. In specific language such amendment will require the addition of a complete new section of the present law under the heading Employee-Management Relations which will define the rights of employees and the responsibilities of management based on the following specific principles:

Rights of Employees

- (1) That employees of the national government service be prohibited from striking.
- (2) That any employee in the national government service who strikes against the people of Japan, as represented by the national government, or in any other way disrupts or interferes with the normal functioning of the national government or branches thereof, shall lose all his employment rights and prerogatives under the law, with the exception that no action may be taken which shall deprive him of compensation or other benefits which

he has earned under the provisions of the law or of the rules and regulations of the Authority.

- (3) That employees of the national government service shall have the unrestricted right to organize or to refrain from organizing any type of organization, and shall be permitted to join or refrain from joining any such organization.
- (4) That employees of the national government service shall have the unrestricted right, individually or collectively, to negotiate with appropriate officials for the adjustment of grievances, improvement of working conditions, and other lawful matters.

Responsibility of Management

It shall be the duty and responsibility of all officials charged with the direction and supervision of employees of the national government service to deal with the problems of employment as viewed by the employees individually, or in organized groups, and to make adjustments within their authorized area of administrative discretion, as required to correct individual injustices or undesirable conditions, or as may contribute to the improvement of operating efficiency and the promotion of employee morale.

It was also pointed out that all laws in conflict with the above amendments and principles should likewise be amended, e.g. the labor adjustment law, etc.

2. In response to a question by Mr. Maeda concerning the effect of the above contemplated action upon existing contracts between the government and government employee unions and upon further adjustment of wages and working conditions until the effective date of the National Public Service Law, I replied that current contracts would remain in force until the effective date of the law, but that collective bargaining between the government and government employee unions would be abrogated. However, adjustments in working conditions, wages, etc., could be made by the government independently or after a review of petitions submitted by government employees. This latter action, however, would be a matter of purely administrative discretion on the part of the government.

B. Decentralization

1. That previous recommendations by the government which were submitted by the Administrative Research Bureau be brought up to date and resubmitted for consideration, with particular emphasis upon functions of the national government in the prefectures or municipalities which the government considered legitimate national functions.

2. That the National Government Division contemplated approaching the problem in two ways: (1) aiding the Local Government Division in adjusting decentralization problems with reference to those functions which the Local Government Division considered as purely local and in which the national government is now involved either in policy formulation, operation, or both, and (2) evaluating in conjunction with Local Government Division the legitimacy of Japanese government recommendations concerning national functions at the local level.

C. Reorganization

1. That the Administrative Research Bureau submit the government's recommendations or opinions concerning the need or desirability of reorganizing the national government structure with specific reference to internal changes in the organization and functions of independent ministries or agencies of government, or the creation of new agencies or offices.
2. In conjunction with this project the government was urged to give immediate consideration to the establishment of an appropriate organization to continue the work of the Administrative Research Bureau upon its dissolution in addition to budget planning and processing and the collection, evaluation, and preparation of administrative and operating statistics and reports. Mr. Maeda was given an outline of the functions of the U. S. Budget Bureau in the Executive Office of the President for information and was told that while it was considered more efficient and better practice to establish such an organization as an independent agency under the Cabinet, there would be no objection to its establishment within the Finance Ministry provided that its functions and relationships were clearly defined. Mr. Maeda indicated that they had been considering this problem for a long time and that a plan would be submitted for our consideration.
3. The necessity for accurate organization and functional charts was discussed briefly in view of the fact that the Civil Service Division of the Government Section had already requested the charts be brought up to date. Mr. Maeda agreed to expedite this project inasmuch as these charts were necessary for, and would greatly facilitate, the progress of the decentralization and reorganization projects.

D. Local Civil Service Law

1. Mr. Maeda was informed that an amendment to the Local Autonomy Law requires the extension of civil service by law to the local prefectures not later than April 1, 1948 and that the government should undertake necessary action to develop the law well in advance for consideration by the Civil Service Division.

With regard to the practicability of applying civil service concurrently to present prefectures and cities it was suggested to Mr. Maeda that they consider a limited application of the law concurrently with the possibility of providing a charter licensing system whereby the Prime Minister, upon recommendation of the National Personnel Authority, would grant a charter upon application by a prefecture or city if they met established minimum standards requisite for the establishment and administration of such a system.

Upon departure of the above representatives of the Administrative Research Bureau, Mr. Sone, Deputy Chief Secretary of the Cabinet, was informed about the details of the conference for his information and appropriate action and was requested to submit a report by ministries and agencies of the national government outlining the nature and extent of employee-management problems and indicating the extent to which the normal functioning of such ministries or agencies was being disrupted by employee union activities.

CARLOS P. MARCUM
Chief, National Government Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

7 November 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Decision of Cabinet on 14 October 1947, Placing Executive
Ceilings on Government Personnel and Expenditures

Information furnished by the Japanese government at the request of
this Division discloses the following:

	<u>Number Authorized</u>	<u>Number Employed</u>	<u>Authorized but not filled</u>
Regular establishments	395,913	292,746	103,167
Special activities, including railway and communications employees	<u>1,205,805</u>	<u>1,144,785</u>	<u>61,020</u>
	1,601,718	1,437,531	164,187

This is the situation upon which pointed comments have been made by the Japanese press during the last few weeks. It is significant to note that, of the total unfilled positions, more than 100,000 are attached to the regular government establishments. To put it another way, for each three employees now on the payroll, there is sufficient reserve to hire one additional employee. Attached is an editorial from the Nippon Times of 6 November on the same subject. The discrepancy in figures is apparently represented by prefectural and local government employees.

The undersigned is still of the opinion that SCAP should order the Japanese government to reduce its personnel and personnel expenditures by at least one-third, as he recommended several months ago. However, since there was no significant support for this proposal, the government's own action of 14 October in placing a ceiling upon both numbers and expenditure for personnel should receive the strongest support from SCAP. It is proposed also that, in all dealings with the Japanese government and other staff sections of GHQ in which new government organization is requested, this Section should insist that the government carry out its own announced intentions and, where necessary, should be supported in doing so. The Cabinet decided that where new offices or agencies were required, corresponding reductions should be made elsewhere. It is held that the Cabinet took a wise and courageous position and is entitled to the full support of SCAP in maintaining that position.

Guy J. Swope
GUY J. SWOPE
Chief, National Government Division

M/L

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TOKYO, THURSDAY, NOV. 6, 1947

Need for Administrative Retrenchment

A welcome trend toward positive retrenchment in Government spendings was brought to light last week when Chief Cabinet Secretary Suehiro Nishio disclosed to the press that all State Ministers are agreed on the necessity of reducing civil service personnel and reorganizing the administrative set-up. Mr. Nishio pointed out that these steps were necessary to keep future budgets down to the minimum so that inflation may be combatted successfully and to maintain the ¥1,800 wage standard.

Any move in the direction of trimming Government personnel, however, is bound to meet with strong opposition from labor circles. It is recalled that the Government last year attempted to keep the state railways out of the red by carrying out large scale personnel cuts. The plan ended in complete failure when the railway workers' union threatened mass walkouts. The hostility of labor groups to the cutting down of personnel, whatever the reason, is thus a foregone conclusion.

As Mr. Nishio has pointed out, the "utmost courage" is required by the Government if it is to economize on payrolls. Adequate steps must be taken to cope with opposition from labor circles and to provide for unemployment which is bound to occur.

In this connection, the Government announcement made last month must be considered an important contribution to the policy of general retrenchment. The Government at that time declared that it would achieve a ten per cent saving in its payrolls by restricting the hiring of new employees and by carrying out rational transpositions of personnel. This is a negative step, but significant nonetheless if it is sincerely adhered to.

The increase of Government officials and bureaucratic offices since the surrender has been startling. Recent estimates have disclosed that every seven persons in this country are supporting one bureaucrat or a member of his family. In other words, 2,500,000 bureaucrats and their family members conservatively estimated at 7,500,000 are living off the people. The dangers of an over-grown bureaucracy need not be elaborated here, but it must be reiterated that its growth is always made under the most plausible pretext. The post-war period gave ready opportunity for the establishment of numerous new boards, committees, departments and the like. But once established, these offices are almost never dissolved, even after their usefulness has long since expired.

The significant point is that the administrative offices are able to operate with fewer officials. As it was disclosed recently, close to 200,000 "ghost" officials are being supported by the people. This is possible, since appropriations for the various ministries are asked on the basis of the legally fixed number of officials for the various offices and not upon the actual number of bureaucrats employed. If such practises were eliminated and salary payments made only to those persons actually in the Government employ, a savings of more than two billion yen would be possible in the present supplementary budget alone, it has been estimated.

The main problem, however, is to gain the maximum efficiency out of an even more streamlined administrative set-up. Government offices are operating with only about 80 per cent of their allotted personnel in attendance. In the interests of administrative economy, it is necessary for all surplus and wasteful labor to be eliminated from the Government and public services. Otherwise, the Government cannot ask the people to bear the tremendous tax burden which is expected of them at this time. Large-scale personnel cuts to scale down the payrolls must also be accompanied

by drastic reorganization of the Government system. Since the inception of the Katayama Cabinet, the Labor Ministry has been newly established, the Home Ministry set for reorganization into three boards, the Justice Ministry transformed into the Attorney General's Office. These are major administrative shake-ups which should afford ample opportunity to streamline the administrative system. But to the contrary, the Labor Ministry, the three boards to take over the Home Ministry activities, and the new Attorney General's Office have increased rather than decreased bureaucratic activities. The tremendous growth of the local agencies of the central government is also a case in point.

There is need at this time for the Government to consider more fully its bloated personnel. The Government must prove to the people that it can economize to the fullest extent in the way of payrolls. The Administration must further set an example to the private enterprises to show that it too can carry out drastic rationalization of its set-up. By displaying proper sincerity in executing these measures, the Government will be able to gain the confidence of the people. And only by taking these steps will the Government be able to ask the people to bear an unprecedentedly heavy tax burden and to demand private entrepreneurs to rationalize their enterprises.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

6 November 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Cabinet Position on Personnel Ceilings in the Executive Branch
of the Japanese Government

*Filed
Personnel*

A second conference with reference to the above subject was held in Government Section on Wednesday, 5 November 1947, with Mr. KASHIWAGI, Liaison Division, Ministry of Finance. Present for National Government Division was Mr. Kent.

Mr. KASHIWAGI submitted a report detailing the numbers of personnel currently employed by the various ministries and other agencies of the Japanese government, together with the authorized numbers of employees. A copy of this report is attached. The figures given are those to which the Cabinet, at its meeting of 14 October 1947, restricted the executive branch.

Guy J. Swope

GUY J. SWOPE

Chief, National Government Division

Prepared by

P. J. Kent

PJK

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The Number of Personnel on the Budget, General Account,
 1947 Fiscal Year and the Actual Number of Personnel as
 at August 1, 1947

		Officials	Officials 1 class	" 2 class	" 3 class	Shokutaku (Non- regular staff)	Koin (Junior clerk)	Yonin (Trade)	Total
Diet	Fixed Number	1,111	99	124	888	163	406	302	1,982
	Actual Number	590	30	73	487	178	541	300	1,609
Court	Fixed Number	4,926	274	1,894	2,758	180	1,776	2,429	9,311
	Actual Number	(104) 4,047	(1) 198	(23) 1,423	(80) 2,426	28	(32) 1,644	(7) 1,943	(143) 7,662
Board of Audit	Fixed Number	758	16	119	623	0	391	25	1,174
	Actual Number	(5) 357	8	(1) 81	(4) 270	0	215	23	(5) 597
Cabinet	Fixed Number	16,349	182	4,024	12,143	3,320	18,827	2,863	41,359
	Actual Number	(8) 11,307	154	(2) 3,078	(6) 8,075	1,926	14,839	2,530	(8) 30,602
Foreign Affairs	Fixed Number	1,340	45	579	716	341	735	260	2,676
	Actual Number	(29) 1,218	42	(12) 562	(17) 614	327	648	251	(29) 2,444
Home Affairs	Fixed Number	22,084	24	1,503	20,557	1,160	3,365	946	27,555
	Actual Number	19,476	27	1,391	18,058	998	2,114	557	23,145

Finance	Fixed Number	40,691	34	7,164	33,493	5,930	35,352	7,197	89,170
	Actual Number	(1,384) 20,475		(7) 2,653	(1,377) 18,292		(50) 13,814	(14) 6,831	(1,448) 43,055
Justice	Fixed Number	19,855	95	2,025	17,735	441	6,862	2,696	29,854
	Actual Number	18,650	86	1,405	17,159	250	5,644	2,311	26,855
Education	Fixed Number	23,733	1,237	10,021	12,475	5,681	14,473	20,561	64,448
	Actual Number	(82) 20,758	1,111	(34) 8,454	(48) 11,193	(7) 7,799	(108) 14,650	(10) 12,960	(207) 56,147
Welfare	Fixed Number	16,806	75	5,221	11,510	4,978	12,878	28,177	62,839
	Actual Number	(128) 10,498	53	(22) 3,305	(106) 7,140	(29) 4,284	(59) 8,822	(48) 25,610	(264) 49,214
Agr. & Forestry	Fixed Number	8,512	36	2,846	5,630	2,070	10,118	7,222	27,922
	Actual Number	(57) 3,835	32	(9) 1,408	(48) 2,395	(48) 1,384	(112) 7,947	(55) 5,075	(272) 18,241
Commerce & Industry	Fixed Number	5,519	58	2,251	3,210	2,054	5,296	1,864	14,733
	Actual Number	(66) 4,682	55	(12) 1,788	(54) 2,839	(1) 1,567	(22) 4,161		(89) 11,711
Transportation	Fixed Number	7,586	38	1,712	5,836	515	10,369	3,592	22,062
	Actual Number	(22) 7,097	36	(7) 1,578	(15) 5,483				(22) 20,677

Communi- cation	Fixed Number	350	5	36	299	34	350	94	828
	Actual Number	(19) 309	5	(2) 42	(17) 262	(28) 34	(155) 444	0	(202) 787
Total	Fixed Number	169,620	2,218	39,529	127,873	26,867	121,198	78,228	395,913
	Actual Number	(1,904) 123,301	(1) 1,867	(131) 26,741	(1,772) 94,693	(113) 21,452	(538) 85,421	(134) 62,572	(2,689) 292,746

The Number of Personnel on the Budget, Special Account, 1947 Fiscal Year
and the Actual Number of Personnel as at August 1, 1947.

