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Proposed Governmental Reforms for Chicago

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PROPOSED GOVERNMENTAL REFORMS
FOR CHICAGO

LIFE OF AUTHOR

George Spiro Georgacopulos was born in Chicago, Illinois, November 24, 1921.

He was graduated from Lane Technical High School, Chicago, Illinois, January, 1943, and from the University of Illinois, August, 1946, with the degree of Bachelor of Science. The period between 1940 and 1946 was spent in the service of the United States Navy.

A Thesis Submitted to the Faculty of the Graduate School of Loyola University in Partial Fulfillment of the Requirements for the Degree of Master of Social and Industrial Relations

June
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LIFE OF AUTHOR

George Spiro Georgacopulos was born in Chicago, Illinois, November 9, 1924. He was graduated from Lane Technical High School, Chicago, Illinois, January, 1943, and from the University of Illinois, August, 1950, with the degree of Bachelor of Science. The period between 1943 and 1946 was spent in the service of the United States Navy.
Very special thanks are due to the Citizens of Greater Chicago and to the Civic Federation for their splendid cooperation in providing material for this study; also to Father Paul A. Woelf, S.J., Chairman of the Department of Political Science, for his kindness and assistance in the preparation of this thesis.

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In 1953, various governmental reforms were proposed for Chicago. This study is concerned with three such reforms: namely, a charter reform, a judicial reform, and an administrative reform. The latter reform relates to the departments and agencies of the City Government of Chicago.

In a study such as this Chicago's government can not be considered apart from certain important relationships to its surrounding regions. The municipal government of Chicago should be envisioned in a legal sense and not in a territorial sense.

A clear presentation of the government of Chicago is made difficult by the fact that there are five other governing bodies operating within the city, which are independent of city control. Created by statute, these bodies have power to determine policy, to see and be seen, and to control their own funds through their right to borrow money, issue bonds, and levy taxes.

INTRODUCTION

In 1953, various governmental reforms were proposed for Chicago. This study is concerned with three such reforms; namely, a charter reform, a judicial reform, and an administrative reform, the latter reform refers to the departments and bureaus of the municipal government of Chicago.

In a study such as this Chicago's government can not be considered apart from certain important relationships to its surrounding regions. The proposed amendment of a Judicial Article to the state constitution, for example, involves a judicial reorganization, which would directly affect the court structure and administration in Chicago.

In this study the term Chicago will be taken to mean the City of Chicago and will not be synonymous with such terms as Chicago Area, Metropolitan Region and Greater Chicago.

The municipal government of Chicago should be envisioned in a legal and not in a territorial sense.

A clear presentation of the government of Chicago is made difficult by the fact that there are five other governing bodies operating within its limits, which are independent of city control. Created by statute, these bodies have power to determine policy, to sue and be sued, and to control their own funds through their right to borrow money, issue bonds, and levy taxes.¹

Such governing bodies as the Cook County Commissioners, the Forest Preserve District, the Sanitary District, the Park District and the Board of Education should be excluded when referring to the government of Chicago.

The terms Greater Chicago, Chicago Area and Metropolitan Region are defined as the area "whose boundaries extend roughly in a forty-mile arc from Waukegan on the north through Aurora on the west, Joliet on the south and the state boundary on the east." Approximately 5,500,000 people live in this area.2

Two other terms that should be defined at this point are city charter and home-rule. A city charter is a grant of special rights by the state to a municipality. It provides the structure and the rules under which city government operates. It defines the powers and responsibilities of the executive department--the mayor, and the legislative department--the city council.3

Home-rule, in a more restricted and technical definition, "refers to a broad constitutional grant of power to the city, permitting it to draft its own charter of organization and administration."4

The difference between a charter and home-rule is that a charter fixes the structure and operation of city government, while home-rule allows

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the municipality a greater amount of freedom in organizational structure and in conducting its own affairs. Home-rule is a more flexible implement. It enables a city to govern itself without constant supervision by the state legislature.

The municipal government of Chicago is in need of reform. Alderman Robert Merriam feels that indignation over the many evils besetting Chicago at present "becomes meaningful only to the extent that it is translated into a planned program to achieve certain definite objectives." The objectives, he names, include building "a streamlined, strengthened Chicago City government," building "a home-rule spirit which will win Chicago its rightful share of self-government," and "building a modern judicial system."

There has been considerable population and economic growth in Chicago since 1870. Chicago has grown in population from 400,000 in 1870 to 3,600,000 in 1952. In the same period assessed valuation has risen from $275,986,550 to $8,761,413,665. This rapid growth has carried with it an antiquated, unwieldy, inefficient, and costly governmental structure. Guy Reed, President of the Citizens of Greater Chicago, feels that Chicago now has "a system of government wholly unfitted to a modern city."

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7 Guy E. Reed, "When Chicago Citizens Unite," An address given before the Rotary Club of Chicago, January 27, 1953.
Harland Stockwell, Executive Secretary of the Civic Federation, stated that the "simplification and consolidation of local government for metropolitan Chicago must start within the city itself. The various divisions, bureaus and departments within the city should be organized on sound functional lines."\(^8\)

The constant growth and change of Chicago's governmental functions have caused a need for periodic administrative studies. Such studies are conducted with the purpose of locating and correcting faults in the departmental organization of the city government. The significance of such studies was commented on by Harry Booth in 1950.

If it was important that a careful, critical analysis be made of the agencies of the Federal Government, and a somewhat similar study is now under way of the various agencies of the State Government, ... there would seem to be equal cause for a prompt study of the various functions of the many governmental agencies in the city of Chicago and the surrounding Metropolitan area for the purpose of bringing about a more efficient and better discharge of the duties and responsibilities of our local governmental agencies.\(^9\)

Chicago has conducted numerous administrative studies of its governmental agencies, while almost all have been revealing, not all have been successful in bringing about worth-while changes in government.\(^10\)

*Life Magazine* stated that a retarded judicial system exists in Chicago. It said "the lethargy of some Cook County judges, legal complexities, and the

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8 Stockwell, *Confessions of a Reformer,* 11.
10 *Chicago Sun-Times,* December 2, 1951, sec. 1, p. 62.
archaic Illinois constitution have caused Chicago civil courts to become swamped with 50,000 cases as thousands of petitioners wait in agony and poverty. The article continued in saying that in Cook County, Chicago primarily,

Most of the judges are actually appointed by political machines which, since 1927, have worked together to place their candidates on 'coalition tickets.' To the judge, the politicians mean security... and to the politicians the judges mean power and influence as well as money—most can be expected to make a substantial campaign contribution.

