

Working Paper 03.03

The Birth of Freedom of Information Act in Japan: Kanagawa 1982

Lawrence Repeta
National Security Archive

MIT-Japan Program

Working Paper 03.03

**The Birth of Freedom of Information Act in Japan:
Kanagawa 1982**

Lawrence Repeta
Abe Fellow
National Security Archive

MIT-Japan Program
Working Paper Series 03.03

Center for International Studies
Massachusetts Institute of Technology
77 Massachusetts Avenue, E38-700
Cambridge, MA 02139
Tel: +(617) 252-1483
Fax: +(617) 258-7432

September 2003
© MIT-Japan Program

“It is necessary. It is unavoidable. Moreover, it is possible. However, it is also a big project.”

Kazuji Nagasu, Governor of Kanagawa Prefecture, July 28, 1980. Statement to prefectural employees regarding the proposed Freedom of Information Law for Kanagawa

Ahead of Its Time

In a recent article titled “The World’s Right to Know,” Thomas Blanton wrote that “the international freedom-of-information movement stands on the verge of changing the definition of democratic governance. The movement is creating a new norm, a new expectation, and a new threshold requirement for any government to be considered a democracy.” The basis for this sweeping claim was Blanton’s research showing that, in the decade following the collapse of the Berlin Wall, twenty-six countries “from Japan to Bulgaria, Ireland to South Africa, and Thailand to Great Britain” had enacted statutes guaranteeing their citizens’ right of access to government information.¹

Blanton’s declaration that freedom of information (“FOI”) would become a “new threshold requirement” for democratic government may sound extravagant, but as described below, this is an excellent description of the demand pressed by an extraordinary collaboration of citizen activists and reform-minded local officials who designed Japan’s first FOIAs in the late 1970’s early 1980’s. In his first campaign to become governor of Kanagawa in 1975, Kazuji Nagasu called for a “revolution in the offices of government” (*kanchō kakumei*) featuring citizen participation in administration. As this “revolution” rolled forward in succeeding years and he directed the creation of the Kanagawa freedom of information system, Nagasu’s speeches would carry the Brandeisian summation that “sunlight is the best disinfectant”² and other declarations common to open government advocates around the world.

A freedom of information act (“FOIA”) is a law that provides citizens with an enforceable right of access to information in the possession or control of government. Such a system constitutes a direct threat to authoritarian or excessively secretive regimes by exposing arbitrary or improper action to public scrutiny. The Kanagawa FOI ordinance was enacted in 1982, a full decade before the global movement of the ‘90s. It was also far

in advance of action by Japan's own national government. On April 1, 2003, as Kanagawa began celebrating the twentieth year of its FOIA, Japan's national law was but a toddler, beginning its third year. In fact, the Kanagawa ordinance had already embarked on a second generation, following a thorough revision expanding the number of articles from 19 to 40, which took effect on April 1, 2000.³

At the time Kanagawa and other progressive local governments in Japan created their systems, fewer than ten countries in the world had adopted freedom of information laws. Prominent British Commonwealth countries were acting at exactly the same time. Australia had only adopted its disclosure law that year and Canada and New Zealand were a year behind.⁴

Why did Kanagawa act so early in the global FOI movement and so far in advance of Japan's national government? The answer to these questions provides some interesting insights into the structure of democratic government.

I. Kanagawa Overview

Japan is divided into 47 administrative districts called "prefectures." Japan's National Constitution requires that prefectural governors be chosen by direct election. This is in direct contrast to the national government, which features a parliamentary system with a prime minister selected by members of the Diet (parliament) serving as chief executive.

Kanagawa borders immediately on Tokyo to the south and west. It is blessed with a mild climate and stunning natural beauty, its western border wandering the foothills of Mt. Fuji and its jagged coastline describing a great arc from east to south. With a population of more than eight million, it ranks behind only Tokyo among Japan's prefectures. It is home to Yokohama, the nation's greatest port, which serves as a natural entryway to Tokyo and the Kanto plain. The Kanagawa prefectural government employs nearly 13,000 teachers and education-related personnel and more than 11,000 administrative workers. The chief executive is a governor chosen by direct election of the residents for terms of four years.

Like most government offices in Japan, Kanagawa maintains a robust Internet website and disseminates vast amounts of information through the Internet and in hardcopy every day.⁵ A freedom of information system provides requesters the right to examine documents that are *not* otherwise disclosed. Kanagawa maintains a central information

and archive center in Yokohama with the mission of managing the data flow and fielding requests under the disclosure law.