		Offi- cials	" 1 Class	" 2 Class	" 3 Class	Shoku- taku	Koin	Yonin	Ko-in	Tetsu- do Sho (Rail- way man)	Special Post Office master	Total
Mint	Fixed Number	174	2	36	136	24	456	166	2,084			2,904
	Actual Number	(16) 160	2	(1) 33	(15) 125	(1) 34	(18) 404		(114) 1,769			(158) 2,482
Printing Bureau	Fixed Number	387	3	55	329	79	1,549	296	7,821			10,132
	Actual Number	(22) 367	3		(22) 316		(41) 1,657	(4) 224	(143) 6,235			8,544
Monopoly Bureau	Fixed Number	4,306	13	333	3,760	2,095	6,186	3,853	18,342			34,782
	Actual Number	(139) 3,510	13	(3) 216	(136) 3,281	(31) 1,703	(212) 5,640	(18) 2,156	(211) 15,187			(611) 28,196
Deposit Dept. Ministry of Finance	Fixed Number	252	0	10	242	1	193	0	0			446
	Actual Number	(5) 185	0	10	(5) 175	0	127	0	0			(5) 312
Gold Fund	Fixed Number	3	0	0	3	0	0	0	0			3
	Actual Number	0	0	0	0	0	0	0	0			0
Welfare Insura- nce	Fixed Number	1,753	0	163	1,590	322	3,932	516	0			6,523
	Actual Number	(34) 1,506	0	103	(34) 1,403	(4) 195	(68) 3,352	(5) 459	0			(111) 5,512
Workmen's casualty Insuran- ce	Fixed Number	414	0	9	405	266	616	45	0			1,341
	Actual Number	57	0	2	55	27	153	1	0			238

Food Administration	Fixed Number	12,064	1	584	11,479	50	18,821	1,598	0		32,533
	Actual Number	11,376	1	10,417	10,958	55	19,197	1,316	0		31,944
Demand and Supply Adjustment of charcoal and Firewood	Fixed Number	647	0	67	580	0	1,049	49	0		1,745
	Actual Number	385	0	29	356	7	868	231	0		1,491
Re-insurance of live-stock for farm use	Fixed Number	25	0	7	18	9	83	2	0		119
	Actual Number	15	0	5	10	6	32	0	0		53
Forestry Fire Insurance	Fixed Number	5	0	3	2	0	6	1	0		12
	Actual Number	3	0	2	1	0	(1) 3	1	0		(1) 7
Re-insurance of Fishing Boat	Fixed Number	14	0	4	10	1	29	0	0		44
	Actual Number	10	0	3	7	(1) 5	18	0	0		(1) 33
National Forestry Enterprise	Fixed Number	4,754	19	406	4,329	231	4,933	7,255	0		17,173
	Actual Number	4,139	14	368	3,757	304	7,308	3,112	0		19,863
Alcohol Monopoly Enterprise	Fixed Number	355	1	65	287	31	542	182	1,741		2,861
	Actual Number	325	1	56	268	35	403	190	1,214		2,167
Trading Fund	Fixed Number	260	9	132	119	40	209	91	0		600
	Actual Number	(5) 176	9	65	(5) 82	35	(10) 147	39	0		(15) 397
National Railway Enterprise	Fixed Number	198,102	55	4,216	173,831	631	434,402	0	0	7,780	620,915
	Actual Number	(1,664) 174,361	(1) 54	(103) 3,782	(1,530) 170,522		6,936 426,190	0	0	9,859	(1,664) 617,336

Communi- cation Enter- prise	Fixed Number	137,376	31	2,930	134,365	4,467	324,249	14,193	0		13,347	493,582
	Actual Number	(429) 79,154		(3) 1,922	(426) 77,190	(144) 3,858	(1,069) 321,177	(17) 8,818	0		(64) 13,203	(1,722) 426,210
Total	Fixed Number	340,841	134	9,020	331,687	8,247	797,255	28,247	29,988	7,780	13,347	1205,805
	Actual Number	(2,314) 275,729	(1) 139	(110) 7081	(2,203) 268,509	(181) 13,251	(1,419) 786,676	(53) 21,662	(468) 24,405		(64) 13,203	(4,499) 1144,785

Note: The figures in parenthesis under the "actual number of personnel" column shows the number of personnel to be taken in addition to the number of personnel on the budget.

The Number of Personnel of Kodan on the Budget,
 1947 Fiscal Year and Actual Number of Personnel
 as at August 1, 1947

Name of Kodan	Fixed Number	Actual Number
Fertilizer Distribution	1,600	1,527
Industrial Reconstruction	1,317	217
Petroleum Distribution	2,919	2,711
Coal Distribution	11,800	9,793
Mineral and Industrial Products	2,000	1,883
Textile	1,700	1,978
Foodstuff	750	812
Raw Materials	400	566
Shipping Management	152	72
Total	22,638	19,559

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

29 October 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Cabinet Position on Personnel Ceilings in the Executive Branch of the Japanese Government

A conference was held in Government Section on Monday, 27 October 1947, with the following representatives of the Ministry of Finance: Mr. SHOJI, Chief, General Affairs Section, Budget Bureau, and Mr. KASHIWAGI, Liaison Officer, Liaison Division. Present for National Government Division was Mr. Kent. The Japanese representatives were requested to clarify the position of the Cabinet with respect to a curtailment of expenditures for personnel of the executive branch.

It was explained that the number of officials authorized for the various Ministries of the Japanese government is fixed by the Diet through its government organization laws. Moreover, the budget, passed by the Diet, limits the numbers of officials and employees by rank for the entire executive branch.

The Cabinet, at its meeting of 14 October 1947, agreed upon a plan for curtailing expenditures for the fiscal year 1947. A copy of this plan is attached. Its more salient features may be summarized as follows:

1. Upon the passage of the supplementary budget, expenditures authorized by the original budget are to be cut ten per cent.
2. No new officials will be appointed by the government. Vacancies will be filled by transfers among the several Ministries and other agencies.
3. A plan to effect such transfers will be prepared by the Prime Minister's office.

It must be remarked that this procedure does not involve the dismissal of employees currently serving the government. It does mean, however, that vacant positions, even though authorized by Diet appropriation, will not be filled.

Guy J. Swope

GUY J. SWOPE
Chief, National Government Division

Prepared by *PJK*

Paul J. Kent

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Memorandum

October 24, 1947

J.P.A.

Mr. Sato, Director of the Legal Bureau of the Cabinet called on me this afternoon accompanied by Mr. Konizashi.

Mr. Sato stated that the Cabinet asked him to call on me and to express deep gratitude for all the work done by me and members of the mission in bringing forth an epoch making change in the Civil Service System of Japan.

I stated that our part had been insignificant--that all credit for the very great reform of the Japanese civil service must go to Mr. Katama, the members of the Cabinet, the members of the Diet, Mr. Saito, the members of the Administrative Research Bureau, and the Bureau of Allowances. all of whom had labored long and had the vision to execute this great reform.

Mr. Sato then informed me that the Cabinet at its meeting this morning had appointed Dr. Asai president of the Temporary Personnel Authority and Mr. Yamashita and Mr. Ueno associate members. He also stated that these nominations would go to the Diet in time for action prior to November 1, 1947. I congratulated him on the wisdom of the Cabinet's selections.

I then inquired whether matters of budget might be discussed with the three appointees at an early date. Mr. Sato said that they were being notified today and tomorrow of their appointments and then budgetary matters could be discussed with the three appointees any time next week. I stated that adequate budgetary provision was necessary to start the civil service program. He stated that the project would be given earliest possible attention and that within a week or two, and that he would extend the assurances of the Cabinet ~~members~~ that the Cabinet would immediately make available all funds necessary for the launching of the program.

1/11/47

DEPARTMENT OF THE ARMY
XXXXXXXXXXXXXXXXXXXX

XXXX

30 September 1947

MEMORANDUM FOR: Mr. Blaine Hoover
FROM: W. Pierce MacCoy
Subject: Administrative Research Bureau Personnel

Reference is made to your memorandum of 26 September on the above subject.

Frankly, I must admit I am a little confused and never was exactly straight on who were the accredited members of the Administrative Research Bureau. Of the older men I would certainly like to suggest that Dr. Asai and Messrs. Myasawa and Yamashita be retained. Of the younger men, I think the outstanding members of the group that we should request be retained to work with us should be Messrs. Hirose, Hirai and Takayanagi. I am sorry to say that there are others of the younger group whose faces I can remember but whose names now slip my mind.

CIVIL SERVICE DIVISION
GOVERNMENT SECTION, GHQ--FEC

MEMORANDUM TO: Mr. W. Pierce MacCoy
FROM: Mr. Blaine Hoover
SUBJECT: Administrative Research Bureau Personnel

WPH
9/28/47

I am informed that the Administrative Research Bureau may be dispersed at an early date as it is anticipated that the temporary authority will exist 1 October 1947. In this situation I desire to instruct Tokyo promptly relative to the men on the staff of the Administrative Research Bureau who should be retained as members of the authority. Will you please give me your suggestions in this connection at once. Many thanks.

Blaine

26 September 1947

Myosawa
Yamashita
Asai

Hirose
Hirai
Takayanagi

civil service act

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

6 August 1947

MEMORANDUM FOR: COLONEL MARCUM

SUBJECT : Government Section Staff Conference Comments on
Proposed Civil Service Act.

ART. 6 :
#4

Point 1 - The Manner of Selecting the Authority. The committee method proposed in Article 6 is considered objectionable. It is recommended instead that:

1. The Prime Minister appoint the members of the Commission.
2. The initial appointments span the period from enactment of the law to effective date (six to nine months) and a sufficient additional period to enable them to put the plan into operation, totaling perhaps two years.
3. At expiration of the initial two year terms, the Prime Minister appoints the Commission members for their full terms, staggered (two, four and six years). The original Commissioners also are eligible for these permanent appointments, and in the event any of them are so appointed, their initial incumbency will not be considered a term for the purpose of the act.

Point 2 - The rule-making power of the Authority and the status of the rules as compared with cabinet orders is confused. It is recommended that there be a provision in the law authorizing the Cabinet to delegate to the Authority the function of administering the civil service and providing the legal basis for the Authority's rule-making power, such rules to be made under the Authority's sole responsibility and to be promulgated by the Prime Minister.

ART. 5 :
#3+4
LEGISLATIVE
CUSTOM →

Point 3 - Appointment of the Commissioners by the Cabinet as provided in Article 5 is considered objectionable. It is recommended that the Commissioners be appointed by the Prime Minister. With further regard to Article 5, the disqualification of ex-convicts* should be deleted from the law as a matter properly within the rule-making jurisdiction of the Authority when it sets up standards for character appraisal.

The disqualification of those who have violated the law itself as provided in Chapter 4 is not considered objectionable.

The disqualification of officers or former officers of political parties should cease one year after a person has ceased being an officer of a political party.

65-b.

10

The disqualification of those who have run for elective office should apply only to elective offices in the national or prefectural governments. The provision that no two members of the Authority shall belong to the same political party should be changed to read that at no time may all three commissioners be members or adherents of the same political party.

2. ~~100 TOUGH~~
The provision that no three persons shall be graduates of the same department or professional subdivision of the same university or high school should be changed to read that no two persons shall be graduates, etc.

ART. 11:
#7
Point 4 - Salary. It is recommended that the reference to cabinet orders in Article 11 be deleted.

ART 25
P. 12
Point 5 - Article 25 requires revision in line with the clear re-definition of the Authority's rule-making power and the non-use of cabinet orders.

ART 28
P. 13
Point 6 - Directors of Personnel. The proposed system of directors of personnel who are employees of the Authority assigned to the various ministries and bureaus to handle personnel matters is considered contrary to sound personnel administration practice. Accordingly it is recommended that Article 28 be deleted, and that there be in each ministry or corresponding governmental agency a director of personnel who is an employee of such ministry or agency.

ART 29
P. 14
As a corollary to the above change, Article 29 will need to be revised to indicate that the directors of personnel provided for in Article 28 constitute the National Personnel Counsel envisaged in Article 29.

PP 16+
29
Point 7 - In several places in the law exceptions and exemptions are made to the various provisions. This occurs in Article 34, 36, and a number of others. It is recommended that such exceptions and exemptions be explicitly stated in the law, or provided for by the rules of the Authority and not by cabinet order. 76

CHECK WITH OPPIER
P. 37
Point 8 - Secrecy of Information. In connection with Article 100, it is recommended that the nature of secret matters be defined as (1) those which are classified by their very nature, and (2) those which are classified by instructions or directive of superior authority. It is further recommended that the law provide that any classified information may be divulged by a civil servant upon approval or under the direction of competent authority.

P. 38
Point 9 - Restrictions on Political Activities. It is recommended that Article 102 be changed to permit civil servants to contribute to political parties if they so wish. Further, that the prohibitions against running for elective office be limited to elective offices in the national, prefectural and city governments. *Conflicts with elections local autonomy*

P. 38
Point 10 - Restrictions on Outside Activities. The prohibitions contained in Article 104 are considered unduly restrictive and administratively unfeasible. *AGREE GENERALLY*

P.38

The first paragraph of 104 is considered unobjectionable except for the clause beginning with "nor shall he carry on... (to) pecuniary gain" which should be deleted. *DISAGREE POSITIVELY*

P.39

The prohibition of shares in profit making enterprises contained in the second paragraph of Article 104 should be deleted. The third and fourth paragraphs should also be deleted. *OK BUT ALSO DELETE*

P.39

The final paragraph of this Article should be rewritten to require that the business interests of civil servants be made a matter of record and available to the public, and that where a civil servant's outside interests are such as to affect adversely his value to the government or to bring into question his capacity to serve the government loyally, the Authority may require him to discontinue such interests or to resign from the service. *DISAGREE - ADMINISTRATIVELY UNFEASIBLE*

P.39

Article 105 should be amended to provide a record similar to that provided in the proposed revision of 104, and should also give the Authority the power to require that undesirable connections be severed or the civil servant resign. *ONLY CALL FOR REPORT OF OUTSIDE INTERESTS WHEN REQUESTED BY HEAD OF EMPLOYING AGENCY*

P.1

Point 11 - Scope. The exemptions provided in Article 2 should be expanded to include the following:

All vice ministers.

A reasonable limit of confidential secretaries to the Prime Minister (5).

two One confidential secretary for each minister of state.
One confidential or private law secretary for each judge.

The secretary-general of the Supreme Court.

The judicial research officials provided for in Articles 5 to 7 of the Court Reorganization Law.

All elective officials.

Other exemptions may be provided for only by the rules of the Authority as promulgated by the Prime Minister (and approved) or modified by the Diet.

In connection with Article 2 there should be an introductory statement to the effect that the listing of such positions does not have the effect of creating or perpetuating such positions in the absence of laws necessary for the purpose.