The faults of the existing judicial system in Chicago was recognized as far back as 1932. At that time Albert Lepawsky wrote that

The metropolitan district, in spite of its concentrated, overflowing, mobile population, is still governed by a medley of local authorities established for a manorial and rural society. At the same time, a judicial system installed for pioneer America continues with but little change to regulate the incessant delinquencies and disputes of a complex, workaday community.

Lepawsky felt that "profusion, duplication, and complexity characterize the judicial structure of the Chicago metropolitan area."

Municipal government in Chicago is now closely confined to the dictates of the state legislature, which makes the solving of local problems difficult. This condition was shown to exist as far back as 1898.

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12 Ibid.


14 Ibid., 19.
Samuel Sparling then said that

Crude workmanship, excessive legislative control, and the absence of a clear vision into the needs of urban life and organization, have resulted in a vast variety of forms of charter organization. . . The process of development in Chicago . . has tended to draw the municipality from the traditional basis of local self-government towards submission to a strong control over the locality by the state legislature.15

Chicago has no real charter, consequently, it has been difficult in many cases to actually establish the powers of the city. The City Council is the largest in the United States, and is elected on a ward basis. It possesses administrative functions which hamper its efficiency as a legislative body.

Harland Stockwell stated

that the Council should be reduced in size and a substantial portion, perhaps a majority thereof, should be elected at large. . . any new city charter should more clearly define the powers and duties of the executive and legislative branches of our city government, placing a greater responsibility with the Mayor for the administration of policies determined by the Council and removing from the Council concerns with administrative detail.16

Public indignation usually serves as a primer in most reform movements. The extent of indignation will be indicative of the probability of reform. Indignation, however, requires organization and direction. A civic organization, the Citizens of Greater Chicago, has been founded to effectively serve this purpose. An analysis of this organization is relevant to this study.


In 1937 Leroy Vernon found civic organization in Chicago at a discouraging level. Chicago was at that time, as it is now, faced with a need for a charter, and confronted with a lack of home-rule powers. Vernon stated that "the state constitution and state laws offer many obstacles to the granting of these needed rights." He went on to say that

While plans for betterment of these conditions are always simmering in some minds in Chicago, the fact remains that there is not now any great concerted effort among the citizens of Chicago to remedy them. In the absence of such stimulation, the various governments in Chicago, which tax the people, are equally lazy in doing what they can to remedy their situations.

Charter reform, judicial reform, and administrative reform are not a panacea for Chicago's governmental ills. However, such reforms would enable Chicago to attain the status of a modern, well-governed city. The need for such reforms has been of long duration.

The purpose of this study is to survey the efforts of the various organizations interested in reform, study their current proposals, correlate such proposals, and present a general picture of what a worthwhile reform would entail. It is hoped that such a study will contribute much towards a better understanding of the problem.

The greater part of the material in this thesis has been compiled from the official publications of the agencies and private research. The remaining part was acquired by referring to numerous newspaper and magazine


18 Ibid.
articles, reading through many pamphlets and leaflets, and speaking with officials and informed citizens on the governmental structure in Chicago.

Privately conducted and privately subsidized studies have been made on governmental structure of Chicago by the University of Chicago. The most pertinent studies to this thesis are Charles E. Merriam's book on Chicago: A More Intimate View of Urban Politics; the combined study by Charles E. Merriam, Spencer D. Parratt and Albert Lepawsky on The Government of The Metropolitan Region of Chicago; Albert Lepawsky's studies on Home Rule for Metropolitan Chicago, and The Judicial System of Metropolitan Chicago; and Robert E. Merriam's and Norman N. Elkin's unpublished study On The Charters of Chicago.

Other privately conducted and privately subsidized studies on the governmental structure of Chicago have been made by civic and professional organizations. The Citizens of Greater Chicago and the Illinois State and Chicago Bar Associations respectively submitted in 1953 to the state legislature, a city chapter proposal and a proposed amendment of a Judicial Article to the state constitution.

A publicly conducted and publicly subsidized study of the judicial system of Illinois has been made by a joint state legislative commission. This commission was created to study the need for judicial reorganization in Illinois, and to submit its proposal for such a reorganization to the state legislature. In the course of its study it conducted public hearings, conferences and interviews with qualified individuals. It also made use of a memorandum report by
the Illinois Legislative Council on the subject of judicial articles of state constitutions.

Privately conducted and publicly subsidized studies have been made on the departmental structure of Chicago's city government. The studies have been undertaken by private research organizations, and have been authorized by the City Council. A very recent study of this kind is the one conducted by the Committee on City Expenditures, otherwise known as the "Little Hoover Commission." This committee listed its findings and recommendations in what is popularly known as the "Sims Report." An analysis of the findings of this committee, released by the Office of the Budget Director, stands as a reform-document in its own right.

Having stated the general area of this study, we will now proceed to a more detailed examination of the proposed reforms. There will follow at the end of each chapter an evaluation by the writer.
CHAPTER I

CIVIC ORGANIZATION IN CHICAGO

The municipality of Chicago has been built up by annexation over many years of many separate towns and villages. It "is a city of cities; it is a mosaic of little worlds, an aggregate of local communities, each one differentiated from the others by its characteristic function in the total economy and cultural complex of city life."¹

In 1938 the Chicago Recreation Commission, in a Local Community Fact Book, presented Chicago as seventy-five different local communities. In determining the boundaries of each community several factors indicative of their individual existence were considered. These factors were four in number: (1) settlement, growth and history; (2) local trade area; (3) distribution of membership and attendance of local institutions; (4) natural and artificial barriers such as the Chicago River and its branches, elevated and other railroad lines and parks and boulevards.²

The seventy-five local communities of Chicago vary greatly in character. Some are residential while others are commercial or industrial. A typical residential community, for example, may have an area of three or four

¹ Final Report of the Committee of 19, II, 32.
² Ibid., 32-33.
square miles with more than 100,000 people living within its boundaries.  

Problems peculiar to a particular community may be approached by local groups in that area. Such local groups may be organized into a federation, or what is more popularly called an Area Council. It is estimated that there now exists forty of these Area Councils within Chicago. Additional ones are periodically being formed. 

An Area Council is pictured as an organization of organizations. Its membership may consist of churches, service clubs, local business groups, parent-teacher groups, boy's clubs and other such local groups. In addition, it may have individual memberships.

Area Councils signify a banding together of local groups for a common purpose. This cooperative pattern may still assume a broader base when the problems are city-wide; Area Councils may then unite in an effort to resolve problems confronting the city as a whole.

In addition to local groups there also exist city-wide groups which show an active interest in civic affairs. City-wide organizations are classified into two groups:

1. Those operating from a central office (usually in the Loop), with a membership made up of individual citizens or of businesses.

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3 Ibid., 34.
4 Ibid.
5 Ibid., 36.
2. Those which are a federation of groups of citizens located in various parts of the city. Such organizations also usually have a central office in the Loop.

