

to an independent body which can substitute its discretionary decision for that of the official who made the original one.

Grievances against acts of maladministration, in essence not a question of appeal from, but of making an accusation against an authority.

In new and previously unperformed functions, there is an absence of settle case law and, as I have previously indicated, only vaguely applicable common law. Few people, most of all the underprivileged, know what their rights or obligations are. In the absence of progressive legislation or good case law, there often exists inadequate or inappropriate mechanisms for appeal against real or alleged grievances. There is, consequently an institutional lag. In addition, in words popularly current here, there is what might be called a grievance gap as applied to the newer functions, particularly those involved in the processes of urbanization.

The areas latterly mentioned are quite legitimate ones for ombudsmen. They are sorely needed there. But again, caution should be noted. The ombudsman is not snake oil. Selling the concept as a panacea for society at large does the concept an injustice. The office should not be looked on as a replacement for genuine reform in the structure of government, most particularly reconsideration of the methods for providing people-oriented services. The ombudsman is, at best, a supplemental remedy for the redress of citizen grievances. There are others, such as the Amparo processes as found in Mexico and elsewhere.

In conclusion, I suggest that the redress of citizen grievances is a matter worthy of continuous consideration by this committee. It should not be said of us, as it was of Henry III of England, that he was "more pious than wise in that he heard mass three times a day but refused to listen to complaints." Communication between the citizen and his government is at the heart of any redress procedure. People must be aware of where government is and what it is doing; government must be able to hear what citizens want and need. When this becomes so, then we can change the folklore that now has it "that you can't fight city hall." I take it that we are agreed that in a democracy this is intolerable.

Thank you.

Senator LONG. Thank you, Mr. Hamilton, for a very fine statement.

I have looked over your biographical sketch here and am impressed with your very distinguished background. Without objection, I am going to ask that it be placed in the record prior to your remarks.

Mr. HAMILTON. Thank you for your courtesy, Senator.

(Biographical sketch referred to follows:)

CONDENSED BIODATA SHEET, COMMITTEE WITNESS, RANDY H. HAMILTON, JANUARY 16, 1968 (EXECUTIVE DIRECTOR, INSTITUTE FOR LOCAL SELF GOVERNMENT, CLAREMONT HOTEL, BERKELEY, CALIF.)

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