II. FOIA Usage

During the fiscal year 2002, 1,316 persons filed a total of 6,257 information requests with Kanagawa prefecture. This was the largest number of requests in any year in the history of the ordinance (up from 906 requests in fiscal year 2001) and the fourth largest number of requests in any year. (A peak of more than 10,000 requests were filed in 1995, at the height of a nationwide campaign to uncover excessive spending for entertainment and other hidden perks for public officials). Approximately one-third of the requests resulted in full disclosure and approximately sixty percent in partial disclosure. 473 requests or 7.6 percent resulted in complete denial. This compares with 171 or 3.6 percent of such cases in the preceding year. Documents requested concerned topics ranging from environmental protection and consumer product safety to education and crime prevention.

Appeals were referred to the prefectural Review Board in 27 cases where initial requests had been denied in full or in part. This continued the trend of a rising number of administrative appeals in recent years. For its part, during fiscal year 2002 the Review Board delivered 25 formal Recommendations, following a record 40 Recommendations in 2001 and 12 the year before. A total of 137 such Recommendations have been issued from the launch of the system in 1983 through the 2002 fiscal year end; thus, more than one-half of the total have been issued in the past three years. The texts of all these Recommendations are available to anyone on the Kanagawa prefecture website.

The Kanagawa rules meet the minimum standards for a functioning FOIA.⁶ First, they provide any person the right to inspect or receive copies of public documents. Second, for each request, the government must either disclose documents requested or cite a specific exemption provided in the ordinance as grounds for non-disclosure. Third, in the case of either partial or complete non-disclosure, the requester can seek review by an impartial tribunal. In the case of Kanagawa (and other Japanese governments), the appellant can choose between two different tribunals. One is a court with a general jurisdiction. The second is administrative review, featuring examination by the independent prefectural Review Board, empowered to issue Recommendations to administrative agencies.

Since its launch in 1983, the Kanagawa ordinance has enjoyed an especially good reputation in the requester community for several reasons, including the pro-disclosure bias of the prefectural review board and the absence of handling fees payable at the time

requests are filed. The latter feature contrasts starkly with Tokyo and other local governments, where requesters may be required to pay up to 300 yen per application in addition to copying charges. (Requesters do pay a charge of 10 yen per copy in Kanagawa, however.) This can be a substantial burden when officials separately count voluminous information requests, especially when the requester is a public-spirited citizen, paying fees out of his or her own pocket.⁷

III. Japan's Information Disclosure Movement

Kanagawa was not acting alone when it adopted a FOIA in 1982. Within months of Kanagawa's action, legislatures in population centers like Tokyo, Osaka, Saitama and others had also adopted new disclosure systems. FOI was first raised in a prominent manner in Japan's legal community in 1972. The format was a roundtable discussion among professors of law.⁸ These professors did not limit their teachings to the classroom, but later became central players in the evolving story, serving as advisors to local governments such as Kanagawa and later to the national government itself. Each of the participants in the 1972 discussion and many more academics later became prominent public advocates for adoption of the new FOI systems as well as participants in operating the new systems. After the systems were established, many took seats as members of review boards charged with reviewing appeals by dissatisfied information requesters.

The first commonly-cited public demand for the adoption of a government transparency law was issued by the Japan Consumers Federation (*Nihon Shōhisha Renmei*) in November 1976. The Federation was driven by concerns over product safety. Public interest lawyers were driven by similar concerns. That same month, attorneys and other members of the Japan Civil Liberties Union (JCLU) formed an "information disclosure subcommittee" charged with exploring the issue. Key members had been involved in litigation arising from injury due to widespread use of the drug thalidomide and other cases where information to prove government culpability was required.⁹ In September 1979, the JCLU published the "Information Disclosure Guideline," a concrete proposal for a national statute. Members of the JCLU and other public interest groups joined together in March 1980 to form the "Citizens Movement for an Information Disclosure Law," a larger umbrella organization including the JCLU and a variety of consumer and public interest groups.¹⁰