Civic organizations can be defined as those organizations interested and active in promoting civic welfare. They were either organized to engage in some particular phase of civic advancement or to serve some other particular purpose, such as: religious, fraternal, cultural, professional, social, business, union, educational, and the like. 6

In 1929, Charles E. Merriam referred to civic organizations as "invisible governments." 7 He stated that civic organizations represent a body of sentiment which, while weakly organized, may at any time under sufficient provocation or with sufficient inspiration become effective in the direct political sense, both in elections where votes count, and in the meantime when steady pressure is often evident in securing results... They are reenforced by the collateral civic activities of a great host of other organizations not primarily interested in governmental affairs, but in many instances developing notable activities in this domain.

He went on to say that in Chicago, as in many other cities, they have largely taken over the policy-formulating function of the political party, and to a considerable extent the initiating function of the municipal administration itself.

He concluded by saying: Civic Organizations, while they are strong at many points, are weak at others, identified in most quarters with sincerity and zeal, but also with narrowness and class affiliation... They have done much, however, to fill the gap caused by the

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6 Ibid., 35.

lack of efficient administration, of permanent prosecuting officials, of effective political parties, of thoroughly aroused, discriminating and informed public opinion.

The Metropolitan Area Project Committee, at the request of the League of Women Voters, conducted a survey to study the ways and means of increasing the continuous participation of citizens in government in big metropolitan areas. Chicago was included. The Committee found that "with many citizens, especially in the working class, it is actually a lack of time, energy and money that limits participation in government." The Committee felt that better communications could help here. It found that "many organizations and agencies are now reaching the citizen where it is most convenient for him, through his own group."

The Committee's report went on to say that

The citizen does not feel close to his city government. His sphere of interest and action is usually his own local neighborhood or community. It is not too difficult to get the citizen to attend a local protest meeting... It takes persuasion to get that same citizen to the city hall... Someone--perhaps more effective voluntary organizations--must take on this job of educating and encouraging the citizen to take intelligent action on city wide governmental affairs and to understand his responsibility for the welfare of the city as a whole.

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9 Ibid.

10 Ibid., 3.
The Report further pointed out that "the complex structure and functioning of the big-city government baffles the average citizen. It is not only complex, it is also impersonal." It is "a feeling of futility and loneliness on the part of the average citizen." The Report stated, that causes him to feel that he must leave the affairs of government "to someone who knows more about it--too often the corrupt politician."

The Metropolitan Area Project Committee also found a lack of cooperation between organizations. The Report stated that

More cooperation between the professional and lay groups is necessary to bridge the gap between the scientific findings and the practical application of these findings through experiment and action.

It is also important that every voluntary organization know more about what other groups are doing so that there can be less duplication and, where feasible, some coordination. The overlapping of effort and energy at present is not always necessary or profitable--in fact in some instances it is the cause of some of the frustrations.

The Committee's report discussed the question of decentralization.

The Committee believed that

In order to reach all areas of the city and all segments of the population organizations must find a pattern of decentralization that will fit their own needs. The size of the city, difficult transportation and communication problems and the fact that the big city is made up of many communities all quite different in character makes this important.

11 Ibid.
12 Ibid., 4.
13 Ibid., 7.
14 Ibid., 12.
The report of the Committee stated that "few organizations are using any mass media with the maximum effectiveness. Few have established good relationships with the directors of these media. They know too little about the preliminary planning and proper follow-up of a good publicity and public relations job." 15

The Committee found that in large cities a high percentage of citizens belong to no organization. Organizations reach primarily the middle income, upper educational groups. The Committee's study also revealed that a greater number of women are unaffiliated than men. One reason for this is that men have a more frequent membership in labor unions. 16

Guy Reed offered ten reasons for the failure of past attempts to attain better government in Chicago: 17

1. They did not strike directly at the root of Chicago's problems.
2. They were too narrow in scope.
3. They were propelled by emotions rather than reason.
4. There was no general agreement as to what should be done.
5. There was inadequate communication between the leaders and the public.

15 Ibid., 13.
16 Ibid., 5-6.
17 Reed, "When Chicago Citizens Unite."
6. Groups were constantly working at cross purposes and were jealous of each others accomplishments.

7. Attacks on public officials often were unfair; this alienated many public servants and political leaders who otherwise would much rather have worked with the citizens for decency than to compromise constantly with powerful forces of evil.

8. What was made to appear as partisan rivalry for local power, often was nothing but bi-partisan collusion to exploit. The citizen was tricked into following the party label.

9. Movements were not adequately financed nor sustained.

10. Programs for unity of action were never well conceived nor planned.

To overcome these shortcomings a new and different kind of civic organization was created in Chicago—the Citizens of Greater Chicago, located at 173 West Madison Street. This organization was incorporated in March of 1952 with a charter from the state of Illinois. It is a horizontal federation of business, civic, professional, religious, labor, cultural, educational, welfare, and other organizations of Cook County and all the bordering counties. Over two-hundred organizations and thousands of individuals are included.
The Citizens of Greater Chicago is an agency representing its member organizations. It is an organization of organizations - though individuals are also admitted. It was created with the purpose of not duplicating the work of any member organization, but of seeking rather to strengthen the member organizations by interpreting their work to all the affiliated groups. It therefore serves as a coordinating body, and provides direction for the combined efforts of all groups.

The forerunner of the Citizens of Greater Chicago was the Committee of 19. This committee was formed in February of 1952 by an aroused citizenry over the murder of a Chicago politician. The Committee of 19 consisted of representatives of well-established Chicago groups. They included the Chicago Bar Association, the Chicago Crime Commission, the Chicago region of the AFL, the Chicago Association of Commerce and Industry, the University of Chicago and various civic organizations.

In February of 1952 the Committee of 19 held two public meetings. The following tabulation of the groups represented shows the distribution by types of agencies and organizations:18

Central Business and Professional Groups 10
Central Civic Groups 8
Central Service Club Organizations 3
Central Social Service Groups 10
Clubs with Civic Interests 3
Federations 12
Labor Union Central Organizations 7
Minority and Civil Rights Groups 12
Religious Organizations 24
Universities 6
Veterans' Groups 6
Women's Organizations 10

Total 131

The suggestions submitted at these public meetings and other smaller meetings were analyzed, classified and studied by the Committee of 19. A report was then published in September of 1952. The report of the Committee expressed the urgent needs confronting the Chicago Area with reference to its governmental structure. Guy E. Reed, now president of the Citizens of Greater Chicago, stated that the essence of the thinking of the most interested and best informed citizens was contained in the report of the Committee of 19.19

The Report pointed out nine important governmental needs for the Chicago Area. They were: the adoption of a home-rule charter; reapportionment; a modern criminal code; judicial reorganization; an improved civil service administration; better law enforcement; a revision of the tax structure; slum clearance and adequate housing facilities; revision of the primary law and improvement of the election laws.