P.5

Point 12 - Retirement and Removal From Office. The impeachment procedure provided in Article 9 should not apply to removals for mental or physical incapacity. *Based on Hoover draft! is a guarantee against false charges of mental incapacity.*

The provision for drawing lots to see who shall be relieved in cases where three or more commissioners belong to the same party is objectionable. *SURE BUT HOW THEN?*

P.5

It is recommended that Article 9 be replaced by an article providing in substance that the Prime Minister, by administrative process, may remove a commissioner for cause, with the action, after completion, subject to ~~review by~~ judicial review. Such judicial review should concern itself

not with sufficiency or insufficiency of cause, but with whether cause existed and whether the action was or was not arbitrary. VIOLATES QUASI-INDEPENDENCE. - IN FACT SO DOES GIVING APPOINTING AUTHORITY SOLELY TO P.M.!

PP. 6+7

Article 10 should be stricken out. COMMENT (?!?!?!?) "I WONDER IF YOU HAVE BEEN CONNECTED WITH AIR HOVER?"

P. 18

Point 13 - Point 2 in Article 39 disqualifying ex-convicts from holding positions in the civil service should be stricken out. OLD LEGISLATIVE CUSTOM - EVEN SUCH STIPULATION IN ELECTION LAW - "SONIX".

P. 20

Point 14 - The safeguards provided in Article 47 for non-discrimination and equal opportunity for all in admission to entrance examinations should be taken out of any one part of the law and be re-worded as a general provision stating that the whole statute including examinations, appointment, promotion, transfer, demotion, dismissal, etc. shall be applied to all without prejudice or discrimination. OK - BUT IN CONSTITUTION ALREADY

NE? - confusion between DISCRIMINATION (CONSIDERATION) + QUALITATIVE EVALUATION

P. 30

Point 15 - Temporary Retirement. The provisions of Article 80 should be examined in connection with the provisions of the law regarding disability due to sickness or incapacitation and modified depending on those provisions. see article 93

P. 34

Point 16 - Public Hearing. Article 91 should be modified to make clear that a civil servant under charges has a right of public hearing. OK.

P. 37

Point 17 - Obedience. Article 98 should be amended to make clear that the duty of obedience applies only to legal orders of superiors. OK.

PP. 31+37

Point 18 - Disciplinary Punishment. The provisions of Article 82 and Article 99 per se being subject to abuse, it is understood that the Authority in the exercise of its rule-making powers will so clearly define misconduct in or outside the line of duty as to render abuse unlikely. OK.

Point 19 - Finance. It is recommended that the Authority be given an independent budget with a status and under procedures similar to those of the Supreme Court and the Board of Audit. MAY NOT BE POSSIBLE FOR FURTHER STUDY NECESSARY.

Point 20 - Effective Date. As a matter of principle the effective date of the Act should not be left wholly to the discretion of the Cabinet, but should be either definitely stated in the law or made subject to determination by cabinet order with a stated limit of time. ✓

P. 3

Point 21 - Attestation. The provision for attestation of commissioners by the Emperor as contained in Article 5 is considered undesirable.

IT IS CONSIDERED MOST NECESSARY TO CONTINUE THIS PRACTICE TO REINFORCE THE AUTHORITY AND PRESTIGE OF THE AUTHORITY.

Frank Rizzo
FRANK RIZZO
Special Advisor

Civil Service

1 August 1947

MEMORANDUM TO: Special Advisors and Division Heads

SUBJECT : Civil Service Reform

1. The Japanese Government has submitted a preliminary draft of a civil service reform bill. The draft, entitled THE NATIONAL PUBLIC SERVANTS LAW, is based upon recommendations of the U.S. Personnel Advisory Mission headed by Mr. Hoover, and has been submitted to General Whitney for comment, modification and approval prior to release of its contents to the public and its formal introduction to the Diet.
2. General Whitney desires that the Special Advisors and Division Heads be given an opportunity to study this draft and to make any suggestions or recommendations which they see fit.
3. It is requested, therefore, that you analyze the proposed law and be prepared to present your comments and recommendations at the staff conference, Tuesday, 5 August.
4. It is imperative that no publicity be given to the contents of this bill preliminary to the crystallization of Government Section opinion, and its evaluation by General Whitney. Furthermore, premature disclosure of the Government's proposals might embarrass the Government, were SCAP to recommend or require modification of any of its provisions.
5. Due to the limited number of copies available, it is impossible to give each interested official a copy, however, three copies of the draft and the accompanying letter of explanation will be turned over to the duty officer for your use at any time during the next three days. If the bill is taken away from the office over night, it should be returned the following morning.

CARLOS P. MARCUM
Chief, Political Affairs Division

Jaw
KRO
C.S.T.
H
HR

5a 87 88

United States Personnel Advisory Mission to Japan

5 June 1947

MEMORANDUM

TO : Mr. Blaine Hoover, Chairman, U. S. Personnel
Advisory Mission to Japan

SUBJECT : Appointment of President and Judges of the Supreme Court

File

1. On April 14, 1947, the Ministry of Justice completed the final draft of a Cabinet ordinance establishing and governing the composition and functions of a JUDICIARY APPOINTMENT CONSULTATIVE COMMITTEE, as provided for by the Court Organization Law. The COMMITTEE was organized as a temporary instrument for the purpose of carrying out the provisions in regard to court appointments of the new Constitution and the new Court Organization Law. It will be dissolved following the accomplishment of that mission.

2. The ordinance specifies that the COMMITTEE shall consist of eleven members who must be the following:

1. The Judge who is President of the Supreme Court;
2. A Judge of any court excepting the Supreme Court;
3. The President of the Administrative Court;
4. The Vice Minister of Justice;
5. The President of the House of Peers;
6. The Speaker of the House of Representatives;
7. The Member of the Imperial Academy who is the Chief of the First Division;
8. The President of the Tokyo Imperial University;
9. The President of the Tokyo Bar Association;
10. The President of the First Tokyo Bar Association;
11. The President of the Second Tokyo Bar Association.

3. This body is at present engaged in selecting judges for the new Supreme Court. The selection process is being operated in the following manner:

- A. Each of the eleven members of the COMMITTEE prepared a list of 30 (thirty) names representing possible choices for the Supreme Court bench. The resulting total of 330 (three hundred thirty) contained 83 (eighty-three) different names. Each committee member then selected 30 (thirty) names from the 83 (eighty-three). The 30 (thirty) names chosen the greatest number of times by the Committee will then be voted on to nominate three for President (Chief Justice) of the Supreme Court. A final vote will determine the name of the person to be designated by the Cabinet and, subsequently appointed by the Emperor, as Chief Justice.
- B. The COMMITTEE must then choose 14 (fourteen) Associate Judges of the Supreme Court from the remaining 29 (twenty-nine) names. These are appointed by the Cabinet.
- C. Any person who holds a judgeship in the old Supreme Court and is not appointed as judge of the new Supreme Court shall be deemed to be assigned to the Tokyo High Court.
- D. The appointment of the Chief Justice of the Supreme Court and of all Judges of the Supreme Court is subject to review by the popular vote of the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten years, and in the same manner thereafter. When the majority of the voters favors the dismissal of a judge, he shall be dismissed.
- E. The Judges of the Supreme Court shall be retired upon the attainment of age 75 years (Art. 50, Court Organization Law), and all such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

4. Article 41 of the Court Organization Law states, "Judges of the Supreme Court shall be appointed from among persons of broad vision and extensive knowledge of law, who are not less than forty years of age. At least ten of them must be persons who have held one or two of the positions mentioned in Item 1 or 2 for not less than ten years, or one or more of the positions mentioned in the following items for the total period of twenty years or more:

1. President of the High Court;
2. Judges;
3. Judges of the Summary Court;
4. Public Procurators;
5. Lawyers;

40

6. Professors or assistant professors in legal science in universities which shall be determined elsewhere by statute.

5. In the application of the provisions of the preceding paragraph, if positions such as those of Assistant Judge, Research Official of a Court, Secretary General of the Supreme Court, Secretary of a Court, Teacher of the Judicial Research and Training Institute, Vice-Minister in the Ministry of Justice, Secretary of the Ministry of Justice, or Juvenile Court Judge have also been held by persons who have held the positions mentioned in Items 1 and 2 of the preceding paragraph for at least five years, or by persons who have held, for not less than ten years, one or more of the positions mentioned in Items 3 to 6 of the preceding paragraph, such positions shall be deemed to be those mentioned in Items 3 to 6 inclusive of the preceding paragraph.

6. In the application of the provisions of the two preceding paragraphs, the period of service in the positions enumerated in Items 3 to 5 inclusive of the first paragraph and in the preceding paragraph, shall be computed as from the time when study as a judicial apprentice has been finished.

7. In a case where a person has, for three years or more, held a position as Professor or Assistant Professor of legal science in a university mentioned in Item 6 of the first paragraph, and also has held a position as Judge of the Summary Court, Public Procurator (an Assistant Procurator is excluded) or lawyer, the provisions of the preceding paragraph shall not apply to the period of service in such position."

8. Article 48 of the Court Organization Law states, "a Judge shall not, against his will, be dismissed, or be removed to any other official position, or be transferred from one court to another, or be suspended from exercising his judicial function, or have his salary reduced, except in accordance with the provisions of statute relating to public impeachment or national review, or unless, in accordance with provisions made elsewhere by statute, he is declared mentally or physically incompetent to perform official duties."

9. Article 49 of the Court Organization Law states, "When a Judge has swerved from his duty, neglected his duty or degraded himself, he shall be subjected to disciplinary punishment by decisions as provided elsewhere by statute."

10. Article 52 of the Court Organization Law states, "Judges, while in office, shall not do any of the following acts:

1. Become members of the Diet or of assemblies of local public entities or engage actively in political movements.
2. Hold another salaried position without obtaining the permission of the Supreme Court.
3. Carry on any commercial business or a business which aims at pecuniary gain."

United States Personnel Advisory Mission to Japan

5 June 1947

MEMORANDUM

TO : Mr. Blaine Hoover, Chairman, United States Personnel
Advisory Mission to Japan

SUBJECT : Appointment of Head of Board of Audit

1. Three individuals are chosen by the Prime Minister to compose the Council of Auditors. These selections are submitted to the House of Representatives and to the House of Councillors for approval. In case the House of Councillors does not consent to the appointment of an auditor despite the approval of the House of Representatives the sanction of the House of Representatives is regarded as Diet confirmation. The Prime Minister then endorses the appointments.

2. The three members of the Audit Council then nominate one from among themselves to head up the Board of Audit. This nomination is presented to the Cabinet for confirmation after which the Prime Minister validates the selection. The Emperor attests all appointments.

3. The Head Auditor receives salary of fifty thousand yen per year and holds office for a term of seven years with privilege of reappointment for one additional term. If, within a tenure of an auditor, a vacancy occurs in that office, the successive auditor shall hold office for the remainder of the term of the predecessor. Auditors shall be retired from office upon the attainment of the age of sixty-five years.

4. An auditor will be retired by resolution of the Diet, when in the collegiate judgement of other auditors, the auditor has become incapacitated to perform his duties due to mental or corporal injury, or guilty of malfeasance in office.

5. The auditor shall forfeit his office when he is condemned to a penalty heavier than confinement by the criminal court.

6. Except in cases of the preceding two instances, no auditor shall against his will, forfeit his office.

7. No auditor shall hold another post under Government Office or Local Public Body, or become a member of the Diet or a Local Assembly.

Mr. NOSS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
United States Personnel Advisory Mission to Japan

MEMORANDUM

5 May 1947

TO : Mr. Blaine Hoover, Chairman, U.S. Personnel Advisory Mission.

SUBJECT: Number of First, Second and Third Class officials.

1. Of the total number of 1,846 First Class officials reported by the Administrative Research Bureau to Mr. DeAngelis in a report dated 21 February 1947, 1203 were administrators and professors in the Government education system, leaving a balance of 643 in other positions. Of the total of 867 First Class officials, as tabulated in April by the Mission, 171 were administrators in the Government universities and schools leaving a balance of 696 in other positions. It is likely, therefore, that the figure 867 includes all chief administrative positions in the Ministries and the Government education system.

2. The total for second class officials was reduced by Mr. DeAngelis from 46,649, as reported February 17, 1947, to an estimated 19,000 affected by a central personnel agency. The April tabulation indicates that 1988, or approximately 2000, second class officials were in chief administrative positions. Most of the other 17,000 may be in field or junior administrative positions.

3. Compared to a total of 322,000 Third Class Officials in the Japanese Government, as estimated by Mr. DeAngelis, only 182 were reported by the Administrative Research Bureau to be in chief administrative positions.

Theodore K. NoSS
THEODORE K. NOSS,
Staff,
U.S. Personnel Advisory Mission

TKN/lh

C S D

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

10 February 1947.


MEMORANDUM FOR THE RECORD

SUBJECT: Civil Service Reform

1. Mr. Irie, Director of the Legislative Bureau, Mr. Maeda, Chief of the Organization Division of the Administrative Research Bureau, and Mr. Kanahashi, Liaison Officer, called yesterday to request reconsideration of the Government's proposal to establish a Civil Service Reform Committee within the Administrative Research Bureau.
2. They indicated that the Government was in an embarrassing position inasmuch as a Government spokesman had made a commitment to the Central Labor Committee in the course of the recent labor negotiations to the effect that a representative of the Committee would be included in the permanent membership of the Civil Service Reform Committee.
3. Previous objections to the establishment of such a committee, with which Mr. Hoover, Chairman of the Personnel Advisory Mission, concurred, were reiterated. Those objections were based upon lack of practical value and administrative inefficiency.
4. Messrs. Irie and Maeda were informed, however, that there would be no objection if the Government desired to establish a public opinion section within the Bureau to receive comments and suggestions from the Japanese public on a purely informal and advisory basis.
5. Mr. Irie then asked whether a representative from the Central Labor Committee could be appointed as an advisor to the Administrative Research Bureau. I indicated that there would not be any objection. I then suggested that an appropriate official of the Bureau call in a representative of the Central Labor Committee and indicate that they would be glad to have any comments or suggestions which they cared to make, and that such information would be submitted to the appropriate division within the Bureau for consideration along with their other findings.
6. The question was again raised concerning a public essay contest. I repeated that such a program would be premature and would preoccupy the time of the bureau to little benefit. However, I indicated that they might accomplish the purpose in a different manner by waiting until the Government announced its plans for Civil Service Reform together with the recommendations of the Personnel Advisory Mission, at which time the basic findings and recommendations of the two groups could be released to the public and their comments and suggestions invited.
7. I also indicated that the value and effectiveness of various Civil

Service Reform bodies, etc. in the United States were based upon the fact that there was a fairly large segment of well-informed opinion in each major city and state and that as a result these various reform organizations were able to hire a staff of experts who were thoroughly familiar with the techniques and practices of modern personnel administration and were thus able to develop a set of standards for lobbying purposes to obtain better legislation or better government practice, and that at the present time there was no such body of expert opinion in Japan capable of performing a similar function in the interests of good government.