All of these groups organized symposia, published pamphlets and sought the attention of the media and members of the national Diet. But Japan's national government did not respond. The national government had been dominated by a deeply entrenched

bureaucracy and a legislature controlled by a single political party throughout the postwar period. The men who ruled the nation through such a political structure were unmoved by the noble words of opposition party politicians and a handful of activists. Anyone could see that the inevitable result of the proposed transparency rules would be greater accountability of powerholders and greater difficulty in maintaining a secretive status quo. The demand for a *national* FOIA went nowhere. But the activists discovered other audiences outside the national capital. Progressive local governors and other reform-minded local officials showed interest in this new idea. And so the professors and other activists turned their attentions to the countryside.¹¹

IV. Writing a FOIA for Kanagawa

1. A New Governor with a New Agenda

Kazuji Nagasu was a leader among Japan's progressive local politicians of the 1970's. He made his first run for public office as a candidate for governor of Kanagawa in 1975 at the age of 55. Until then, he had served as a professor of economics at Yokohama National University. In this first election, Nagasu won the backing of the Socialist, Communist and Komeitō parties and of labor unions as well as other progressive organizations. Key elements of his platform included expanding the public school system, imposing tighter control of industrial polluters and protesting the dangers to Kanagawa residents posed by the US military base at Atsugi.¹²

Timing was good for such a populist politician. Nagasu's first election took place in the shadow of one of the most significant events in Japan's postwar history: the resignation of Japan's most powerful postwar prime minister in reaction to corruption allegations. Prime Minister Kakuei Tanaka resigned in November 1974 amid a raging national debate over Japan's "money-based politics."¹³ Widespread bribery and abuse of public funds by politicians and public officials had created a cynical electorate. To Kanagawa voters, Nagasu effectively presented the counterpoint of a clean government policy. In his very first election in 1975, he already proclaimed "citizen participation" in government as a key element in his platform. He won this election easily. In his next election in 1979, he won the support of the Liberal Democratic Party in addition to his original base. He would not be seriously challenged again. Nagasu retired in 1995, after twenty years in office.

Once elected, Kazuji Nagasu was no longer the academic engaged in theoretical debate, but a senior public official charged with managing a government of tens of thousands of employees serving eight million people. To achieve his goals, he would have to oversee the design of administrative systems with appropriate sets of procedures and regulations; he would have to train staff to manage the process and assign responsibilities to qualified personnel and take care of countless administrative aspects. And he would have to deliver a powerful statement of the overall mission, to unite the disparate efforts of many people driving to a single goal.

2. Initial Steps

The new governor proved to be a skillful manager and strategist. Two years into his first term, Nagasu made his first move, directing the Kanagawa community relations department (*kenmin-bu*) to commence a study of how to achieve his “*kanchō kakumei*” revolution through citizen participation in government. A small project team began work in June 1977.¹⁴

At the same time, Nagasu recruited a young marketing professional from Hakuhodo, one of Japan’s biggest advertising agencies to join the governor’s executive staff. His responsibilities would include coordinating the launch of a detailed “marketing plan” to win the hearts and minds of both the voters and the prefectural staff in the implementation of the new transparency initiative.¹⁵

After nine months of work, the project team delivered a final report in March 1978 with an engaging title that matched the governor’s campaign themes: “To Make Administration a ‘Joint Work’ (*kyodo sakuhin*) with the People.” Nagasu was up for re-election in 1979 and the report would lay the groundwork for his campaign pledge to enact an information disclosure system. At this stage in Japan’s history, the notion of a citizen’s right to examine government files was radical indeed. Newspaper reporting on this topic was yet to come; the concept was familiar only to a handful of academic and legal experts. The project team report introducing such novel concepts as “information disclosure” (*joho kokai*) and “citizen participation” (*shimin sankai*) to prefectural staff was said to have “sent forth widening ripples throughout the building.”¹⁶

Having safely achieved re-election in April 1979, Nagasu continued to push the project forward, appointing expanded teams to study document retention and maintenance practices¹⁷ and existing foreign systems. Hitoshi Gotoh, the former advertising executive brought in to assist in the creation of a “marketing plan” calculated to achieve this result

would later say “Nagasu had good instincts. He knew that what was being proposed was no mere PR program. Under this new system, citizens would be able to make demands and the officials would have a duty to respond.”¹⁸ Such a system would fundamentally change the relationship between officials and ordinary citizens. Achieving this new relationship would be no simple matter. To succeed, Nagasu and his colleagues would have to educate and persuade many people to change traditional attitudes.