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19 Reed, "When Chicago Citizens Unite."
To implement these proposals and to create a vehicle for development of the programs in detail, a corporation was formed known as the Citizens of Greater Chicago. The incorporators were the Presidents of the Chicago Bar Association, the Chicago Crime Commission and the Chicago Association of Commerce and Industry. The Articles of Incorporation and the by-laws were written by prominent members of the Chicago Bar Association following the suggestions of the members of the Committee of 19.

The first Board of Directors was appointed by the incorporators in September of 1952. Interim officers were elected by the Board to serve until the first annual meeting. In January of 1953 Fred K. Hoehler accepted the position of Executive Director with the Citizens of Greater Chicago. He had just completed his duties as Director of the Illinois Department of Public Welfare; he possessed successful experience in civic organization, acquired while engaging in such a task for the City of Cincinnati.

The three classes of membership in the Citizens of Greater Chicago are the active members, the associate members, and the sustaining members. Article IV, Section 1, of the by-laws of the Citizens of Greater Chicago states that

Active members shall be organizations or associations, either incorporated or unincorporated, having twenty-five (25) or more members in good standing, which are (1) active in promoting the objectives of Citizens of Greater Chicago... (2) non-partisan, and (3) operate in other than a local neighborhood. Only Active Members shall be entitled to vote and each Active Member shall designate in writing one of its officers or a member of its staff to represent it and to vote on its behalf at meetings of the Members.
Associate members meet all of the above requirements for active members with two exceptions: (1) no mention is made of the minimum number of members required, and (2) associate members shall be organizations that "operate in only a local neighborhood." This would refer to members of area councils' associate members can indirectly participate in the activities of the Citizens of Greater Chicago through memberships in an area council, or in a federation which is an active member, since only the latter is permitted to vote.

Sustaining members are those individuals who contribute to the Citizens of Greater Chicago a minimum of one-dollar each year. By volunteering their services they may actively participate in some phase of work of this organization.

Article IV, Section 3, of the by-laws states that

Each application for Active or Associate Membership shall be submitted to the Membership Committee on a form approved by the Board of Directors. The Membership Committee shall give prompt consideration to each applicant's qualifications for membership and shall make recommendations, based upon a majority vote of said Committee, to the Board of Directors. To be elected to Active or Associate Membership an applicant must receive the affirmative vote of two-thirds (2/3) of the members of the Board of Directors at which the application is considered.

Article IV, Section 2, mentions that "there shall be no annual dues for Active or Associate Members unless otherwise determined by the Board of Directors."

Article V of the by-laws is devoted to the Board of Directors.

Section 1 states that
control and management shall be vested in a Board of Directors of not more than fifty-one (51) members, including the officers and immediate Past-President. Two-thirds of the members of the Board of Directors shall be drawn from the rolls of Active Members and one-third shall be members-at-large. No person holding a salaried public office may become a member of the Board.

At the first annual meeting, elected terms of office of the Board of Directors were staggered; one-third were elected to serve for one year, one-third to serve for two years, and one-third to serve for three years.

Article V, Section 2, states that

At each annual meeting of the Active Members held thereafter vacancies on the Board of Directors resulting from expired terms shall be filled for full three year (3) terms. No member of the Board of Directors shall be eligible for election to the Board after having served two (2) full consecutive terms of three (3) years each until after a lapse of one (1) year.

Article V, Section 1, calls for a quorum of one-third or more of the Directors for conducting meetings. Section 5 states that

Regular meetings of the Board shall be held each month except during the months of July and August. . . Special meetings may be held upon the written request of five (5) or more members of the Board addressed to the President. . . The Directors may, in writing, waive notice of the time, place and purpose of holding any meeting.

Article VII of the by-laws provides for the officers of the Citizens of Greater Chicago. Section 1 reads as follows:

The officers of Citizens of Greater Chicago shall be a President, one or more Vice-Presidents, a Secretary, a Treasurer and such other officers as may be provided for by resolution of the Board of Directors, each of whom shall be elected at the first meeting of the Board of Directors by a majority vote of the Directors present at such meeting to serve until the next annual meeting of the Board of Directors or until his successor shall have been elected and qualified and shall have assumed the duties of his office. All officers shall be elected from the membership of the Board of Directors. No officer may be elected to the same office for more than two (2) consecutive terms of one (1) year each.
The president presides at all the meetings of the active members, the Board of Directors and the Executive Committee. He has general supervision of the conduct of the affairs of the Citizens of Greater Chicago, subject to the approval of the Board of Directors.

Article VI sets up the Executive Committee. Section 1 states that "the President, with the advice and consent of the Board of Directors shall appoint from among its members an Executive Committee... who shall hold office at the will of the Board." Section 2 continues in saying that

The Executive Committee shall have the powers of the Board in the management of the business, affairs and property of Citizens of Greater Chicago during intervals between the meetings of the Directors, but subject always to the final control of the Board itself, except where rights of third parties have intervened.

The Executive Director holds a very important position in the Citizens of Greater Chicago. Article VIII, Section 1, of the by-laws states that he

be a full-time salaried employee of Citizens of Greater Chicago. He shall give such surety bond or bonds as the Board of Directors may require. He shall have the power to make, under the instructions and subject to the approval of the Board of Directors, contracts for and in the name of Citizens of Greater Chicago. He shall exercise supervision of the executive offices and shall perform such other duties and exercise such other powers as may be delegated to him by the President and the Board of Directors. He shall make reports concerning the affairs of his office and the executive offices to the President and to the Board of Directors whenever called upon to do so. His records and files shall be open to the President and Board of Directors at all times.

Article VIII, Section 2, mentions that subject to the approval, terms and conditions of the Board of Directors, the Executive Director may employ such additional persons as the Board deems necessary to efficiently
Article VIII, Section 3, goes on to say that "paid employees of Citizens of Greater Chicago shall hold office and employment at the pleasure of the Board of Directors and paid employees shall not be eligible to membership on the Board of Directors."

Article IX of the by-laws is devoted to the formation of committees. It states that the Board shall appoint from its members a membership committee and a finance committee. The Board of Directors shall also appoint a nominating committee. Article IX, Section 3, states that "It shall be the duty of the Nominating Committee to make nominations for the Board of Directors to succeed those incumbents whose terms of office expire at the next annual meeting." Article IX, Section 4, states that "the Board may at any time create such other committees as it may deem desirable and shall appoint the Chairman thereof."

The designers of the Citizens of Greater Chicago felt that "anything less than an organization which could reach the great mass of the citizens of the Greater Chicago area would be fruitless." They felt that at no other time were the citizens and their many civic-minded organizations in such a position to join together in a cooperative and unified participation in public affairs.

