

Americans have become increasingly well informed about happy experiences with ombudsmanship in other lands. Among the Americans who are well informed are legislators. They are far too busy to be idly curious concerning exotic governmental institutions, but they sensibly realize that experience elsewhere may perhaps be relevant to specifically American problems.

This paper focuses on what experience abroad suggests concerning only one aspect of American administration. I do not intend to discuss what ombudsmanship might accomplish at the level of state or federal government. I wish only to outline what foreign experience suggests to me concerning local governmental affairs here. Chiefly, it suggests that I should not pitch my hopes too high. I declare at the outset that I am enthusiastic about transplanting the ombudsman system to these shores, but I do not for a moment think that the transplantation would create a transformation. An ombudsman would substantially adorn the American governmental scene, but he would not remake the scenery.

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Without meaning to sound dejected, I begin with three strongly negative propositions.

1. Not long ago a civic reformer in a large Eastern city asked my help in drafting an ombudsman bill because, he said, his city government was corrupt from the sub-basement to the roof and he hoped to clean it. I advised him to forget the ombudsman. He needed a far more powerful detergent.

Wherever the ombudsman has been a success, he has been working within a system most people trust most of the time. In Guyana, where an ombudsman was created because of intensely divisive ethnic conflict, only one allegation of racial discrimination was filed during the appointee's first full year in office. That does not suggest a dramatic lessening of ethnic hostilities, but, rather, a disbelief in the appointee's sincerity or effectiveness. In Mauritius, which had resolved to activate the ombudsman system in 1967, no ombudsman has yet been named because nobody has been found in whom everybody has confidence. Now a search is afoot for a trustworthy foreigner who can be imported to fill the job—a search unlikely to succeed because few non-Mauritians speak the prevailing language, Indian Ocean Creole. In Tanzania, a one-party state, a three-man presidential commission appointed to be that nation's ombudsman has not won the faith of those who do not already have faith in the president and his monopolistic party.

An ombudsman, I conclude, can isolate mistakes: he can point out better pathways to goals that most right-minded people want to reach; he can suggest new applications of already accepted concepts. What he cannot do is compel unwilling officials to adopt an outlook that he himself has freshly dictated. If an American city has become habituated to corruption as its way of life, it had better turn first to a sweeping reform movement, not to an ombudsman.

2. My second negative proposition is this: An ombudsman will perforce leave untouched many of the things that most deeply irritate some elements of the citizenry.

Numerous complaints that now reach high public officials clearly pertain to policy choices. Should an area near a city remain rustic or should it be invaded by high-rise apartments? Should a treatment facility for narcotics addicts or a hospital for the mentally ill be created at all; and, if created, where should it be located? How should a new highway be routed when outdoorsmen object to one route, suburbanites to another and taxpayers to a third that would be far more expensive than the others? Should more (or less) money be spent on public schools, and should tuition be charged those who can afford to pay for a college education? Should food dispensers be subjected to stringent controls in the interest of public health? Should pollution of local beaches be abated by spending more money on sewage disposal? Assuredly these are important questions about which citizens are entitled to voice opinions and to be dissatisfied with the answers of public officials.

But the ombudsman is not the shaper of public policies. Nowhere abroad has he been a shortcut to judgment or, at the behest of the defeated, a reviewer of basic decisions made by political organs. Occasionally he can criticize the preliminaries to decision as, for example, the New Zealand ombudsman did when he castigated a department for inadequately informing the cabinet concerning the issues at stake; and he might be able to express an inconclusive doubt, as has the Danish ombudsman, that a particular policy choice is within the range of the