8. Mr. Irie then stated that the matter would be presented for further consideration by the Cabinet and that he would report any further developments.


CARLOS P. MARCUM
Chief, Public Administration Division

~~1 September 1947~~
14 November 1948

Publication

10 February 1947

MEMORANDUM TO: Mr. Blaine Hoover
FROM : W. Pierce MacCoy *WPM*
SUBJECT : John M. Maki's Article in the December Issue
of Pacific Affairs

As you requested, I discussed John Maki's article with Bud Hauge and explained the thought relative to supplying Mr. Maki with sufficient information to permit him to either write another article from a different slant or write one indicating corrections on certain statements in his former article. I explained our thinking in that we felt that this was not the time to provide outside writers with specific information concerning either the law or its intent of operation at this particular time. Bud stated that he was familiar with the background of this article in that John Maki had originally worked with the Government Section with the two groups which are now known as National Government Division and Governmental Powers Division. He said that Mr. Maki was well liked by all members of the staff including General Whitney and that everyone felt that he was a very well orientated and well balanced individual in his analysis of situations surrounding the work of the Government Section. He indicated that Rod Hussey was very much impressed with Maki's ability while Cecil Tilton did not hold him in very high regard. Bud said that Mr. Maki had been commissioned to write this article sometime during the middle of 1947 and had actually written it after he returned to the States to re-enter college in September 1947. It reached the magazine for publication in October since Pacific Affairs has a two months' lag in publication of articles received. Bud suggested that it might be a good idea for him to write a letter to Mr. Maki from the Government Section enclosing a printed copy of the National Public Service Law, making the letter rather general and merely with the intent of keeping Mr. Maki's interest alive on the subject. Then at a later date as soon as you are willing to release the information and have the action of the law spelled out, such specific information could be provided to him as material for a follow-up article on his December piece in the magazine. Bud said he would draft a sample letter and present it to you for clearance and assured me that it would not be sent without such clearance.

Noted
1/27/47
11 Feb 48

THE ROLE OF THE BUREAUCRACY
IN JAPAN

John M. Maki

If any single organized group in Japan today possesses the power to prevent the creation of a peaceful, responsible form of government in that country, it is the bureaucracy. Neither the elimination and barring of influential bureaucrats from public office nor sweeping changes in the structure of Japanese government have yet been sufficient in themselves to alter the basic character of the bureaucracy. More than any other organized group in contemporary Japan it is rooted in Japan's pre-surrender past.

Modern Japan - until the surrender in 1945 - was ruled by a combination of three power groups, the militarists (army and navy men and chauvinistic civilian individuals and organizations), the monopoly capitalists (zaibatsu) and the bureaucrats. These three groups made, supported and executed Japan's major decisions in both domestic and foreign policy. The extent and shape of their power and influence varied from time to time, but none of the three could have ruled Japan as it was ruled without the support of the other two. Needless to say, such a government was possible primarily because of the absence in Japan of either the theory or the practice of responsible government.

Of these groups only the bureaucrats have not been subjected to punitive action by the Allied occupation. The militarists were the first and most obvious target of the victorious Allies. Not only the symbol but the reality of Japanese militarism in the modern period, they were obviously directly responsible for many of the evils that had

characterized Japanese domestic and foreign policy for so many years. Consequently, American, and later Allied, policy determined that: "Japan will be completely disarmed and demilitarized. The authority of the militarists and the influence of militarism will be totally eliminated from her political, economic and social life. Institutions expressive of the spirit of militarism and aggression will be vigorously suppressed."¹ The task of demobilizing Japan's armed forces, destroying her military materiel and installations and barring military men from positions of influence has been rapidly and efficiently carried out by the occupation. The concrete, tangible nature of the objectives of this policy contributed greatly to its expeditious implementation.

It has also been the aim of both American and Allied policy to eliminate the zaibatsu from their position of influence in Japanese economic and political life. The basic policy calls for the barring from business activity of "individuals who do not direct future Japanese economic effort solely towards peaceful ends" and for the "dissolution of the large industrial and banking combinations which have exercised control of a great part of Japan's trade and industry".² This program for the economic demobilization of the zaibatsu has been moving much more slowly than the program for disarmament - for fairly obvious reasons. A "dangerous" businessman is much more difficult to discern than a dangerous militarist; moreover, what might be termed the philosophic issues are less clear. In other words, the program of drastic economic

¹"United States Initial Post-surrender Policy for Japan", Occupation of Japan: Policy and Progress, Department of State, Publication 2671, Far East Series 17, p. 74. For the basic Allied policy as adopted by the Far Eastern Commission, see United States Department of State Bulletin, Vol. XVII, No. 422, August 3, 1947

²Occupation of Japan, cited, p. 79.

reform is being carried out within the framework of an economic system that is remaining basically capitalistic and by an occupation that also has capitalism as its basic economic philosophy. It should be noted that Soviet Russia, as one of the members of the eleven-nation Far Eastern Commission, joined in the approval of American policy for Japan when that policy became Allied policy in the summer of 1947. There was apparently no strenuous Russian objection to the capitalistic basis of the economic policy of the occupation. In view of the current international situation this behavior defies explanation. Nonetheless, the zaibatsu have been subjected to punitive measures by the occupation,³ though they retain much influence.

It is a striking fact that nowhere in either American or Allied basic policy for Japan is the bureaucracy as a class mentioned as a target for the reforms necessary to achieve the establishment of a "peaceful and responsible government" in Japan. A relative unawareness of the significant political role of the bureaucrats, and the decision to continue the Japanese government as the machinery through which the occupation would operate, undoubtedly account for the absence of a definitely-formulated anti-bureaucracy policy. But if occupation policy has been comparatively uninterested in the role of the bureaucracy, the bureaucrats have been subjected to moves intended to circumscribe their authority or to recast their role as a class so that they will relinquish their previous position in Japanese government. These moves, however, fall far short of the anti-militarist, anti-zaibatsu programs and cannot be expected to have even the possible limited effectiveness of the latter.

³For example, see New York Times, June 13, July 8, September 13, and New York Herald Tribune, September 9, 1947, on industrial decentralization. See also John R. Stewart "Notes on the Economic Aspects of the Allied Occupation of Japan", International Secretariat, Institute of Pacific Relations, 1947, passim.

The necessity for effective control of the bureaucrats cannot be appreciated fully without a brief examination of the nature of the bureaucracy. The strength of the bureaucracy in the past and its threat to the creation of a peaceful and responsible government in the Japan of tomorrow lie in two complementary sources: first, the bureaucracy has grown directly out of the Japanese theory of irresponsible government, and, second, it has enjoyed an existence as a governing class. The former constitutes the theoretical basis of its strength, and the latter the practical basis of its power.

One searches Japanese history in vain for either substantial or significant instances of the operation of responsible government within the accepted meaning of that term. Instances can be found of what might be termed "benevolent" government, that is, rule under which the general welfare of the ruled was considered, but these were local and the result of individual caprice. In every period of Japanese history, government was based on the principle of government of, by and for the governing groups whether court nobility, feudal lords, or the modern militarist-zaibatsu-bureaucrat oligarchy.

The government of modern Japan, as it was established in the Meiji period, was erected on the firm foundations of the tradition and experience of the immediate past when the country had been lead by the warrior class. This is true even though the form of government underwent apparently revolutionary changes. Irresponsible government, government by the few, and government by a class characterized the old order and were brought all too intact into the spirit of the new regime. In spite of the sweeping changes that stemmed from it, the Meiji Restoration was a coup d'etat, not a revolution. The men charged with

the construction of the new Japan were interested not in introducing new theories and philosophies of government, but in creating and importing political institutions which would not seriously modify Japan's basic political ideas. In setting up a modern form of government, they desired one that would still be unresponsive to the will of the people. Such an atmosphere was ideal for the creation of the type of bureaucracy that has dominated the machinery of Japanese government from its modern beginnings.

In addition to the strong support offered by the old theories of government, the strength of the bureaucracy was in large part based also on the fact that from 1867 to 1890, when the Diet was established, the executive branch of the government reigned alone and supreme. There was, of course, nothing in the old governmental structure remotely resembling a legislative branch, and that fact alone was the basic reason for the emergence of a strong executive. There was, furthermore, the historical situation itself, namely, the presence of powerful Western nations in Japan and the internal difficulties occasioned by the formal abolition of feudalism. A strong executive was imperative to protect Japan against both potential external aggression and internal disorder.

The effect of this situation was to establish the executive, the bureaucracy, as the all-important and omnipotent branch of the government. Thus the legislative branch of the government, the Diet, which alone could have furnished a basis for the establishment in Japan of the concept of responsible government, was forced into a defensive position from which it could not escape. The struggle was an unequal one. The Diet had to contend not only against an unfavorable ideological climate, but also against an entrenched bureaucracy that was supported by tradition,

controlled by able and undemocratic leaders and secure in its possession of political power.

As if these advantages were not sufficient, the bureaucracy was also strengthened immeasurably by the Meiji Constitution. Article X of that document read in part as follows: "The Emperor determines the organization of the different branches of the administration, and salaries of all civil and military officers, and appoints and dismisses the same." This established the responsibility of the bureaucrats, not downward toward the people, but upward toward the emperor. The bureaucrats were thus the intermediaries between the emperor, the source of all political power, and the people. Their position could not be questioned by the people, for to do so would have been to challenge the very authority of the emperor himself.

Two recent students of the Japanese bureaucracy have described the situation as follows:

"Those who govern Japan in the Emperor's name have made full use of this prerogative and under sanction of this authority have prevented any legislative interference in the management of public personnel. Civil officials are impressed with one supreme obligation—their duty to the Throne....In their indoctrination, civil officials are never encouraged to regard themselves as public servants.... Every official is, rather, vested with a segment of the Imperial authority, defined for each official by his standing in the Imperial hierarchy. Acting in his official capacity he speaks for the Emperor....Official morale is built on this concept of Imperial service and the contempt it breeds for the general citizenry."⁴

⁴Lt. Col. Hugh H. McDonald and Lt. Milton Esman, "The Japanese Civil Service", Public Personnel Review, Vol. 7, No. 4, October 1946, p. 213.

The role of the Diet was recognized in the Meiji Constitution, but not on a level of equality with the executive, let alone in a position of control. The constitutional impotence of the Diet to control the budget effectively is a good illustration of this inferiority. Though it is an over-simplification, it is not misleading to state that it was the constitutional and practical role of the Diet merely to consent to the acts of government planned and executed by the executive, the bureaucracy, in the name of the emperor.

While the external factors of political tradition, the specific political situation and the old Constitution gave the bureaucracy great strength, its internal cohesion as a class, as an administrative elite, afforded it additional power. Enjoying a common background, common interests, common aims and a common desire to retain control of the machinery of government, it possessed an esprit de corps which made and still makes it a powerful, though unspectacular, force in Japanese politics.

An individual in Japan became a bureaucrat, not because he had a vague feeling that he wanted to "work for the government", but because he was carefully selected and trained to become a member of a governing elite. Education and selection were planned to help in the creation of the bureaucracy as a class, not as a mere agglomeration of government officials and workers. Only those who passed the government examination could hope to become true bureaucrats, as distinguished from those who were merely employed by the government. It is estimated that in prewar days some 75 per cent of the approximately 400 successful candidates each year came from one department of one university—the Law Faculty of Tokyo Imperial University.⁵ The reasons for this were simple: the overwhelming

⁵Ibid.

emphasis on legal subjects; the fact that Tokyo Imperial University was the training ground for bureaucrats; and the domination of the Higher Civil Service Examination Committee, the governmental organ responsible for the examination, by members and ex-members of the Law Faculty of the same university. Tokyo Imperial University, like all Imperial Universities, was a governmental institution; that is, it was under the direct supervision of the Ministry of Education, and professors held their positions by virtue of governmental appointment. This meant, among other things, that the curriculum and its content followed the official governmental interpretation of the Constitution, administrative law and all other aspects of law, politics and history. Accordingly the bureaucrat-to-be received an education in government which amounted to indoctrination, was under constant observation for the development of "dangerous thoughts", and was examined and selected by a committee of professors who were themselves government officials. Uniformity of training and the demand for conformity were powerful factors in the molding of the bureaucracy into a class.

The bureaucrats (in other words, those who occupy positions of administrative or executive authority) constitute a relatively small group. It is estimated that there were about 4,000 in 1945.⁶ Yet each member of this group shared a common training, a common tradition, a common ideology and a common desire to monopolize what the group regarded as the skills of government.

The Japanese bureaucrat is not a man trained in a certain technical or scientific skill required for the efficient operation of government;

⁶Ibid.

nor is he trained even in what is known as scientific administration. His primary qualification for office is his command of administrative law, his knowledge of the minutiae of rules and regulations. "The safe official," says a recent study by an American, "before acting, looks for specific authorization in the laws or regulations. Regardless of the emergency nature of specific situations or social necessity, he construes the absence of specific legal authority as full justification for failure to act; and regardless of common sense, he follows regulations to the letter."⁷ While it is clear that the Japanese bureaucrat would scarcely be regarded as an efficient public servant, yet his very adherence to such a legalistic point of view is a source of strength since it is a part of the bureaucratic ideology and, moreover, is responsible for his specialized knowledge which gives him the skills that he and his class regard as essential in government.

This is the class which has borne the primary responsibility for governing Japan under the occupation and which will undoubtedly continue to be the leading government group after the occupation has come to an end.

The decision taken by the United States (and concurred in by the Allies) to retain a Japanese government in power after the surrender, although it was to be completely under the control of the Supreme Commander for the Allied Powers, meant, in effect, that the bureaucracy would escape the fate to be dealt out to the militarists and the zaibatsu. This was no mere oversight nor a desire to appease certain potentially dangerous elements in Japan. An American State Department

⁷Milton J. Essan, "Japanese Administration--A Comparative View", Public Administration Review, Vol. VII, No. 2, Spring 1947, p. 101.

official, in a recent paper describing the background of American policy toward Japan, writes:

"As a practical matter the Allies, and particularly the United States, could not supply the necessary number of trained and qualified personnel to govern Japan effectively after surrender; and the only way to avoid creating a myriad of insoluble problems for our occupational authorities, seemed to be to retain the administrative structure of the Japanese government but to place it under our complete control."⁸

The decision to retain a Japanese government in power solved the immediate and major problem of ensuring an effective administrative system under the occupation. At the same time, however, it created a long-term problem—a possibly retarding effect on the achievement of the basic objectives of the occupation through the unavoidable use of a bureaucracy which could neither understand nor bring itself effectively to cooperate in the development of a "peaceful and responsible government". There is no question but that the retention of the bureaucracy has added immeasurably to the success of the occupation. On the other hand, its retention has given Japan certain crucial advantages over the occupation that are often overlooked. The most concrete example is the Central Liaison Office, a brilliant administrative and political device that has undoubtedly been of major service to the Japanese government.