To reach the great mass of citizens in the Chicago area, a Citizens Assembly was created in the Citizens of Greater Chicago. The Citizens...
Assembly consists of active members, represented by delegates, who come together at the Citizens of Greater Chicago for the purpose of transmitting member ideas to the Assembly, and in turn transmitting the plans and decisions of the Citizens of Greater Chicago back to their organizations.

During April and May 1952, under the direction of the Junior Association of Commerce and Industry, a "Dollars for Decency" campaign was staged by the Citizens of Greater Chicago. Almost $110,000 was raised from more than 85,000 citizens. As of January, 1953 more than $80,000 remained.22

A financial report of the cash receipts and disbursements of the Citizens of Greater Chicago, dating from the period February 20 to June 30, 1952, shows the result of the money-raising campaign.23

<table>
<thead>
<tr>
<th>Total Cash Receipts</th>
<th>$104,425.71</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disbursements</strong></td>
<td></td>
</tr>
<tr>
<td>Expenses for &quot;Dollars for Decency&quot; Campaign</td>
<td></td>
</tr>
<tr>
<td>Mailing and clerical expenses</td>
<td></td>
</tr>
<tr>
<td>including postage</td>
<td>$3,016.42</td>
</tr>
<tr>
<td>Direct mail and office supplies</td>
<td>7,577.31</td>
</tr>
<tr>
<td>Campaign advertising expenses</td>
<td>1,282.41</td>
</tr>
<tr>
<td>Other Expenses</td>
<td></td>
</tr>
<tr>
<td>Organization meeting expenses</td>
<td>309.10</td>
</tr>
<tr>
<td>Rental of equipment and telephone and telegraph expense</td>
<td>549.00</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>$12,734.24</td>
</tr>
<tr>
<td>Cash in Banks—June 30, 1952</td>
<td>$91,691.50</td>
</tr>
</tbody>
</table>

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22 Reed, "When Chicago Citizens Unite."

The collection of all funds was handled almost entirely on a voluntary basis; no money was spent for the counsel or services of any professional money-raising organization.

In addition to providing an organizational structure which will serve to broaden the base of contact with the citizenry, the Citizens of Greater Chicago contributes to the political education of the citizenry. It periodically publishes a report on vital civic news; it issues special bulletins; it prepares informational pamphlets, and is continually building up a reference file of literature on matters of public interest. It also maintains a speakers bureau, and therefore serves as a medium for promoting good citizenship through meetings and addresses. It conducts research for effective planning, and makes its services available to all its member organizations and to any other interested groups.

Evaluations:

In the past, the principal weaknesses of civic organization in Chicago have been "narrowness and class affiliation." In other words, a lack of scientific information and strong, diversified representation. Nevertheless, civic organizations have always been centers of activity for public expression potentially capable of effecting political action.

The Citizens of Greater Chicago has been responsible for integrating groups organized on a local level with groups organized on a city-wide level. The seventy-five different local communities in Chicago require such integration for effective civic organization.
Civic organization in Chicago has generally been sporadic. Organizations have been working independently, frequently not knowing what projects other organizations were currently interested or engaged in. This led to a wasteful duplication of effort. The Citizens of Greater Chicago serves to unite and coordinate the efforts of the various organizations into more effective movements for governmental reforms.

The decentralized structure of organization existing in the Citizens of Greater Chicago enables groups to obtain a reciprocal perspective of existing issues and problems. The Citizens Assembly provides the medium for groups organized on a neighborhood level to relate their problems to the city as a whole, and conversely, groups organized on a city-wide basis to relate city-wide issues and proposals to the local scene.

The diversification of membership in the Citizens of Greater Chicago provides for more cooperation between the professional and lay groups. It resolves the problem of "narrowness and class affiliation" indicative of past civic organization. The gap between scientific findings and practical application is thereby bridged.

The writer feels that more energetic effort be directed at using effectively mass media. Failure in this endeavor can only mean a continued apathy by the citizenry toward big-city government. It is imperative that city-government no longer remain "baffling and impersonal" to the average citizen.
The very large response to the "Dollars for Decency" campaign is indicative of the degree of public support for a promising enterprise in civic organization. The Citizens of Greater Chicago has made a good beginning toward attaining better government in Chicago by being mindful of the reasons for failure in the past and providing measures against their recurrence.
CHAPTER II

ADMINISTRATIVE REFORM

Administrative studies have served to expose defects in the city government's departmental structure, and to offer recommendations for its improvement. Approximately one such administrative study on the municipal government of Chicago has been conducted every ten years. The major defects invariably found have been an overlapping and paralleling of bureau activities, calling for a need of consolidation and simplification.¹

The recommendations that have been submitted as a result of these studies have not always been adopted. The major ones have led to drastic reorganizations of personnel and procedures, while the others have produced only minor administrative improvements. Nevertheless, their cumulative effect has been beneficial. Better services and appreciable savings in the municipal government of Chicago have been effected.²

Administrative studies have not only resulted in major departmental reorganization but have also produced another important result, namely, stimulating government employees to initiate their own administrative intra-bureau changes. Faults in organizational procedure were usually recognized

1 The Regulatory Inspectional Services of the City of Chicago, A report prepared by the staff of the City of Chicago Budget Survey Committee, 1945, 100.

2 Ibid.
by department and bureau heads, but the lack of motivation and assistance prevented their correction. 3

Administrative studies have also been found beneficial in inter-city comparisons. The knowledge obtained by an administrative study in one city can be an aid in suggesting improvements for some other city. Because of a lack of uniform methods of administering and reporting their official activities, however, comparisons of this type are difficult to pursue. Encouragement is continually being given for adopting uniform methods. 4

Past administrative studies of Chicago's governmental agencies produced various results. The 1911 study exposed unorthodox practices of public officials and the presence of a poor organizational structure in government. The committee conducting the study reported that the three great sources of loss were outright graft or stealing, political favoritism, and the lack of proper system. 5

The 1911 study financed by the Association of Commerce and Industry and directed by the Civic Federation at the request of the Mayor, produced rapid results. There was an immediate reduction of 305 City Hall jobs, including the elimination of the Department of Public Service. Expected and unexpected savings occurred. The recommendations that were accepted and put

3 Ibid.
4 Ibid.
5 Charles E. Merriam, Address to the City Club of Chicago, June 30, 1911, Quoted in the City Club Bulletin, August 16, 1911.
into effect by the City Council amounted in savings to one and one-half million dollars. A like amount of savings resulted from the stimulating effects caused by the work of the survey staff. 6

There were studies, however, that did not prove successful. The 1931 study had very little effect on improving Chicago's government. The City Council paid little attention to the recommendations. 7

The most recent administrative study of Chicago's governmental agencies was conducted in 1952. The reasons for the study, the study itself, and an analysis of its results are worth considering.