3. A “Big Project”

In mid-summer 1980, the governor was ready to move with vigor. On July 28, he took advantage of his regular monthly speech to all prefectural employees to alert them to ongoing work on the new disclosure system.¹⁹ To stress the importance he attached to this project, Nagasu delivered a phrase that was to become a slogan for the upcoming campaign: “It is necessary. It is unavoidable. Moreover, it is possible. However, it is also a big project.”

In explaining why a FOIA was “necessary”, Nagasu noted that it was commonly said that we had evolved into an information society. However, he claimed that although people were awash in consumer product information, it was becoming harder and harder for them to gain access to information that was truly important, such as data held by corporations and the government. In fact, he said, on this front, the situation could be described as one of “information famine.”

Then he transformed this discussion of the need for information into an attack on secretive government. “We all know the word ‘black box,’ he said, “but in the realm of politics and government, important decisions concerning one’s own fate are made in some distant, dark or secret room. The kinds of information disposed of – and born – in those rooms can never be known. And if you try to participate in this, there is no one to show you the way.” Then, as the only elected member of the prefectural government, he gave voice to popular feelings on the issue. “And don’t you think those secret rooms are filled with corruption? This is the dissatisfaction, the uncertainty, embraced by many of the citizens.”

Nagasu told his audience of the importance of the citizens’ right to know in a democracy and of the budding movement for a FOIA in Japan. He said that “information disclosure” (*jōhō kōkai*) would become one of the big political issues in the 1980’s. He said that recovering the trust of the people in the political system would be difficult. He saw the antidote as decentralization, featuring broad public participation. This is how he

explained the necessity and inevitability of the information disclosure system.

Explaining the possibility of creating such a system was much simpler; he simply cited the examples abroad. Feasibility had already been demonstrated by FOIAs operating in the United States and other countries. Japanese have never been shy about learning from abroad. The rules of open government would be no exception.

Finally, he addressed the third major issue in his grand slogan: This was a “big project.” “Frankly,” he said, “this project is related to the work of changing the fundamental nature and structure of Japan’s politics and government as they have evolved over the past century. Unless we have a commitment and an organization commensurate with the scale of this great project, our work will not proceed even a single step. Speaking somewhat heroically, this is a kind of ‘revolution in government offices’ to match a new age.”

4. “Seeking Open Government”

The governor’s speech was published in a regular monthly bulletin distributed throughout prefectural offices. Three days later, Nagasu announced the creation of a new “Information Disclosure Preparation Office,” with a full-time staff of eight persons to lay groundwork for the new system under the direction of a vice governor. On August 4, a formal report by an internal study group was released providing details on the rules, the basic thinking behind the ordinance and other details.²⁰

Meanwhile, to support and expand these efforts to educate government staff and build internal capacity to design disclosure systems, the Kanagawa “marketing plan” featured an external strategy as well. Key external players would be academic experts, fellow local governments, the media, and of course, residents of Kanagawa themselves.

In search of expert advice, Kanagawa officials reached out to the academy. Professor Masao Horibe, who would play a lead role in both drafting and implementing the new rules, has written that he first met with members of the original project team in 1978.²¹ In addition to inviting Horibe and other academic experts to deliver lectures and advice, in the second half of 1980 Kanagawa would contract with four academics to conduct specific research assignments intended to lay the foundation for the new rules. As part of this work, Horibe would be charged with studying US disclosure rules and another member, Kenzaburō Shiomi, would research the law of Sweden. Because there was no home-grown model, study of foreign systems was critical. The work produced by these

academic experts would serve as a resource not only by Kanagawa's own planning teams; it would later be published by Kanagawa and shared with other local governments and transparency activists.²²

Four months after creating its "Preparation Office," Kanagawa would take a major step to reach out to colleagues around the country with a full day conference held in Yokohama on November 26, 1980. The title of this conference was "Seeking Open Government" and it featured presentations by several professors from national universities, officials from other local governments (Hiroshima and Shiga), and, of course, Governor Nagasu himself.²³ In retrospect, this event can be seen as the grand kickoff to a nationwide campaign. The difference in attitudes between the national government officials and local government leaders was stark. Whatever national leaders might be thinking in Tokyo, local governments would not wait.