As far as is known, the Central Liaison Office is a purely Japanese creation, set up on the Japanese government's own initiative without prompting from the occupation. It was established on August 26, 1945,

⁸Hugh Borton, "United States Occupation Policies in Japan since Surrender", *Political Science Quarterly*, Vol. LXII, No. 2, June 1947, p. 253.

a week before the surrender instrument was signed,⁹ to handle relations between the Japanese government and the occupation authorities. It is under the jurisdiction of the Foreign Ministry, although it is not organically incorporated into the regular structure of the Ministry, undoubtedly because it fulfills what is essentially a temporary function in Japan's foreign relations. The CLO was and is, however, an administrative necessity. Briefly described, it is the channel through which business between the occupation and the Japanese government is conducted. For example, directives from GHQ, SCAP (General Headquarters, Supreme Commander for the Allied Powers—that part of General MacArthur's headquarters in charge of occupation affairs), are transmitted to the Japanese government through the CLO; documents, information and reports from the Japanese government to GHQ, SCAP, are transmitted through the CLO; all official appointments between occupation and Japanese officials are arranged by the CLO; and all translations of important documents are made or supervised by the CLO. Certain types of business are, of course, transacted informally without recourse to the CLO, but the initial contacts are invariably established by it. In addition, the CLO has jurisdiction over a nationwide network of Local Liaison Offices, which were established to perform liaison work between local military government teams and the Japanese local authorities.

The foregoing sketch indicates the great value of the CLO as an intelligence agency for the Japanese government. Not only is it privy to all matters currently of interest to GHQ, SCAP; it is also in a position to maintain at least informal dossiers on each and every official with whom it deals—and even a knowledge of the pro- or anti-Japanese attitudes

⁹New York Times, August 27, 1945.

of certain officials can be of great use to the Japanese government. Naturally, it is also in a key position to observe the individual and administrative rivalries and conflicts in GHQ, SCAP. Such specific information, in addition to an intimate knowledge of the general atmosphere prevailing at occupation headquarters, undoubtedly gives the Japanese government an accurate picture of the current aims, attitudes and interests, as distinct from the long-range policy, of the occupation.

The CLO is staffed primarily by Foreign Ministry personnel, men who have been trained to deal with foreigners. It is incidentally proving to be an invaluable training school for diplomatic and consular personnel who cannot, at present, be stationed abroad. Language training and even more valuable personal association with a wide variety of foreign officials are of great assistance in the development of a diplomatic staff that will serve Japan well both at the peace conference and later.

The CLO is perhaps one of the most striking examples of the ingenuity, administrative awareness and political shrewdness of the bureaucracy in its relations with the occupation. But the bureaucracy has other advantages of both immediate and long-range significance.

In spite of the operation of the purge and the routine shifts of personnel from one position to another, the bureaucracy has enjoyed the great advantage of a stable personnel as compared with that of the occupation forces. Demobilization, now an old and almost forgotten story, robbed the occupation of some of its most effective men within six months after its inception. In addition, American unwillingness to spend money on the administration of foreign areas, as well as the reluctance or inability of individual Americans to serve with the occupation at the cost of personal sacrifice, have undoubtedly prevented the

assembling of a staff, military and civilian, as expert as a successful occupation would require. The stability of its own personnel has therefore given the Japanese government a great advantage, for it favors the achievement not only of relatively short-term objectives but of long-range aims as well.

Although several hundred bureaucrats (complete up-to-date figures are not available) were removed from public office and barred from government service, the bureaucrats were not made specific targets of the purge as were, for example, army officers and members of secret intelligence and police organizations connected with the services. Those bureaucrats who were purged were removed because of militaristic, ultranationalistic or otherwise aggressive activities carried on outside of or in addition to their regular duties. Consequently, few bureaucrats have been purged simply because of their activities as bureaucrats.¹⁰

In addition to that represented by continuity of personnel, the bureaucracy has another great advantage over the occupation: namely, a desire to preserve and to protect most of what it believes to be the essentials of the Japanese way of life and system of government, at the expense of a minimum of friction with the occupation and under as brief an occupation as possible. In other words, the Japanese bureaucrats as individual Japanese have a much greater conscious stake in the ultimate results of the occupation than do any members of the occupation forces.

Perhaps the greatest single advantage that the bureaucrats enjoy over the occupation is time. The occupation, the Japanese know, is

¹⁰For the original purge directive, see Occupation of Japan, cited, pp. 99ff. For preliminary figures on the number of officials purged, see Harold S. Quigley, "The Great Purge in Japan", Pacific Affairs, Vol. XI, No. 3, September 1947, p. 301.

is bound to end eventually. To the bureaucrats the end of the occupation will signify freedom to operate as they wish, without the restraints and constraints that have been placed on them by the occupation. They may not act as they did in pre-surrender days, but they know that they will once more be in a position to govern Japan as they think it should be governed. Conversely, there are few good officials in the occupation who can rid themselves of the feeling that much of what they now hope will be permanent in the reform of Japan may vanish as soon as the occupation ends. This difference in attitude constitutes a psychological factor of great importance on both sides.

It is not argued here that the bureaucrats are simply waiting out the occupation before returning to all of their old ways. Such may or may not be the case. But, since they know that the occupation will end, and in the not too distant future, they can plan accordingly. They know that a concession granted now need not become permanent, for Japan will some day be in a position to govern herself as the Japanese see fit. In this connection it is profitable to recall the long, adroit and successful campaign which the Japanese waged at the end of the last century to end the system of unequal treaties imposed on their country.

The occupation has not let the bureaucrats go completely free; pressure of one sort or another has been exerted on them almost from the beginning. Although the bureaucrats were not mentioned as a group in American basic policy, it was soon realized by Americans on the spot (many of whom had been aware of the problem before the surrender) that the bureaucracy's stranglehold on the government would have to be broken if democracy were to be effectively encouraged. In February 1946 the Cabinet presented GHQ, SCAP, with a program for bureaucratic reform.

The program was mainly technical, calling for such things as establishment of new personnel categories, revision of the system of rank, revision of the salary scale, and a shift away from the great emphasis on legal subjects in the civil service examination. The official occupation report on this program concluded: "Cabinet representatives have been informed that SCAP accepts these changes as a satisfactory beginning only."¹¹

If a real blow has been struck at the power of the bureaucracy, it is in the form of the new Constitution. Although no specific anti-bureaucracy measures appear in the document itself, its whole spirit is aimed at the destruction of the former key position of the executive and the transfer of power to the legislative branch. If this general objective is achieved in time, then the bureaucracy will have been stripped of its superfluous power and become merely one necessary element in the government as a whole.

The extent of the role of the occupation in the drafting of Japan's new Constitution has not yet been officially defined. Early in the occupation former Premier Shidehara was "pointedly advised" by General MacArthur "that the reforms which Japan must undertake 'will undoubtedly involve a liberalization of the constitution'".¹² When the first draft was released on March 6, 1946, General MacArthur declared that it had been prepared "after painstaking investigation and frequent conferences between members of the Japanese Government and this headquarters

¹¹General Headquarters, Supreme Commander for the Allied Powers, Summation of Non-Military Activities in Japan and Korea, No. 5, February 1946, p. 40.

¹²GHQ, SCAP, Summation, No. 1, September-October 1945, p. 7.

following my initial direction to the Cabinet five months ago."¹³ These circumstances are mentioned here because the extent to which the occupation was involved in "advising" the Japanese government on the Constitution may possibly in the future influence the attitudes of the bureaucrats toward it.

Japan's new Constitution, if it operates effectively, will destroy first the traditional background and then the old legal, constitutional basis of the power of the bureaucracy. But, even then, there will remain the problem of dispossessing the bureaucracy as a politically powerful class within the government. The extent to which the basis of the Japanese government has been changed by the new Constitution is summed up as follows in the official occupation commentary prepared by the Government Section of GHQ, SCAP: "The new Constitution. . . transforms Japan into a representative and parliamentary democracy, characterized by the supremacy of the legislative branch over the executive. Sovereignty, which hitherto rested with the Emperor, is now placed in the hands of the people."¹⁴ Thus, it is no longer possible for the bureaucrats to argue that they are responsible only to the emperor; in addition, they are made subservient to the legislative arm.

The Constitution makes little mention of the bureaucracy. Article 15, for example, reads in part: "The people have the inalienable right to choose their public officials and to dismiss them. All public officials are servants of the whole community and not of any group thereof." Article 73, which lists the powers of the Cabinet, says that it shall "administer the civil service in accordance with standards established

¹³Occupation of Japan, cited, p. 132.

¹⁴GHQ, SCAP, Summation, No. 14, November 1946, p. 25.

by law". It may be noted in this connection that the laws are to be passed by the Diet.

Chapter VIII of the new Constitution establishes a system of local self-government based on "the principle of local autonomy". This constitutes a limitation on the extent of the power of the bureaucracy because under the old system local administration was under the direct control of the central government. Although the reduction of the area over which the power of the bureaucracy can be extended is salutary, it does not in itself constitute a solution to the basic problem of the bureaucracy.

On November 4, 1946, the day after the new Constitution had been formally promulgated, the Cabinet issued a program of six "fundamental policies" designed to effect the "realization of democracy" in Japan.¹⁵ The third of the six fundamental policies dealt with public administration. Although pointing out that an "overall reform" was necessary for the "thorough democratization" of the administrative structure and the system of public officials, this fundamental policy called only for the establishment of an "Administrative Investigation Commission", whose recommendations "will be speedily put into practice". This does not go much beyond the highly important government policy statement of August 1, 1940--when Japan was intensifying its drive toward totalitarian government--which listed, among other things, "fundamental renovation in the operation of administrative organs, and the reformation of the bureaucracy, aimed at the unity and efficiency of those organs".¹⁶

¹⁵Ibid, pp. 40-43

¹⁶Department of State, Foreign Relations of the United States, Japan, 1931-1941, Vol. II, pp. 108-10.

In July 1947 it was announced that the Cabinet had approved a legislative program designed to carry through the democratization of the bureaucracy. Significantly, however, the Cabinet announcement stated that the aim of the proposed law "will be to promote democratic and efficient practices among Government officials through a re-examination of the existing system".¹⁷ In other words, the legislation was apparently designed to eliminate only the more obvious evils of the old system and not to carry out a thoroughgoing renovation.

The occupation authorities would appear to be aware of the long, slow process involved if the bureaucracy is to be brought under control. A special assistant to the chief of the Government Section, GHQ, SCAP, stated in September 1947 that the Cabinet, the executive arm of the government, was still attempting to rule by Cabinet order, thus by-passing the Diet and contravening the express provisions of the new Constitution. He was reported as having said: "Bureaucrats have expressed to me the opinion that there is no difference in the authority of the Cabinet under the new Constitution and the old Meiji Constitution."¹⁸ These remarks were made just eighteen months after the first draft of the Constitution had been made public, when it was already perfectly evident that the legislative arm was to be made supreme, ten months after the Constitution had been formally promulgated, and four months after it had come fully into force-- a clear indication of the tenacity with which the bureaucracy is holding on to its power.

As is true of so many other aspects of the occupation, the most that can accurately be said about the program for the reform of the bureaucracy

¹⁷New York Times, July 8, 1947.

¹⁸Ibid., September 6, 1947.

is that the statement of purpose is unexceptionable and that the necessary paper program has been worked out. But if the bureaucracy can continue to operate in the old manner under the occupation, which is obviously disposed to limit its powers, one can easily see how quickly the bureaucrats could assume a position of power after the occupation ended.

A bureaucracy will be necessary as long as Japan has an organized government of any kind, since modern governments cannot operate without a body of trained personnel. The solution of the problem presented by the bureaucracy cannot be found in the direct action that has been taken in the case of the militarists or in the slightly less direct action employed against the zaibatsu. Japanese bureaucracy can function as an element in a peaceful, responsible government only if it is subjected to a program of internal reform and to the pressure of competition from another arm of government. The first will involve the reindoctrination of the bureaucrats themselves—and of those who enter the ranks of the bureaucracy in future; the second calls for development of the legislature as a strong and effective arm of government.

We have seen the extent to which effective indoctrination under the old system contributed to the creation of the bureaucracy as a governing class, jealous of its own prerogatives, proud of its responsibility to the emperor alone, and contemptuous of the problems of the people. Such attitudes can be supplanted only if Japan develops new standards of governmental conduct, which in turn must be based on a new conception of government and of the relationship between the people and their government. A new indoctrination cannot be imported directly into Japan or created out of whole cloth; it must evolve from the whole context of new political ideas embodied in the new Constitution. The basis of the latter is a

revolutionary concept, revolutionary in terms of both the theory and tradition of Japanese government. This paper revolution will succeed only if it can be made an integral part of Japanese political thinking in the form of tangibles and intangibles such as a body of constitutional interpretation that will make the new document mean what it is intended to say, namely, that the people cannot merely share in the benefits of government but must also assume responsibility for its effective operation; a broad political literature (ranging from soap-box oratory through newspaper editorials to learned dissertations); and leaders who believe in the new political ideas and are passionately desirous of converting them into reality.

If Japan can accomplish this tremendous task, then the materials required for the indoctrination of a new type of bureaucrat will be ready to hand. Utilization of law for the public good, not deification of law to make it protect the bureaucrat's job; responsibility to the people as a whole, not blind obedience to the state; respect for and cooperation with other branches of the government--concepts like these must furnish the basis for the new indoctrination.

As a necessary complement to the internal reform of the bureaucrats there must also be developed a responsible legislature which is aware of, and willing to assume, its new responsibilities under the Constitution. More than half a century of experience with a national legislature under the old Constitution unfortunately did not produce the kind of lawmaker that is required today. A legislature that was cramped in its role as a political institution, consistently contemned as a body of unpatriotic, inept and corrupt politicians, and subjected to bribery and intimidation, certainly did not produce men qualified to be leaders of the new Japan.