On December 28, 1951 the City Council passed an ordinance stating that the Mayor be

"authorized to appoint a Committee on City Expenditures to consist of five members, residents of Chicago, including the Budget Director, to survey the business practices, determine the effectiveness of the use of personnel, and to review the organizational structure of the various Departments of City government for the purpose of determining whether public service can be improved and proper economies effected and to make appropriate recommendations therefor to the Mayor and the City Council prior to commencement of the preparation of the next appropriation ordinance." 8

The Committee's popular name was the "Little Hoover Commission." Its findings were referred to as the "Sims Report."

6 Chicago Sun-Times, December 2, 1951, Sec. 1, p. 62.

7 Ibid.

8 Proposals for Improvement In the Business Methods of the City of Chicago, A summary report by the Committee on City Expenditures, 1952, 1.
Demand for such a committee arose when a few economy-minded council members called attention the City's spiraling expenditures. The Chicago Daily News stated that

"The people of the city and the state legislature will have to be shown that the city is doing its best to economize... The recent budget hearings have amply shown the need for a search for political waste.

"A shortage of funds in the city Bureau of Sanitation caused the layoff of 150 garbage collectors. This has reduced collection to an average of one every eight and one-half days. Complaints testify that the difference is appreciable.

"In the course of the budget hearings, numerous instances were shown in which politically favored payrollers were drawing salaries for little or no work."

The City Council Rules Committee recommended that aldermen be excluded from membership on the Committee, and that all members of the Committee be Chicago residents. The former recommendation was strongly opposed by a few members of the City Council. It was stated that the recommendation was defying all experience. Public officials, it was said, are expected to be more familiar with Chicago's problems than the average citizen.

Mayor Martin Kennelly resented the recommendation requiring all members to be Chicago residents. He believed that suburbanites owning business in Chicago should also be entitled to membership. The Mayor further questioned an amendment empowering the Committee on City Expenditures to

explore new avenues of revenue. He felt that this would duplicate the work of the Revenue Commission.10

The Committee on City Expenditures was comprised of Arthur G. Lindell, the City's Budget Director, and four executives of private industry: they were Frank S. Sims, Vice President of Coca Cola Bottling Company of Chicago, who served as chairman; Thomas Drever, Chairman of the Board of American Steel Foundries; Frederick W. Specht, Chairman of the Board and President of Armour and Company; and Arthur C. Wilby, Vice President of the United States Steel Company.

A research staff was employed by the Committee and placed under the direction of Harland C. Stockwell, Executive Director of the Civic Federation. The staff was comprised of the Business Research Corporation—management engineers; Cressap, McCormick and Paget—management engineers; Griffenhagen & Associates—consultants in management; J. L. Jacobs & Company—consultants in public administration and finance; George Rossetter & Company—certified public accountants; Robert W. Siebenschuh—assistant professor of the political science department at Roosevelt College; and Strodel and Associates—business management consultants.

A letter embodied in the Summary Report of the Sims Committee informed the Mayor and the City Council that

Your Committee and its staff, with the extremely helpful assistance of the staff of the Civic Federation, studied numerous previous reports and surveys as well as the 1952 budget and the suggested economies presented by members of the City Council. In addition to

10 Chicago Daily News, December 5, 1951, sec. 1, p. 5.
the above, your Committee consulted with the Mayor, and invited all members of the City Council to a meeting for the express purpose of giving suggestions and ideas to your Committee.

The letter went on to say that

To make certain there would be no misunderstanding on the part of Department, Bureau or Division Heads concerning the objectives of the Committee and the job to be done, your Committee and the representatives of the consulting firms employed met with those Heads individually prior to the commencement of each study.

Your Committee realizes that honest differences of opinion may exist relative to some of the consultants' recommendations, that some of them need further study, others may involve a one-time capital expenditure in order to realize annual savings, and others require legislation to make them effective.

On the other hand, the dead weight of established custom and habit should not be allowed to "bog down" any recommendations that are shown to be of advantage to the City and its taxpayers.11

The Sims Committee took ten months to make its study. Eleven major activities were covered. Thirty-three separate studies of Chicago's departments and bureaus were made. Over five-hundred specific proposals were offered.

In the above letter to the Mayor and the City Council the Sims Committee commented on the response given to its study.

We take this opportunity to advise you of the fine cooperation and assistance we received from the Department, Bureau and Division Heads. Most of these men welcomed the opportunity to improve their operations.

11 Proposals for Improvement in the Business Methods of the City of Chicago, Summary Report, Letter to Mayor Martin H. Kennelly by the Committee on City Expenditures.
We were impressed by the bigness of the job of running a city the size of Chicago, and the knowledge and competence of the men heading the Departments, Bureaus and Divisions. Many improvements can be made as recommended but, by and large, these men are trying to do a good job. Operating a large modern city efficiently on an obsolete, over fifty-year old, plan of organization is costly.

(Chapter IV explains the meaning of the phrase "obsolete, over fifty-year old, plan of organization.")

The Sims Committee stated that implementation of its recommendations would result in (1) direct savings, (2) improved services to the community and (3) greater operating efficiency in Chicago's government. It indicated that over a period of a few years savings of several million dollars per annum could result if the following measures were taken:

(a) a better utilization of forces, particularly those assigned to bridge attendance, tree removal, custodial duties, refuse collection, water and sewerage activities

(b) a recovery of water revenues from flat-rate and free users

(c) a reduction in materials inventories

(d) a reduction of deficits for services such as masonry inspections, airport maintenance and public baths."

The Sims Committee found that substantial new costs were needed to provide improved services to the community. It believed, however, that by taking some of the above acquired savings and putting them back into meeting improved standards of service, the objective of desirable improvements for the community could be achieved. Such improvements were:

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12 Ibid., 3.
"(a) surveys to arrest deterioration of structures and the spread of blight in certain areas
(b) substantially improved standards of street cleaning and sanitation
(c) aggressive attention to traffic congestion
(d) accelerated tree planting along public ways
(e) improved maintenance of City buildings
(f) improved administration of essential services."13

The largest number of recommendations, however, dealt with internal administrative improvements. The Sims Committee believed that the implementation of these proposals would result in the improved efficiency of municipal operations. Such proposals were directed toward:

"(a) better personnel administration
(b) modern budgetary control practices
(c) clearer lines of organization
(d) elimination of duplication in record keeping, especially through improved procedures in the Department of Finance
(e) further mechanization of record keeping
(f) central control over the hundreds of units of motorized equipment owned by the City
(g) faster purchase action
(h) improved service to the City Council and its committees
(i) numerous other refinements."14

13 Ibid.
14 Ibid.
The following offices were given special study by the Sims Committee.

(1) The Office of the City Clerk. The functions of the Office of the City Clerk are two-fold: (1) Service to the City Council, which includes preparation for meetings; taking minutes of proceedings; preparing and publishing the official Journal, ordinances and resolutions; indexing the Journal; docketing all documents and referring to proper agencies; and providing services to Council committees. (2) Issuance of general licenses, vehicle licenses, and state hunting and fishing licenses. 