The conference was attended by more than three hundred persons representing 78 local governments around Japan. In his keynote address, Governor Nagasu declared that information disclosure would become one of the great political issues of the 1980s – for both local governments AND the national government. He explained that it was entirely appropriate for local governments to act first because they are placed in "an intimate relationship with the daily lives of the people" (*shimin no seikatsu to missetsu na kankei*).²⁴ By this time, many local governments had formed their own information disclosure study committees. Representatives of approximately 80 percent of local governments in attendance reported that their governments had already commenced study of a local ordinance or planned to do so soon.²⁵

5. Enlisting Support in the Community

In 1981, the year following the Yokohama conference, the Kanagawa team set in motion three separate initiatives all intended to prepare public opinion and lay the groundwork for the launch of a new freedom of information system. In September 1981, a new thirty-member community discussion group (*konwakai*) would be appointed.²⁶ The full membership held seven meetings and a specialist subcommittee of ten members led by Professor Horibe held fourteen meetings during the period from September 1981 through July 1982.²⁷ Approximately twenty persons from organizations that had submitted opinions on the issue were invited to address the committee. They included representatives of the Japan Civil Liberties Union, the Yokohama Bar Association and other citizen interest groups.²⁸ This work would lead to the preparation of a formal proposal (*teigen*) submitted to the governor on July 17, 1982.²⁹ This document would form the

basis of legislation to be submitted to the prefectural assembly.

Meanwhile, in the effort to insure that “discussions would progress in a manner fully reflecting opinions of residents of the prefecture,”³⁰ a series of public fora was organized. The first was held in Yokohama in September 1981. This event was followed by a series of six public forums held at various locations around the prefecture between October 1981 and February 1982. According to Kanagawa records, a total of more than six hundred persons attended these events and more than one hundred stated opinions on the issue.³¹ These opinions were recorded and survive in summary form.³²

The third new initiative focused on building closer relationships with like-minded officials in other local governments. This was a natural outgrowth of the Yokohama conference. To reach out to allies and share ideas, Kanagawa joined with three other prefectures (Saitama, Shiga and Hiroshima) in June 1981 to form a multi-prefecture study group. Four joint study sessions would be held. By the time of the last, held in June 1983, the membership had expanded from four prefectures to sixteen.³³

6. Enacting the New Rules

The governor introduced the proposed ordinance to the legislature with these words. “Since I have taken up the position of governor, one fundamental theme I have taken up is to build Kanagawa as an autonomous and unified society (*rentai no shakai*). I have worked to build the prefectural administration as a joint work (*kyodo sakuhin*) together with the residents of Kanagawa.”³⁴ The draft ordinance was formally submitted to the legislature in September 1982 and voted into law on October 7, 1982.

V. The Influence of the Kanagawa System

As is customary in Japanese legislation, Article 1 of the new ordinance sets forth its objectives in broad terms: “the purpose of the ordinance is to realize an open prefectural government through greater fairness by clarifying the right to request the inspection of public documents and thereby deepening the people’s understanding of their prefectural government and advancing the relationship of trust between the prefecture and its people.”³⁵

The ordinance broadly defined the scope of documents subject to disclosure to include all documents and drawings prepared or acquired by government employees in the course of their duties. It allowed a broad class of persons with some connection to the prefecture to request to inspect or receive copies of such documents. Article 7 required

agencies to make a response within fifteen days of the request. Agencies were empowered to deny requests for information that came within any of seven categories established by the ordinance. In such cases, agencies were required to state which of the seven exempt categories provided grounds for denial.

As events unfolded, a small village in northern Japan would adopt a FOI in March 1982 and beat Kanagawa to the post by several months, so the Kanagawa system would be Japan's second FOIA. However, as Yokohama attorney and activist Akira Morita would later write "from the standpoint of the effort and enthusiasm devoted to its creation, Kanagawa was in substance (*jisshitsuteki ni*) the leader nationwide; for better or worse, it became the model for FOI ordinances that came thereafter."³⁶ In summarizing the Nagasu campaign of 1977—1982, Morita wrote that proponents of such a system "could foresee that there would be much internal opposition" and in order to succeed, they had "invested a great deal of human and financial resources." Indeed they had. Without the forceful action taken by Kazuji Nagasu and other local government leaders more than twenty years ago, Japan might not have a national FOIA today.

Conclusion

The late Governor Nagasu would heartily endorse Blanton's suggestion that a FOIA is a "threshold requirement" for democracy. On the other hand, leaders of Japan's dominant Liberal Democratic Party surely would not. Throughout the 1980's Japan's ruling party politicians blocked all opposition party proposals for a national FOIA. The Kanagawa FOIA and other local government rules that followed constituted a dramatic breakthrough made possible by an alliance between academic experts and a popularly elected officials.