Moreover, a great majority of the newly-elected members of the Diet, many of whom are undoubtedly eager to think and act as Japanese democrats, are woefully inexperienced in any kind of governmental activity and, indeed, do not know what responsible government is. Yet the legislative arm of the Japanese government must be strengthened not only to make the Constitution operable, but also to act as a check on the bureaucracy. So long as the bureaucrats are not balanced by another strong political group, they will continue to govern Japan as they see fit—not as they did before the surrender, perhaps, but nevertheless as the sole group directing the government. The training of a new legislative group in Japan will undoubtedly be a longer and more difficult task than will be the creation of a new type of bureaucrat. Here, as in all other aspects of Japan's political reorientation, the responsibility will lie with the Japanese themselves—with the people at large, and, even more, with enlightened leaders.

Since the bureaucrats are still the government, they are an important segment of the leadership. Though their powers have been circumscribed by the occupation, by the new Constitution and by other means, they remain in a position to make or break much that has been done toward the political reconstruction of Japan. It is they who can build up much of the body of experience and interpretation which will be the real expression of the Constitution and it is they who by failing to do so can wreck the prospects of a Japanese democracy. The future of democracy in Japan is tied to the future of the bureaucracy. As democracy fails to take root in Japan, so will the bureaucracy flourish; as democracy gains in strength, if it can, so will the power and influence of the bureaucracy decline.

Boston Massachusetts, October 1947

THE ROLE OF THE BUREAUCRACY
IN JAPAN

John M. Maki

If any single organized group in Japan today possesses the power to prevent the creation of a peaceful, responsible form of government in that country, it is the bureaucracy. Neither the elimination and barring of influential bureaucrats from public office nor sweeping changes in the structure of Japanese government have yet been sufficient in themselves to alter the basic character of the bureaucracy. More than any other organized group in contemporary Japan it is rooted in Japan's pre-surrender past.

Modern Japan - until the surrender in 1945 - was ruled by a combination of three power groups, the militarists (army and navy men and chauvinistic civilian individuals and organizations), the monopoly capitalists (zaibatsu) and the bureaucrats. These three groups made, supported and executed Japan's major decisions in both domestic and foreign policy. The extent and shape of their power and influence varied from time to time, but none of the three could have ruled Japan as it was ruled without the support of the other two. Needless to say, such a government was possible primarily because of the absence in Japan of either the theory or the practice of responsible government.

Of these groups only the bureaucrats have not been subjected to punitive action by the Allied occupation. The militarists were the first and most obvious target of the victorious Allies. Not only the symbol but the reality of Japanese militarism in the modern period, they were obviously directly responsible for many of the evils that had

characterized Japanese domestic and foreign policy for so many years. Consequently, American, and later Allied, policy determined that: "Japan will be completely disarmed and demilitarized. The authority of the militarists and the influence of militarism will be totally eliminated from her political, economic and social life. Institutions expressive of the spirit of militarism and aggression will be vigorously suppressed."¹ The task of demobilizing Japan's armed forces, destroying her military materiel and installations and barring military men from positions of influence has been rapidly and efficiently carried out by the occupation. The concrete, tangible nature of the objectives of this policy contributed greatly to its expeditious implementation.

It has also been the aim of both American and Allied policy to eliminate the zaibatsu from their position of influence in Japanese economic and political life. The basic policy calls for the barring from business activity of "individuals who do not direct future Japanese economic effort solely towards peaceful ends" and for the "dissolution of the large industrial and banking combinations which have exercised control of a great part of Japan's trade and industry".² This program for the economic demobilization of the zaibatsu has been moving much more slowly than the program for disarmament - for fairly obvious reasons. A "dangerous" businessman is much more difficult to discern than a dangerous militarist; moreover, what might be termed the philosophic issues are less clear. In other words, the program of drastic economic

¹"United States Initial Post-surrender Policy for Japan", Occupation of Japan: Policy and Progress, Department of State, Publication 2671, Far East Series 17, p. 74. For the basic Allied policy as adopted by the Far Eastern Commission, see United States Department of State Bulletin, Vol. XVII, No. 422, August 3, 1947

²Occupation of Japan, cited, p. 79.

reform is being carried out within the framework of an economic system that is remaining basically capitalistic and by an occupation that also has capitalism as its basic economic philosophy. It should be noted that Soviet Russia, as one of the members of the eleven-nation Far Eastern Commission, joined in the approval of American policy for Japan when that policy became Allied policy in the summer of 1947. There was apparently no strenuous Russian objection to the capitalistic basis of the economic policy of the occupation. In view of the current international situation this behavior defies explanation. Nonetheless, the zaibatsu have been subjected to punitive measures by the occupation,³ though they retain much influence.

It is a striking fact that nowhere in either American or Allied basic policy for Japan is the bureaucracy as a class mentioned as a target for the reforms necessary to achieve the establishment of a "peaceful and responsible government" in Japan. A relative unawareness of the significant political role of the bureaucrats, and the decision to continue the Japanese government as the machinery through which the occupation would operate, undoubtedly account for the absence of a definitely-formulated anti-bureaucracy policy. But if occupation policy has been comparatively uninterested in the role of the bureaucracy, the bureaucrats have been subjected to moves intended to circumscribe their authority or to recast their role as a class so that they will relinquish their previous position in Japanese government. These moves, however, fall far short of the anti-militarist, anti-zaibatsu programs and cannot be expected to have even the possible limited effectiveness of the latter.

³For example, see New York Times, June 13, July 8, September 13, and New York Herald Tribune, September 9, 1947, on industrial decentralization. See also John R. Stewart "Notes on the Economic Aspects of the Allied Occupation of Japan", International Secretariat, Institute of Pacific Relations, 1947, passim.

The necessity for effective control of the bureaucrats cannot be appreciated fully without a brief examination of the nature of the bureaucracy. The strength of the bureaucracy in the past and its threat to the creation of a peaceful and responsible government in the Japan of tomorrow lie in two complementary sources: first, the bureaucracy has grown directly out of the Japanese theory of irresponsible government, and, second, it has enjoyed an existence as a governing class. The former constitutes the theoretical basis of its strength, and the latter the practical basis of its power.

One searches Japanese history in vain for either substantial or significant instances of the operation of responsible government within the accepted meaning of that term. Instances can be found of what might be termed "benevolent" government, that is, rule under which the general welfare of the ruled was considered, but these were local and the result of individual caprice. In every period of Japanese history, government was based on the principle of government of, by and for the governing groups whether court nobility, feudal lords, or the modern militarist-zaibatsu-bureaucrat oligarchy.

The government of modern Japan, as it was established in the Meiji period, was erected on the firm foundations of the tradition and experience of the immediate past when the country had been lead by the warrior class. This is true even though the form of government underwent apparently revolutionary changes. Irresponsible government, government by the few, and government by a class characterized the old order and were brought all too intact into the spirit of the new regime. In spite of the sweeping changes that stemmed from it, the Meiji Restoration was a coup d'etat, not a revolution. The men charged with

the construction of the new Japan were interested not in introducing new theories and philosophies of government, but in creating and importing political institutions which would not seriously modify Japan's basic political ideas. In setting up a modern form of government, they desired one that would still be unresponsive to the will of the people. Such an atmosphere was ideal for the creation of the type of bureaucracy that has dominated the machinery of Japanese government from its modern beginnings.

In addition to the strong support offered by the old theories of government, the strength of the bureaucracy was in large part based also on the fact that from 1867 to 1890, when the Diet was established, the executive branch of the government reigned alone and supreme. There was, of course, nothing in the old governmental structure remotely resembling a legislative branch, and that fact alone was the basic reason for the emergence of a strong executive. There was, furthermore, the historical situation itself, namely, the presence of powerful Western nations in Japan and the internal difficulties occasioned by the formal abolition of feudalism. A strong executive was imperative to protect Japan against both potential external aggression and internal disorder.

The effect of this situation was to establish the executive, the bureaucracy, as the all-important and omnipotent branch of the government. Thus the legislative branch of the government, the Diet, which alone could have furnished a basis for the establishment in Japan of the concept of responsible government, was forced into a defensive position from which it could not escape. The struggle was an unequal one. The Diet had to contend not only against an unfavorable ideological climate, but also against an entrenched bureaucracy that was supported by tradition,

controlled by able and undemocratic leaders and secure in its possession of political power.

As if these advantages were not sufficient, the bureaucracy was also strengthened immeasurably by the Meiji Constitution. Article X of that document read in part as follows: "The Emperor determines the organization of the different branches of the administration, and salaries of all civil and military officers, and appoints and dismisses the same." This established the responsibility of the bureaucrats, not downward toward the people, but upward toward the emperor. The bureaucrats were thus the intermediaries between the emperor, the source of all political power, and the people. Their position could not be questioned by the people, for to do so would have been to challenge the very authority of the emperor himself.

Two recent students of the Japanese bureaucracy have described the situation as follows:

"Those who govern Japan in the Emperor's name have made full use of this prerogative and under sanction of this authority have prevented any legislative interference in the management of public personnel. Civil officials are impressed with one supreme obligation --their duty to the Throne....In their indoctrination, civil officials are never encouraged to regard themselves as public servants.... Every official is, rather, vested with a segment of the Imperial authority, defined for each official by his standing in the Imperial hierarchy. Acting in his official capacity he speaks for the Emperor....Official morale is built on this concept of Imperial service and the contempt it breeds for the general citizenry."⁴

⁴Lt. Col. Hugh H. McDonald and Lt. Milton Esman, "The Japanese Civil Service", Public Personnel Review, Vol. 7, No. 4, October 1946, p. 213.

The role of the Diet was recognized in the Meiji Constitution, but not on a level of equality with the executive, let alone in a position of control. The constitutional impotence of the Diet to control the budget effectively is a good illustration of this inferiority. Though it is an over-simplification, it is not misleading to state that it was the constitutional and practical role of the Diet merely to consent to the acts of government planned and executed by the executive, the bureaucracy, in the name of the emperor.

While the external factors of political tradition, the specific political situation and the old Constitution gave the bureaucracy great strength, its internal cohesion as a class, as an administrative elite, afforded it additional power. Enjoying a common background, common interests, common aims and a common desire to retain control of the machinery of government, it possessed an esprit de corps which made and still makes it a powerful, though unspectacular, force in Japanese politics.

An individual in Japan became a bureaucrat, not because he had a vague feeling that he wanted to "work for the government", but because he was carefully selected and trained to become a member of a governing elite. Education and selection were planned to help in the creation of the bureaucracy as a class, not as a mere agglomeration of government officials and workers. Only those who passed the government examination could hope to become true bureaucrats, as distinguished from those who were merely employed by the government. It is estimated that in prewar days some 75 per cent of the approximately 400 successful candidates each year came from one department of one university--the Law Faculty of Tokyo Imperial University.⁵ The reasons for this were simple: the overwhelming

⁵Ibid.

emphasis on legal subjects; the fact that Tokyo Imperial University was the training ground for bureaucrats; and the domination of the Higher Civil Service Examination Committee, the governmental organ responsible for the examination, by members and ex-members of the Law Faculty of the same university. Tokyo Imperial University, like all Imperial Universities, was a governmental institution; that is, it was under the direct supervision of the Ministry of Education, and professors held their positions by virtue of governmental appointment. This meant, among other things, that the curriculum and its content followed the official governmental interpretation of the Constitution, administrative law and all other aspects of law, politics and history. Accordingly the bureaucrat-to-be received an education in government which amounted to indoctrination, was under constant observation for the development of "dangerous thoughts", and was examined and selected by a committee of professors who were themselves government officials. Uniformity of training and the demand for conformity were powerful factors in the molding of the bureaucracy into a class.

The bureaucrats (in other words, those who occupy positions of administrative or executive authority) constitute a relatively small group. It is estimated that there were about 4,000 in 1945.⁶ Yet each member of this group shared a common training, a common tradition, a common ideology and a common desire to monopolize what the group regarded as the skills of government.

The Japanese bureaucrat is not a man trained in a certain technical or scientific skill required for the efficient operation of government;

⁶Ibid.

nor is he trained even in what is known as scientific administration. His primary qualification for office is his command of administrative law, his knowledge of the minutiae of rules and regulations. "The safe official," says a recent study by an American, "before acting, looks for specific authorization in the laws or regulations. Regardless of the emergency nature of specific situations or social necessity, he construes the absence of specific legal authority as full justification for failure to act; and regardless of common sense, he follows regulations to the letter."⁷ While it is clear that the Japanese bureaucrat would scarcely be regarded as an efficient public servant, yet his very adherence to such a legalistic point of view is a source of strength since it is a part of the bureaucratic ideology and, moreover, is responsible for his specialized knowledge which gives him the skills that he and his class regard as essential in government.

This is the class which has borne the primary responsibility for governing Japan under the occupation and which will undoubtedly continue to be the leading government group after the occupation has come to an end.

The decision taken by the United States (and concurred in by the Allies) to retain a Japanese government in power after the surrender, although it was to be completely under the control of the Supreme Commander for the Allied Powers, meant, in effect, that the bureaucracy would escape the fate to be dealt out to the militarists and the zaibatsu. This was no mere oversight nor a desire to appease certain potentially dangerous elements in Japan. An American State Department

⁷Milton J. Esman, "Japanese Administration--A Comparative View", Public Administration Review, Vol. VII, No. 2, Spring 1947, p. 101.

official, in a recent paper describing the background of American policy toward Japan, writes:

"As a practical matter the Allies, and particularly the United States, could not supply the necessary number of trained and qualified personnel to govern Japan effectively after surrender; and the only way to avoid creating a myriad of insoluble problems for our occupational authorities, seemed to be to retain the administrative structure of the Japanese government but to place it under our complete control."⁸

The decision to retain a Japanese government in power solved the immediate and major problem of ensuring an effective administrative system under the occupation. At the same time, however, it created a long-term problem—a possibly retarding effect on the achievement of the basic objectives of the occupation through the unavoidable use of a bureaucracy which could neither understand nor bring itself effectively to cooperate in the development of a "peaceful and responsible government". There is no question but that the retention of the bureaucracy has added immeasurably to the success of the occupation. On the other hand, its retention has given Japan certain crucial advantages over the occupation that are often overlooked. The most concrete example is the Central Liaison Office, a brilliant administrative and political device that has undoubtedly been of major service to the Japanese government.