The Sims Committee proposed that the office of the City Clerk be relieved of its present duties connected with issuing licenses so that it can concentrate on serving the City Council and its committees. Each division of this office should also be separately set up in the budget to improve control.15

(2) The Civil Service Commission. The function of the Civil Service Commission is to establish standards governing appointment, promotion and utilization for thirty-three thousand positions in the City of Chicago and Board of Education (excluding teachers) representing an annual payroll cost of one-hundred and thirty million dollars.16

15 Ibid., 57.
16 Ibid., 10.
The Sims Committee found that since 1948

the Commission has taken steps to establish an up-to-date classification plan. . . has developed and used advanced examination and testing techniques, and has prepared and completed increasing numbers of examinations. It is notable that 90% of City employees have permanent civil service status as compared to only 60% in 1947. However, it is also reported that much remains to be done in the way of leadership and action on the adoption of broad concepts of personnel administration. . . for the benefit of all departments and employees.17

The Sims Committee proposed that the Civil Service Commission be recognized to provide for a "Department of Personnel" with a "Director of Personnel" whose attention would be focused on matters of policy, rules and regulations. This arrangement would expand the Commission's role of leadership and action as the central personnel agency of the city. In addition, the staff of this department should be augmented to permit more aggressive attention to functions pertaining to this department.18

(3) The Department of Law. The Sims Committee found that

the Department of Law is, in general, in good condition, and that, while much remains to be done, commendable progress in efficiency has been made under the present Corporation Counsel. . . . The chief problems of the Department are caused by a personnel situation and a budgetary practice which are beyond the control of the Department of Law, but must be dealt with by the Illinois General Assembly and the Chicago City Council respectively.19

17 Ibid.
18 Ibid., 57.
19 Ibid., 14.
The Sims Committee proposed that the employees of the Department of Law, with but few exceptions, should be placed under Civil Service regulations. The Department should also have a complete budget of its own, so that all funds for regular salaries would be appropriated directly to the Department. The Sims Committee also felt that the Department's functions should be regrouped. For example, the function of investigating fires of undetermined origin should be transferred to the Fire Department. Such a regrouping of functions, the Committee said, would save an estimated sixteen positions of Assistant Corporation Counsel.20

(4) The Department of Finance. The Department of Finance comprises three important activities, the Comptroller's Office, the Office of the City Treasurer, and the Office of the City Collector, which comprise the focal point for the voluminous accounting, payroll and collection transactions of the city.

The Sims Committee found that substantial progress had been made in the modernization of methods and procedures in the Department of Finance within the last few years. The revisions in process in the department were found commendable by the Committee.21

The Sims Committee proposed that significant savings would result in the Department of Finance with a more extensive use of punched card accounting equipment, and stronger internal controls. Additional savings would

20 Ibid., 57.
21 Ibid., 18.
result if duplication in record-keeping between the Office of the Treasurer and the Comptroller's Office were eliminated. This, the Committee said, would require legislative authority.22

(5) The Department of Purchases, Contracts and Supplies. The Department of Purchases, Contracts and Supplies is one of the largest municipal purchasing organizations in the United States. Since its establishment four years ago, it has exercised keen alertness to its problems and has effected marked improvement in the city purchasing function.23

The Sims Committee felt that in the Department of Purchases, Contracts and Supplies there was need for quantity buying in advance of need through use of a revolving fund; a reduction in the size of inventories of non-common use items; and a redesigning of forms and procedures.24

The next five departments considered by the Sims Committee fall within the great area of public works functions. In this area of City government almost eleven-thousand men and women are employed—one out of every three civil servants. They perform the variety of duties necessary to provide and maintain Chicago's basic physical necessities: streets, traffic controls, bridges, viaducts, subways, super highways, airports, water, sewers, public buildings, recreation services, forestry services, etc.

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22 Ibid., 57.
23 Ibid., 22.
24 Ibid., 57.
The Committee on City Expenditures found that a regrouping of activities was needed in the whole area of public works.

(6) The Department of Buildings. The Department of Buildings has various regulatory responsibilities. It controls electrical, plumbing, heating, ventilation, elevator services, and community sanitation. The Department of Buildings enjoys the distinction of paying its own way. In 1951 its receipts exceeded its expenditures. 25

The Sims Committee proposed that area surveys and inspections be intensified by the Department of Buildings.

The survey concludes that a substantial increase in services is needed, comprising 50 new positions at a total new cost of $300,000. This expansion will provide additional inspectors, especially for area surveys and periodic inspection of existing structures. Such action is important as an aid in arresting deterioration and preventing the spread of blight. 26

(7) The Department of Water and Sewers. Studies of the Department of Water and Sewers were concerned with eight major topics: design, construction, filtration, pumping, distribution, rate taking, sewers, and over-all organization.

The Sims Committee stated that in the Department of Water and Sewers savings of over $1,100,000 annually could result by improving the utilization of manpower. In addition, there were possibilities of reducing costs and

25 Ibid., 30.
26 Ibid.
bringing additional revenue through the gradual and selective installation of meters for flat rate customers, and by placing a restriction on the fire-water privilege.27

(8) The Department of Streets and Sanitation. Six major bureaus are comprised within the structure of this department: streets, street traffic, electricity, electric wiring and repair, sanitation and equipment management.

The Sims Committee felt that substantial opportunities for manpower economies could be achieved through improved organization, better planning and a better utilization of forces. However, the Committee felt that the level of service was in need of such improvement that these savings should be largely used in providing such higher standards.

A new function of this Department would be a Bureau of Equipment Management for securing greater attention and control over the various motorized units.28

(9) The Department of Public Works. Six activities were surveyed in the Department of Public Works: parks and recreation, aviation, bridges and viaducts, rivers and harbors, architecture and building maintenance, and maps and plats.

The Sims Committee stated that part of the savings resulting from improvements in the several activities listed above would be required to

27 Ibid., 34.
28 Ibid., 58.
finance a five-year program in the Department of Public Works. The program would entail building repairs resulting from deferred maintenance and providing additional operating appropriations to prevent recurrence of deferred maintenance. 29

(10) The Chicago Health Department. The Sims Committee proposed a complete reorganization of the Chicago Health Department in order to improve the quality of planning and administration. This action would offer opportunities for substantial economies. 30

The Sims Committee omitted the Police and Fire Departments from their study. Another committee authorized by the City Council and appointed by the Mayor made this study. Thomas Drever, Chairman of the Board of American Steel Foundries, served as chairman. The Committee employed the services of Griffenhagen & Associates, municipal consultants, to make the study.