This order of development led to a curious result. While the national government stonewalled, local governments moved forward. When the Liberal Democratic Party briefly lost control of the national Diet in the mid-1990's and FOI was pushed to the top of the national agenda, central government representatives were forced to confront the issue. They faced a *fait accompli* with more than ten years of history. A standard format for a Japanese FOIA had been adopted and embellished by Kanagawa and other key local governments. Dozens of cases had been litigated and an avalanche of commentary would thunder onto the desk of anyone who wished to study them.

One ironic legacy of Governor Nagasu and his colleagues is that those who had opposed their ideas about government transparency would be forced to follow in their footsteps.

¹ Thomas Blanton, “The World’s Right to Know,” *Foreign Policy*, Jul/Aug 2002. With few exceptions, freedom of information systems are created by legislative enactments; few Constitutions provide their citizens with rights to view government files. But democratic constitutions provide a right of free speech and many courts have found that a right to speak implies a right to listen, or more broadly, to receive information. Article 19 (2) of the International Covenant on Civil and Political Liberties leaves no doubt: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, *receive* and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any other media of his choice.” (emphasis added)

² Kazuji Nagasu, speech to prefectural workers, July 28, 1980. See *infra*, at text accompanying n. 19.

³ Kanagawa was not acting alone; all local government in major urban areas in Japan were considering the issue. Within months of Kanagawa’s action, legislatures in the population centers of Tokyo, Saitama, Osaka and elsewhere had also passed new disclosure ordinances.

⁴ The staff of Japan’s Administrative Reform Commission identified only seven countries with freedom of information laws in force as of 1980. According to the Commission, the national legislatures of Australia, Canada and New Zealand were acting at about the same time as Kanagawa. The Freedom of Information Act of Australia was adopted and went into effect in 1982. The Access to Information Act of Canada was adopted in 1982 and went into effect in 1983. The Official Information Act of New Zealand was also adopted in 1982 and went into effect in 1983. *Jōhō Kōkai Hōsei* (Information Disclosure Legal Systems) Administrative Reform Commission Secretariat, ed., (Dai-ichi Hoki, 1997)

⁵ <http://www.pref.kanagawa.jp>

⁶ In his 2002 article, Blanton defined the minimum requirements to include the following: 1) a presumption of openness, 2) exceptions drafted as narrowly as possible and included within the text of the statute, 3) exceptions apply only to specific categories of information where release would result in identifiable harm to state interests, 4) even when there is such identifiable harm, the harm must outweigh the public interest in disclosure, and 5) an authority such as a court, independent of the original government agency holding the information, should decide any dispute over access. Thomas Blanton, “The World’s Right to Know,” *Foreign Policy*, Jul/Aug 2002. As the founder of www.freedominfo.org, a website launched in July 2002 to gather information from FOI movements around the world, he is in good position to observe developments in a wide range of countries. Article 19, a London-based NGO, has also published a “Model Freedom of Information Law” to serve as a basic reference. See www.article19.org.

⁷ Kanagawa attorney Akira Morita has written that handling fees have been a problem in working with many local governments. “In my experience, the city of Yokohama collects a 300 yen examination fee. The records required for this request (seeking documents concerning travel and

dining expenses) for a single year would total nearly 200 cases, so the cost of the examination fee only would be nearly 60,000 yen (copying costs are additional). We were forced to limit the period of the request....” Morita, Shimin Ombudsman ni yoru Kan-Kan Settai no Bakuro” “Exposure of Kan-Kan Settai by the Citizen Ombudsmen,” in Usaki, Tajima and Miyake, eds. *Jōhō Kōkai Hō* (Information Disclosure Law), 160 at 161. (Sanseido, 1997). Concerning the historic “citizen ombudsmen” movement, see Repeta, “Local Government Disclosure Systems in Japan,” National Bureau of Asian Research, October 1999. The full text is available at http://www.nbr.org/publications/executive_insight/no16/index.html.

⁸ *Hōritsu Jihō*, June 1972. This is one of Japan’s most prominent legal periodicals. The overall theme of this volume is the “People’s Right to Know.”

⁹ See “Diary of the Plaintiffs Team,” 8 Law in Japan 1975.

¹⁰ See Information Clearinghouse Japan, “Breaking Down the Walls of Secrecy – The Story of the Citizens Movement for a Freedom of Information Law,” <http://www.freedominfo.org>.