As far as is known, the Central Liaison Office is a purely Japanese creation, set up on the Japanese government's own initiative without prompting from the occupation. It was established on August 26, 1945,

⁸Hugh Borton, "United States Occupation Policies in Japan since Surrender", *Political Science Quarterly*, Vol. LXII, No. 2, June 1947, p. 253.

a week before the surrender instrument was signed,⁹ to handle relations between the Japanese government and the occupation authorities. It is under the jurisdiction of the Foreign Ministry, although it is not organically incorporated into the regular structure of the Ministry, undoubtedly because it fulfills what is essentially a temporary function in Japan's foreign relations. The CLO was and is, however, an administrative necessity. Briefly described, it is the channel through which business between the occupation and the Japanese government is conducted. For example, directives from GHQ, SCAP (General Headquarters, Supreme Commander for the Allied Powers—that part of General MacArthur's headquarters in charge of occupation affairs), are transmitted to the Japanese government through the CLO; documents, information and reports from the Japanese government to GHQ, SCAP, are transmitted through the CLO; all official appointments between occupation and Japanese officials are arranged by the CLO; and all translations of important documents are made or supervised by the CLO. Certain types of business are, of course, transacted informally without recourse to the CLO, but the initial contacts are invariably established by it. In addition, the CLO has jurisdiction over a nationwide network of Local Liaison Offices, which were established to perform liaison work between local military government teams and the Japanese local authorities.

The foregoing sketch indicates the great value of the CLO as an intelligence agency for the Japanese government. Not only is it privy to all matters currently of interest to GHQ, SCAP; it is also in a position to maintain at least informal dossiers on each and every official with whom it deals—and even a knowledge of the pro- or anti-Japanese attitudes

⁹New York Times, August 27, 1945.

of certain officials can be of great use to the Japanese government. Naturally, it is also in a key position to observe the individual and administrative rivalries and conflicts in GHQ, SCAP. Such specific information, in addition to an intimate knowledge of the general atmosphere prevailing at occupation headquarters, undoubtedly gives the Japanese government an accurate picture of the current aims, attitudes and interests, as distinct from the long-range policy, of the occupation.

The CLO is staffed primarily by Foreign Ministry personnel, men who have been trained to deal with foreigners. It is incidentally proving to be an invaluable training school for diplomatic and consular personnel who cannot, at present, be stationed abroad. Language training and even more valuable personal association with a wide variety of foreign officials are of great assistance in the development of a diplomatic staff that will serve Japan well both at the peace conference and later.

The CLO is perhaps one of the most striking examples of the ingenuity, administrative awareness and political shrewdness of the bureaucracy in its relations with the occupation. But the bureaucracy has other advantages of both immediate and long-range significance.

In spite of the operation of the purge and the routine shifts of personnel from one position to another, the bureaucracy has enjoyed the great advantage of a stable personnel as compared with that of the occupation forces. Demobilization, now an old and almost forgotten story, robbed the occupation of some of its most effective men within six months after its inception. In addition, American unwillingness to spend money on the administration of foreign areas, as well as the reluctance or inability of individual Americans to serve with the occupation at the cost of personal sacrifice, have undoubtedly prevented the

assembling of a staff, military and civilian, as expert as a successful occupation would require. The stability of its own personnel has therefore given the Japanese government a great advantage, for it favors the achievement not only of relatively short-term objectives but of long-range aims as well.

Although several hundred bureaucrats (complete up-to-date figures are not available) were removed from public office and barred from government service, the bureaucrats were not made specific targets of the purge as were, for example, army officers and members of secret intelligence and police organizations connected with the services. Those bureaucrats who were purged were removed because of militaristic, ultranationalistic or otherwise aggressive activities carried on outside of or in addition to their regular duties. Consequently, few bureaucrats have been purged simply because of their activities as bureaucrats.¹⁰

In addition to that represented by continuity of personnel, the bureaucracy has another great advantage over the occupation: namely, a desire to preserve and to protect most of what it believes to be the essentials of the Japanese way of life and system of government, at the expense of a minimum of friction with the occupation and under as brief an occupation as possible. In other words, the Japanese bureaucrats as individual Japanese have a much greater conscious stake in the ultimate results of the occupation than do any members of the occupation forces.

Perhaps the greatest single advantage that the bureaucrats enjoy over the occupation is time. The occupation, the Japanese know, is

¹⁰For the original purge directive, see Occupation of Japan, cited, pp. 99ff. For preliminary figures on the number of officials purged, see Harold S. Quigley, "The Great Purge in Japan", Pacific Affairs, Vol. XI, No. 3, September 1947, p. 301.

is bound to end eventually. To the bureaucrats the end of the occupation will signify freedom to operate as they wish, without the restraints and constraints that have been placed on them by the occupation. They may not act as they did in pre-surrender days, but they know that they will once more be in a position to govern Japan as they think it should be governed. Conversely, there are few good officials in the occupation who can rid themselves of the feeling that much of what they now hope will be permanent in the reform of Japan may vanish as soon as the occupation ends. This difference in attitude constitutes a psychological factor of great importance on both sides.

It is not argued here that the bureaucrats are simply waiting out the occupation before returning to all of their old ways. Such may or may not be the case. But, since they know that the occupation will end, and in the not too distant future, they can plan accordingly. They know that a concession granted now need not become permanent, for Japan will some day be in a position to govern herself as the Japanese see fit. In this connection it is profitable to recall the long, adroit and successful campaign which the Japanese waged at the end of the last century to end the system of unequal treaties imposed on their country.

The occupation has not let the bureaucrats go completely free; pressure of one sort or another has been exerted on them almost from the beginning. Although the bureaucrats were not mentioned as a group in American basic policy, it was soon realized by Americans on the spot (many of whom had been aware of the problem before the surrender) that the bureaucracy's stranglehold on the government would have to be broken if democracy were to be effectively encouraged. In February 1946 the Cabinet presented GHQ, SCAP, with a program for bureaucratic reform.

The program was mainly technical, calling for such things as establishment of new personnel categories, revision of the system of rank, revision of the salary scale, and a shift away from the great emphasis on legal subjects in the civil service examination. The official occupation report on this program concluded: "Cabinet representatives have been informed that SCAP accepts these changes as a satisfactory beginning only."¹¹

If a real blow has been struck at the power of the bureaucracy, it is in the form of the new Constitution. Although no specific anti-bureaucracy measures appear in the document itself, its whole spirit is aimed at the destruction of the former key position of the executive and the transfer of power to the legislative branch. If this general objective is achieved in time, then the bureaucracy will have been stripped of its superfluous power and become merely one necessary element in the government as a whole.

The extent of the role of the occupation in the drafting of Japan's new Constitution has not yet been officially defined. Early in the occupation former Premier Shidehara was "pointedly advised" by General MacArthur "that the reforms which Japan must undertake 'will undoubtedly involve a liberalization of the constitution'".¹² When the first draft was released on March 6, 1946, General MacArthur declared that it had been prepared "after painstaking investigation and frequent conferences between members of the Japanese Government and this headquarters

¹¹General Headquarters, Supreme Commander for the Allied Powers, Summation of Non-Military Activities in Japan and Korea, No. 5, February 1946, p. 40.

¹²GHQ, SCAP, Summation, No. 1, September-October 1945, p. 7.

following my initial direction to the Cabinet five months ago."¹³ These circumstances are mentioned here because the extent to which the occupation was involved in "advising" the Japanese government on the Constitution may possibly in the future influence the attitudes of the bureaucrats toward it.

Japan's new Constitution, if it operates effectively, will destroy first the traditional background and then the old legal, constitutional basis of the power of the bureaucracy. But, even then, there will remain the problem of dispossessing the bureaucracy as a politically powerful class within the government. The extent to which the basis of the Japanese government has been changed by the new Constitution is summed up as follows in the official occupation commentary prepared by the Government Section of GHQ, SCAP: "The new Constitution. . . transforms Japan into a representative and parliamentary democracy, characterized by the supremacy of the legislative branch over the executive. Sovereignty, which hitherto rested with the Emperor, is now placed in the hands of the people."¹⁴ Thus, it is no longer possible for the bureaucrats to argue that they are responsible only to the emperor; in addition, they are made subservient to the legislative arm.

The Constitution makes little mention of the bureaucracy. Article 15, for example, reads in part: "The people have the inalienable right to choose their public officials and to dismiss them. All public officials are servants of the whole community and not of any group thereof." Article 73, which lists the powers of the Cabinet, says that it shall "administer the civil service in accordance with standards established

¹³Occupation of Japan, cited, p. 132.

¹⁴GHQ, SCAP, Summation, No. 14, November 1946, p. 25.

by law". It may be noted in this connection that the laws are to be passed by the Diet.

Chapter VIII of the new Constitution establishes a system of local self-government based on "the principle of local autonomy". This constitutes a limitation on the extent of the power of the bureaucracy because under the old system local administration was under the direct control of the central government. Although the reduction of the area over which the power of the bureaucracy can be extended is salutary, it does not in itself constitute a solution to the basic problem of the bureaucracy.

On November 4, 1946, the day after the new Constitution had been formally promulgated, the Cabinet issued a program of six "fundamental policies" designed to effect the "realization of democracy" in Japan.¹⁵ The third of the six fundamental policies dealt with public administration. Although pointing out that an "overall reform" was necessary for the "thorough democratization" of the administrative structure and the system of public officials, this fundamental policy called only for the establishment of an "Administrative Investigation Commission", whose recommendations "will be speedily put into practice". This does not go much beyond the highly important government policy statement of August 1, 1940--when Japan was intensifying its drive toward totalitarian government--which listed, among other things, "fundamental renovation in the operation of administrative organs, and the reformation of the bureaucracy, aimed at the unity and efficiency of those organs".¹⁶

¹⁵Ibid, pp. 40-43

¹⁶Department of State, Foreign Relations of the United States, Japan, 1931-1941, Vol. II, pp. 108-10.

In July 1947 it was announced that the Cabinet had approved a legislative program designed to carry through the democratization of the bureaucracy. Significantly, however, the Cabinet announcement stated that the aim of the proposed law "will be to promote democratic and efficient practices among Government officials through a re-examination of the existing system".¹⁷ In other words, the legislation was apparently designed to eliminate only the more obvious evils of the old system and not to carry out a thoroughgoing renovation.

The occupation authorities would appear to be aware of the long, slow process involved if the bureaucracy is to be brought under control. A special assistant to the chief of the Government Section, GHQ, SCAP, stated in September 1947 that the Cabinet, the executive arm of the government, was still attempting to rule by Cabinet order, thus by-passing the Diet and contravening the express provisions of the new Constitution. He was reported as having said: "Bureaucrats have expressed to me the opinion that there is no difference in the authority of the Cabinet under the new Constitution and the old Meiji Constitution."¹⁸ These remarks were made just eighteen months after the first draft of the Constitution had been made public, when it was already perfectly evident that the legislative arm was to be made supreme, ten months after the Constitution had been formally promulgated, and four months after it had come fully into force—a clear indication of the tenacity with which the bureaucracy is holding on to its power.

As is true of so many other aspects of the occupation, the most that can accurately be said about the program for the reform of the bureaucracy

¹⁷New York Times, July 8, 1947.

¹⁸Ibid., September 6, 1947.

is that the statement of purpose is unexceptionable and that the necessary paper program has been worked out. But if the bureaucracy can continue to operate in the old manner under the occupation, which is obviously disposed to limit its powers, one can easily see how quickly the bureaucrats could assume a position of power after the occupation ended.

A bureaucracy will be necessary as long as Japan has an organized government of any kind, since modern governments cannot operate without a body of trained personnel. The solution of the problem presented by the bureaucracy cannot be found in the direct action that has been taken in the case of the militarists or in the slightly less direct action employed against the zaibatsu. Japanese bureaucracy can function as an element in a peaceful, responsible government only if it is subjected to a program of internal reform and to the pressure of competition from another arm of government. The first will involve the reindoctrination of the bureaucrats themselves—and of those who enter the ranks of the bureaucracy in future; the second calls for development of the legislature as a strong and effective arm of government.

We have seen the extent to which effective indoctrination under the old system contributed to the creation of the bureaucracy as a governing class, jealous of its own prerogatives, proud of its responsibility to the emperor alone, and contemptuous of the problems of the people. Such attitudes can be supplanted only if Japan develops new standards of governmental conduct, which in turn must be based on a new conception of government and of the relationship between the people and their government. A new indoctrination cannot be imported directly into Japan or created out of whole cloth; it must evolve from the whole context of new political ideas embodied in the new Constitution. The basis of the latter is a

revolutionary concept, revolutionary in terms of both the theory and tradition of Japanese government. This paper revolution will succeed only if it can be made an integral part of Japanese political thinking in the form of tangibles and intangibles such as a body of constitutional interpretation that will make the new document mean what it is intended to say, namely, that the people cannot merely share in the benefits of government but must also assume responsibility for its effective operation; a broad political literature (ranging from soap-box oratory through newspaper editorials to learned dissertations); and leaders who believe in the new political ideas and are passionately desirous of converting them into reality.

If Japan can accomplish this tremendous task, then the materials required for the indoctrination of a new type of bureaucrat will be ready to hand. Utilization of law for the public good, not deification of law to make it protect the bureaucrat's job; responsibility to the people as a whole, not blind obedience to the state; respect for and cooperation with other branches of the government--concepts like these must furnish the basis for the new indoctrination.

As a necessary complement to the internal reform of the bureaucrats there must also be developed a responsible legislature which is aware of, and willing to assume, its new responsibilities under the Constitution. More than half a century of experience with a national legislature under the old Constitution unfortunately did not produce the kind of lawmaker that is required today. A legislature that was cramped in its role as a political institution, consistently contemned as a body of unpatriotic, inept and corrupt politicians, and subjected to bribery and intimidation, certainly did not produce men qualified to be leaders of the new Japan.

Moreover, a great majority of the newly-elected members of the Diet, many of whom are undoubtedly eager to think and act as Japanese democrats, are woefully inexperienced in any kind of governmental activity and, indeed, do not know what responsible government is. Yet the legislative arm of the Japanese government must be strengthened not only to make the Constitution operable, but also to act as a check on the bureaucracy. So long as the bureaucrats are not balanced by another strong political group, they will continue to govern Japan as they see fit—not as they did before the surrender, perhaps, but nevertheless as the sole group directing the government. The training of a new legislative group in Japan will undoubtedly be a longer and more difficult task than will be the creation of a new type of bureaucrat. Here, as in all other aspects of Japan's political reorientation, the responsibility will lie with the Japanese themselves—with the people at large, and, even more, with enlightened leaders.

Since the bureaucrats are still the government, they are an important segment of the leadership. Though their powers have been circumscribed by the occupation, by the new Constitution and by other means, they remain in a position to make or break much that has been done toward the political reconstruction of Japan. It is they who can build up much of the body of experience and interpretation which will be the real expression of the Constitution and it is they who by failing to do so can wreck the prospects of a Japanese democracy. The future of democracy in Japan is tied to the future of the bureaucracy. As democracy fails to take root in Japan, so will the bureaucracy flourish; as democracy gains in strength, if it can, so will the power and influence of the bureaucracy decline.

Boston Massachusetts, October 1947

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

file 8-16-46
NPC
for
16 August 1946

MEMORANDUM FOR RECORD

SUBJECT: Request for Information from N.P.A.

