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In retrospect, the September 1998-September 1999 period I was in Japan as a Mansfield Fellow was not the best time to be there, especially in the Ministry of Posts and Telecommunications (MPT). The overhanging issue was the pending April 2000 government reorganization and its resulting dissolution of MPT—the largest agency in the Japanese government. While my work was limited to the radio regulation “product line” of MPT, the ministry also controlled huge sums of money through its postal banking and life insurance operations. If classified as a bank it would have been the largest bank in the world! Clearly my MPT colleagues felt, with some justification, that U.S. pressure, *gaiatsu*, had been a factor in the pending changes that seemed likely at the time to have a negative impact on their career opportunities.

Thus my reception was mixed, but that should not be surprising in an agency that as a whole had been largely devoted to domestic matters. I was given a firsthand opportunity to see several aspects of the operation that made a positive impression on me and that I tried to bring back to the U.S. as possible operational improvements. I also made contacts that continue more than a decade later.

The key role of advisory committees was surprising and had many good features. These committees, composed of both industry experts and academics, were the place where the give-and-take of new regulations really took place. The MPT staff, in most cases concerning technical policy acted as managers of the deliberation process and let the true experts work out the details. For esoteric technical matters this seemed a lot more effective than the more formal “notice and comment” process used in U.S. agencies and is similar to what is permitted, but infrequently used, under the U.S. Administrative Procedures Act.

Having served in the military, it immediately struck me that the Japanese civil service system was more similar to the “rank in person” U.S. military and foreign service officer (FSO) personnel systems rather than the U.S. civil service general schedule’s “rank in position” system. Like military personnel and FSOs, there is centralized (within a ministry) management of personnel development with opportunities for advanced degrees and rotation to other parts of the ministry and other agencies

including diplomatic posts overseas early in one's career. Surprisingly, such rotations also included some private sector assignments.

My biggest surprise was to see how Japan's civil law legal system (similar to those in Europe since it was modeled after Prussian legal code in the Meiji Era) impacts the nature of the regulatory system vis-a-vis the U.S. common law system. Indeed, it became clear that part of the Japanese bureaucracy's opposition to U.S.-style regulatory transparency was their honest belief that it would not work in their legal system and their lack of understanding that it actually does work in the U.S.'s common law system, which they don't understand either.

For example, Japanese officials are reluctant to write transparent regulations because they know there will inevitably be special cases and if they are too explicit they won't have the flexibility to deal with them. Thus they write vague rules that frustrate both Japanese firms and U.S. trade negotiators. Even a top Japanese academic expert on U.S. administrative law was surprised when I explained that the U.S. system of transparent regulations works because the courts have allowed waivers of rules when the specific case results in an unusual hardship. It appears that such flexibility is inconsistent with the current working of Japan's and perhaps most civil law systems and this is the reason why Japanese regulators prefer a vagueness that the U.S., coming from a different legal system, sees as nontransparency.

After returning from Japan I requested a six-month detail to the State Department Japan Desk, where I explained these observations and was able to plan a workshop for Japanese diplomats and businessmen to explain how U.S. regulations are developed and implemented in practical situations. It was well-received.

One impression of both working in a ministry office and a Diet member's office was both the steady stream of special interest visitors—usually bearing gifts—and the lack of correspondence from the public. The Japanese public just doesn't write their government or their elected representatives anywhere like Americans did. I was in Japan at the time of the Clinton impeachment vote and mentioned that my congresswoman got 25,000 e-mails the day of the vote. Everyone was incredulous! When I worked in the Diet member's office, his total mail delivery each day was about one-inch thick!

I noticed that the Diet member, like U.S. politicians, spent a significant fraction of his time on fundraising. Yet it became clear that most Japanese never give any money to any politician. I have since started suggesting to all my Japanese friends that this is a fundamental problem of Japanese democracy and that they should

find *some* politician at some level they like and support him to a modest degree, say ¥10,000. Democracy is not free, and public disinterest in the electoral process strengthens special interests.

I worked at FCC for about four and a half years after my return from Japan and then retired when my wife was offered a position at OECD in Paris, where we lived for three years. My exposure to the French civil law system reinforced much of what I saw in Japan on the significance of legal systems. I also had an opportunity to work as a consultant to a member of the European Commission and this benefited from my Japanese experience.

Since I have retired, I have received and accepted several invitations from Japanese universities and research labs to travel to Japan and talk about technology and policy developments in my field. I find these trips a useful way to keep up contacts in Japan and always arrange to stop by the spectrum policy regulators in MIC (Ministry of Internal Affairs and Communications) and renew old ties. I also keep in regular touch with the Diet member I worked for.

While I was on a one-month assignment to the Association of Radio Industries and Businesses, an industry trade group and standards body, I started a lunch hour English discussion group, focusing on a recent article from *USA Today*. We would read the article together and discuss the grammar, vocabulary, and the substance. I was gratified to learn that the staff liked the idea so much that the custom continues to this day, and whenever I am in Tokyo I stop by to participate in the lunch hour discussion.

Michael Marcus participated in the Mike Mansfield Fellowship Program as a representative of the U.S. Federal Communications Commission from 1997–1999. During his Fellowship year in Japan, he served in full-time placements in Japan's Ministry of Posts and Telecommunications, the Association of Radio Industries and Businesses (ARIB), and the office of the Honorable Naokazu Takemoto, LDP Member, House of Representatives. He retired from the Federal Communications Commission as associate chief for technology in the Office of Engineering and Technology.