¹¹ It appears quite likely that if the leaders of local governments such as Kanagawa had not received the baton from these intellectual leaders and taken the practical steps to implement disclosure systems among local governments, the professors would have returned to their classrooms and the movement would have remained an academic curiosity. While the postwar national government has featured a virtual monopoly by the Liberal Democratic Party, elections of governors, mayors, and members of local assemblies have been much more sharply contested. The politics of liberal enclaves in urban areas, including Tokyo, Osaka, and Kanagawa, have even featured long-term domination by politicians independent from the LDP.

¹² See <http://www.kensyokurou.ne.jp/sosiki/rekisi6.htm>. and <http://www.sankei.co.jp/databox/bukko/html/990507nagasukazuji.html>.

¹³ See Jacob M. Schlesinger, *Shadow Shoguns – The Rise and Fall of Japan’s Postwar Political Machine* (Simon & Schuster, 1997) especially 78-81. A groundbreaking investigative report concerning questionable activities by Prime Minister Kakuei Tanaka by Takashi Tachibana appeared in the popular monthly Bungei Shunju in November 1974. This led to Tanaka’s resignation in 1974. See also Johnson, “Tanaka Kakuei, Structural Corruption and the Advent of Machine Politics in Japan,” *Journal of Japanese Studies* (1986).

¹⁴ Kanagawa Ken no Joho Kokai, Kanagawa Ken Kensei Johoshitsu (“Information Disclosure in Kanagawa” by the Kanagawa Prefecture Information Office, hereinafter cited as “1984 Collection”), (Gyosei, 1984), p. 156.

¹⁵ This new recruit, Hitoshi Gotoh, would serve with Nagasu for the next several years. In 1995, he was among the experts appointed to the national Administrative Reform Council Specialist Subcommittee on Information Disclosure. He currently serves as Professor of Law at Kanagawa University. The author interviewed Professor Gotoh on June 27, 2003. His comments support much of the text in this section. Where appropriate to provide a specific citation, cited as “Gotoh

Interview.”

¹⁶ 1984 Collection, at 158.

¹⁷ *Id.*, at 158-9.

¹⁸ Gotoh Interview.

¹⁹ The full text of Governor Nagasu’s July 28, 1980 speech appears at 1984 Collection, 160-64.

²⁰ *Id.*, at 159.

²¹ Masao Horibe, “Making Freedom of Information Laws in Japan – An Academic Lawyer’s Experience” *Hitotsubashi Journal of Law and Politics* vol. 20, at 33-45 (1992)

²² 1984 Collection, 172-73.

²³ *Id.*, at 236.

²⁴ *Id.*, at 169. Nagasu was followed by a lineup of three professors from the law departments of elite national universities: Naoki Kobayashi, Yasuhiro Okudaira and Masao Horibe. *Id.*, at 237.

²⁵ Hideo Shimizu, *Jōhō Kōkai* (Information Disclosure), at 118 (Nihon Hyoronsha, 1981).

²⁶ 1984 Collection, at 173. A list of the full membership is reproduced at 1984 Collection, p. 345.

²⁷ *Id.*, at 346-48.

²⁸ The list of organizations includes Liaison Council of Kanagawa Consumer Groups, Kanagawa Consumer Life Shingikai, Kanagawa Business Executives Committee, Kanagawa Ken Keizai Doyukai, and Citizens Movement for a Freedom of Information Law. 1984 Collection, at 174.

²⁹ *Id.*, at 176. The complete text of the document is reproduced in the 1984 Collection at 315.

³⁰ 1984 Collection, at 174-75.

³¹ *Id.*, at 263-64.

³² *Id.*

³³ *Id.*, at 170-71.

³⁴ *Id.*, at 177.

³⁵ “Ordinance Concerning the Disclosure of Public Documents of Kanagawa Prefectural Agencies,” October 14, 1982, Kanagawa Prefectural Ordinance No. 42, Art. 1. (An English translation of the ordinance appears at Repeta, National Bureau of Asian Research, *infra* n. 7.

http://www.nbr.org/publications/executive_insight/no16

[/index.html](#).)

³⁶ Akira Morita, in “*Jōhō Kōkai Seido No Yukue*” (The Future of the Information Disclosure System”) in Yokokama Right to Know Group (*Shiru Kenri Yokohama no Kai*) (ed.), *Jōhō Kōkai Katsuyō Jissen Manual* (Manual for Practical Use of Information Disclosure) (Akashi Shoten, 2000), at 245.