1. The attached letter was discussed with the commissioners on Saturday, August 14, by Mr. Hoover. The commissioners were instructed to call in Mr. Okada and ask him to present his views and questions in a fully developed form at his early convenience, probably within the next week or 10 days. It was pointed out that most of the questions in this letter have already been answered by the Cabinet Ordinance recently issued.

2. It was pointed out to the commissioners that this type of inquiry will become more and more frequent and that definite procedures for according these people a fair hearing and for properly handling their requests should be developed.


James R. Bell

JRB:e

Att.

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GOVERNMENT SECTION

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James R. Bell

JRB:e

Att.

August 6, 1948.

13日(Frid) = 岡 2, 15

To:

Shiichi Okada
The Chief of Central
Executing Committee.

Your appropriate directions and advice about the Gen. MacArthur's letter to the government which suggests revision of the organization and structure are hereby cordially requested and desired.

1. To which bureaus hinted in the said letter do the two operating bureaus, Printing Bureau and Mint belong?
 - a. Will the National Public Service Law be applied to the above bureaus (Printing Bureau and Mint)?
 - b. May they ^dbe deemed as the same sort of business as railway and other government monopoly businesses?
 - c. May they be put in the rank of a neutral or intermediate state which belongs neither operative business nor non-operative business?
 - d. Does the said letter suggest that the Printing Bureau and the Mint are non-operative businesses?

e. Is there any room to take the will of men concerned, or workers into consideration, when the revision is made ?

What measure shall be adopted, when there is a chance to be taken it into consideration ?

f. The authorities concerned say, it is said, that the Printing Bureau and the Mint will come under the National Public Service Law and their employees are naturally treated as the workers of general public offices, and so says the GHQ clearly. It is true ?

g. In case of that, will the special quality of our operative business ("gengyo") be acknowledged ?

h. To what sort of business do the Printing Bureau and the Mint in the U.S.A. belong ?

2. We can hardly understand the reason why we ~~will~~^{shall} come under the position and be treated with the same conditions as general public officials, from the point view that our labor situations and the real state of operative work.

We are afraid that it is hardly possible to prevent many of our eminent technicians from streaming into some or other private enterprises, however earnestly we may explain them that the destruction of labor will

the loss of
bring[^] the historical mission of public servants.

3. Accordingly, we can accept the idea that the authorities of the Ministry of Finance think that it is clearly expressed in the said letter that the Printing Bureau and the Mint shall come under the National Public Service Law, and the employees shall be treated as general officials or workers.
4. We believe that the special qualities of operative enterprises, which are the right to form unions, collective bargaining, or the right to go on walkout, the equal allowance as wages of the same private enterprises and the measures of personal affairs, shall be acknowledged.

I remain,

Yours truly,

Shiichi Okada

CSD
Anderson
file

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

4 September 1946.

MEMORANDUM FOR THE RECORD.

SUBJECT: Japanese Government Proposal to Effect Fundamental Reforms in the Administrative Organization of the Civil Service System and Mode of Operation.

1. A conference on the above subject was held at 10 AM, this date, with the following representatives of the Government Section, SCAP, and the Imperial Japanese Government, CLO, present:

Government Section:

Col Hayes
Mr. Hussey
Mr. Marcum
Mr. Peake

Imperial Japanese Government, CLO:

Mr. Fujisahi
Mr. Irie
Mr. Miyauchi

2. Mr. Irie of the Bureau of Legislation indicated that the Government was prepared to undertake thorough surveys of present governmental machinery and personnel practices, in full cooperation with SCAP's Personnel Advisory Committee which he understood was on its way to Japan.

3. Mr. Marcum indicated that the members of the Government Section who had reviewed the proposed plan were favorably impressed by the Japanese Government's understanding of the problem and recognition of its importance with reference to the reconstruction and democratization of the government.

4. The results of the conference are summarized in the following statements of conclusions and agreements:

a. The Japanese Government was authorized to establish an administrative system research division at the cabinet level, the director of which will be a Minister of State.

b. The Japanese Government representatives agreed that the establishment of an administrative system council, composed of members from the Diet and persons from civil life, was unsound and unnecessary, as it was recognized that the regular and

advisory personnel of the administrative system research division would be best qualified to formulate the necessary plans, as a result of its survey experience and instruction received from SCAP's Personnel Advisory Committee.

c. The Japanese Government was instructed as follows:

- (1) Instruct all Cabinet Ministries and organs of government that all structural changes or assumption of new governmental functions must continue to be referred to this section for consideration and approval, but that such actions, or any problems relating thereto must be communicated through the medium of the administrative system research division to the Government Section coordinating committee which would be responsible for the necessary coordination and clearance.
- (2) To wait until the arrival of SCAP's Personnel Advisory Committee before formulating final survey plans or undertaking any surveys, in order that they may profit by the Committee's knowledge of survey techniques and to prevent the collection of unnecessary data or information in unusable form. It was suggested, however, that it should prepare and assemble organization and functional charts of the central government specifically indicating those offices currently responsible for administrative management and personnel functions, together with copies of existing civil service laws and other administrative regulations governing functions to be surveyed.
- (3) That the Japanese Government could issue a press release announcing its plans, provided the text of the announcement was reviewed and approved in advance by this Section, and that all references to a Japanese commission to study civil service systems, etc. in foreign countries, including the United States, be deleted.
- (4) That the members of the Personnel Advisory Committee will be staff members of the Government Section, attached to the Public Administration Division of the Government Section, and will be coordinated through the Government Section coordinating committee under the chairmanship of Mr. Marcum.

W. T. H. / 1/6

- 2 -

[Signature]
CARLOS P. MARCUM
Chief, Public Administration
Division.

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

COPY

CSD

29 June 1946

MEMORANDUM FOR THE RECORD:

SUBJECT: Japanese Government Request for American Experts in Position Classification.

1. Government Section since November 1945 has been studying the Japanese bureaucracy. It soon became evident that this feudal civil service, unique to Japan, embodied evils of which even its most hostile non-Japanese critics had not been aware. It was not only replete with feudal, undemocratic practices, but its structure and operations were so archaic and inefficient that it seemed doubtful whether this corps of officials were competent to manage the public business of a democratic society. Without the ever-willing police to perform the operating functions of government, the traditional bureaucracy could not have survived in its present form.

2. The leading features of this feudal bureaucracy (as they existed in the fall of 1945) catalogue its major deficiencies.

a. There is no central personnel agency in the Japanese Government. The various functions of personnel administration are performed in the Ministries and Ken Governments. In many cases, even the Ministries exert little authority; bureaus and even section chiefs are left to manage their own personnel problems without uniform standards, even on the Ministerial level. Such major personnel issues as salary scales (for classified personnel only) are debated in the Cabinet and settled by Imperial Ordinance. But on most questions, no Government policy can be said to exist. Uniform standards, scientific personnel management have not yet penetrated the Japanese system. The absence of a central personnel agency is an index of the backwardness of Japanese personnel administration.

b. There is no classification of positions in the Japanese system. There has been no analysis, no standardization even of positions in the same agencies, not to mention entire Ministries or the Government itself. Pay is only incidentally related to position, and varies widely from agency to agency. This indispensable tool of scientific personnel management has not yet been introduced into the Japanese system.

c. Instead of classifying positions, the Japanese classify individuals. This hierarchial system of personal rank is a residue of the feudal status system. Tremendous importance is attached to

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an individual's personal rank since it denotes his relationship to the Throne and related matters of official precedence. Promotions are periodically granted to civil officials with automatic regularity, with little regard to the quality of their performance and little relationship to the positions they occupy.

d. The pay scale is extremely complex and, in the Higher Civil Service, not directly related either to personal rank or to the position occupied. The pay scale is so low, especially for lower ranking officials, that the Government has resorted to two expedients:

- (1) An intricate schedule of special allowances.
- (2) Bonus payments, in the feudal tradition, now totalling ten or eleven months additional pay each year.

For lower grade employees, (as distinguished from classified officials), no Government pay schedule is provided. Officials as low as section chiefs in the Ministries and Ken Government set their own scale for these employees.

e. The Japanese service is highly stratified. The gap between "employees" and "officials" separates those who gain prestige, precedence and security in public employment from those who do not. Similarly, among "officials," a firm barrier divides the class of "higher officials" from "ordinary officials."

f. Except for Zimukan (Administrative elite, who will be treated in section g. below) the Japanese Civil Service has no systematic machinery for testing candidates for public positions. Ministries recruit their own personnel as they see fit, with or without examination. No service wide examinations are required or provided. Since the Ministries, bureaus and Ken Governments are without trained testing personnel (or any other professional personnel administrators), what tests they may at their discretion give are not scientifically drafted. A great many civil servants are recruited without examination; even when some form of examination is required, the same officials who formulate and administer the tests, themselves hire the successful candidates. The abuses to which this arrangement is subject need no elaboration. All appointments and promotions in the Higher Civil Service are formally approved by a Cabinet agency, but this review is entirely perfunctory. Ministries and subordinate agencies recruit and promote personnel with few central controls and all the abuses to which such a system is inevitably subject.

g. The Zimukan section of the Higher Civil Service is not adequate to its present responsibilities. This administrative elite of the Japanese bureaucracy is selected by a Higher Civil Service Examination Committee, composed of high ranking officials and University professors. The preponderance of Zimukan are recruited from

the Law Faculty of Tokyo Imperial University. Their examination is almost entirely a difficult memory test of legal knowledge. The young legalists thus recruited are promoted rapidly, and soon arrive at the responsible higher positions which are reserved exclusively for them. Since their rapid promotion is hastened by frequent changes of position, the Zimukan never learn the functional work of their agencies. They rather assert their authority by emphasis on legal regulations, at which they are expert, often casting about official procedures an inextricable net of administrative regulations. Their automatic promotions, their rapid shifting from position to position, encourages a time-serving attitude toward their official responsibilities. Their Tokyo Imperial University Law School training prepare them neither for public administration nor for functional specialization, and the experience to which this elite is subjected in the Government service exacerbates rather than ameliorates these deficiencies.

h. Technically trained personnel are systematically excluded from higher positions. All positions of section chief and bureau chief are reserved exclusively to administrative lawyers (Zimukan) while technically trained specialists to untrained and ill-informed amateurs. This applies even in such technical Ministries as Communication, Transportation, and Agriculture and Forestry.

i. Organized and systematic in-Service training and efficiency rating are practically unknown to the Japanese bureaucracy. The absence of a central personnel agency leaves no overall responsibility for these important functions. A few agencies have developed training and efficiency rating programs for selected officials, but generally these functions are either neglected or carried out haphazardly by individual Ministries, bureaus and Ken Governments.

j. The retirement system is highly defective. Employees (as distinguished from officials) enjoy no pension rights whatever. Classified officials who share in the contributory retirement scheme are victims of its injustices. Because of the pressure of lower ranking officials spurred by low salaries and rapid promotions, experienced public officials are forced to retire at the peak of their efficiency between the ages of 45 to 50. Their pension benefits are inadequate to support them forcing them to begin new careers in business. With the grim prospect of early retirement, many high officials spend their last years in the Service making business contacts to facilitate profitable employment after retirement. Both the Government Service and its personnel suffer from this ill-considered and wasteful system.

k. Civil servants have no remedy against arbitrary treatment. Against discrimination in employment, in the grading of examinations, they are not protected. They may be dismissed for the "convenience of the Government" without explanation, and with no recourse, administrative or judicial.

3. Persistent efforts to induce responsible Japanese officials to conduct a fundamental re-examination of their civil service system have met with repeated failure. High-ranking officials have no quarrel with the system from which they have derived substantial benefit. Intellectually and materially committed to the traditional system, they look with ill-concealed hostility on prospective reforms. This is especially true of the conservative legalistic Bureau of Legislation which has primary responsibility over personnel administration. It should be remembered that the bureaucracy is the last major institution of totalitarian Japan which has not yet been severely affected by the occupation. There is little doubt that most of its leaders hope by avoiding reforms, to outlast the occupation and become the dominant group in Japanese life now that the militarists and the Zaibatsu have been destroyed. The unreformed ultra-conservative bureaucracy would thus become the spearhead of reaction in post-occupation Japan.

4. On 1 April 1946 the Japanese government, under severe pressure from the press, the public, and its junior officials, made its first halting departure from the traditional system. It took the following steps:

- a. Reduced the number of personal ranks from 13 to 3.
- b. Allocated all persons to three major services, administrative, technical and educational.
- c. Simplified the salary system.
- d. Opened higher positions to technicians.

Though these measures represented initial progress, they left actually untouched the three principle abuses of the system.

- (1) The virtual monopoly by graduates of the law faculty of Tokyo Imperial University of higher administrative positions in the government. This monopoly is enforced through the higher Civil Service Examination.
- (2) No examinations for 95 per cent of government positions.
- (3) Continued confusion in the pay and allowance system acerbated by complete absence of a position classification.

5. With rising prices and increasing demoralization and restiveness among officials and employees, the government has been forced to devote more attention to salaries and allowances. After

long study and unsuccessful experimentation at haphazard adjustments, the Ministry of Finance has finally decided that a comprehensive salary reform plan, based on scientific position classification, offers the best solution to these problems. After long deliberation, culminating in cabinet approval, the Japanese government has decided to ask SCAF for American experts to help establish a scientific system of position classification. Since the Japanese are without training or experience in position classification, they felt obliged to request help from America.

6. The responsibilities of this Commission can be fulfilled only by outstanding experts in position classification. Much of their work will involve the training of Japanese officials in the techniques of position classification. Members of this Commission should not be committed to one particular system of classification but should approach the Japanese problem with an open mind, supported with a broad knowledge of personnel administration and background in comparative government. For that reason members should not be recruited from one source but from different backgrounds. The radio (Tab "C") requests one member from the U.S. Civil Service Commission, one from a federal operating department, two from state and municipal government, and one from a public utilities in communications or transportation. This well-balanced Commission of five members could apply a wide range of experience to this unique problem. The members of this Commission will probably be motivated principally by the professional challenge of constructing a scientific personnel system for a large governmental organization. It should be possible for them to complete their labors in six months.

7. There is a reasonable probability -- but no definite assurance -- that the efforts of this Commission will result in a scientific position classification system which is essential to a well-ordered bureaucracy. Once this major step has been taken it may be possible to induce the Japanese voluntarily to undertake further steps to modernize and democratize their Civil Service System. Outstanding among these changes would be the introduction of open competitive examinations with some relationship to the positions to be filled. This Commission may be able to convince the Japanese of the feasibility and the necessity of such measures. Thus, a Commission requested by the Japanese may accomplish an important Allied objective without requiring the issuance of a directive to the Japanese government.

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