The findings of the Drever Committee were extremely critical of the Fire Department. Conditions in the Police Department were found to be more favorable. The Committee stated that officials of the Fire Department were uncooperative during the course of the survey; and were stubbornly unresponsive to any suggestion for change. 31

The Drever Committee estimated that the implementation of its recommendations for the Fire Department could provide a net saving of four-hundred

29 Ibid.

30 Ibid., 52.

and seventy thousand dollars a year. Administrative changes could provide a saving of $1,588,000, but $1,118,000 would need to be spent within the Fire Department for other purposes.\(^{32}\)

The Fire Department survey was not concerned with the techniques and practices of fire fighting. Instead, it was concerned with the administrative functions of this department. The findings of the Drever Committee on the Fire Department included: a poor, outmoded, inefficient system of record-keeping; a need for a personnel manager; an unequal distribution of workloads; a need for a redistribution of manpower; the presence of too many officers; a need for the elimination or consolidation of fourteen fire companies, and the establishment of seven new fire companies in outlying areas. Savings in eliminating or consolidating engine companies would more than offset the cost of the seven new companies.\(^ {33}\)

The proposals of the Drever Committee on the Police Department included: the addition of 790 patrolmen and 113 sergeants to the present force which would incur a cost of four-million dollars a year; a wiser distribution of manpower to improve police protection; the assignment of more policemen to thickly populated areas; placing more police officers in uniform to help increase their effectiveness; and setting up a sum of twenty-five thousand dollars to begin work on a police academy.\(^ {34}\)

\(^{32}\) Chicago Sun-Times, September 28, 1953, sec. 1, p. 3.

\(^{33}\) Chicago Sun-Times, September 30, 1953, sec. 1, p. 7.

\(^{34}\) Chicago Sun-Times, September 28, 1953, sec. 1, p. 3.
In March of 1953 the Office of the Budget Director issued an analysis of the "Sims Report." This analysis was a result of a further study by the Budget Director with Department and Bureau Heads on implementing the recommendations of the Sims Committee.

The Analysis consisted of a summary and a complete breakdown of the recommendations of the Sims Committee. Each recommendation in the Analysis was classified according to (1) whether or not its implementation would offer savings; (2) whether or not its implementation would produce increased costs; (3) and whether or not its implementation was accepted or opposed by either the Budget Director or the department or bureau head.

The Analysis, therefore, is a presentation by the Budget Director and the department and bureau heads of the acceptance and applicability of the recommendations of the Sims Committee. The Fire and Police Departments are not included.

A Summary of the Analysis\(^{35}\) revealed the following: A total of 593 recommendations were made by the Sims Committee. If implemented, sixty-seven of these recommendations would result in direct savings, while 405 of them would result in no savings. Forty-eight of the total recommendations if implemented would incur a capital or nonrecurring cost, while seventy-three of them would incur an annual cost. Four-hundred and fifty-seven and three-

\(^{35}\) An Analysis of the Recommendations of the Committee on City Expenditures, Office of the Budget Director, March 23, 1953, Summary pages.
quarters of the total recommendations were accepted, while one-hundred and thirty-five and one-quarter of them were opposed.

The Summary of the Analysis also presented a financial analysis. It revealed the following: total savings—which would be the savings resulting from implementing the sixty-seven recommendations mentioned above—amount to $3,436,620. Capital or nonrecurring costs amount to $74,661,200, and annual costs amount to $3,471,480; capital and annual costs are the costs resulting from implementing, respectively, the forty-eight and seventy-three recommendations mentioned above.

The Summary showed that of the total savings ($3,436,620) $2,475,920 was accepted and $960,700 was opposed by department and bureau heads. Of the accepted sum ($2,475,920) there would be budgetary savings amounting to $1,434,736. The remaining $1,041,184 would offer no budgetary savings because of disputed computations, inter-office transfers and increased service. Of the opposed sum ($960,700) there could be budgetary savings amounting to $698,600. The remaining $262,100, however, would offer no budgetary savings for the same reasons given above.
**TABLE I**

DISPOSITION AND FINANCIAL ANALYSIS OF THE RECOMMENDATIONS OF THE COMMITTEE ON CITY EXPENDITURES

<table>
<thead>
<tr>
<th>Results of recommendations</th>
<th>Number of recommendations made</th>
<th>Sums in dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Savings</td>
<td>67</td>
<td>3,436,620</td>
</tr>
<tr>
<td>No Savings</td>
<td>405</td>
<td>2,475,920</td>
</tr>
<tr>
<td>Budgetary savings</td>
<td></td>
<td>696,700</td>
</tr>
<tr>
<td>No budgetary savings</td>
<td></td>
<td>1,434,736</td>
</tr>
<tr>
<td>Increased costs</td>
<td></td>
<td>262,100</td>
</tr>
<tr>
<td>Capital</td>
<td>48</td>
<td>74,661,200</td>
</tr>
<tr>
<td>Annual</td>
<td>73</td>
<td>3,471,480</td>
</tr>
<tr>
<td>Disposition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accepted</td>
<td>457 3/4</td>
<td></td>
</tr>
<tr>
<td>Opposed</td>
<td>135 1/4</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>593</td>
<td></td>
</tr>
</tbody>
</table>

The Summary shows that savings resulting from the implementation of the recommendations of the Sims Committee would be channeled into various funds. Increased costs would be met from these funds. The corporate fund would receive the greatest amount of total savings; the bond fund would carry most of the total capital costs; the corporate fund would carry most of the total annual costs.
TABLE II
FUNDS DEPENDING CHANNELING OF SAVINGS AND INCREASED COSTS
BY IMPLEMENTING RECOMMENDATIONS OF COMMITTEE ON CITY EXPENDITURES
(Sums in Dollars)

<table>
<thead>
<tr>
<th>Funds</th>
<th>Total savings</th>
<th>Increased costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Capital</td>
</tr>
<tr>
<td>Corporate</td>
<td>1,705,800</td>
<td>680,000</td>
</tr>
<tr>
<td>Water</td>
<td>1,212,820</td>
<td>605,000</td>
</tr>
<tr>
<td>Bond</td>
<td></td>
<td>70,370,000</td>
</tr>
<tr>
<td>Motor fuel</td>
<td></td>
<td>1,610,900</td>
</tr>
<tr>
<td>Vehicle tax</td>
<td>218,000</td>
<td>1,396,200</td>
</tr>
<tr>
<td>Forestry</td>
<td>300,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>3,436,620</td>
<td>746,661,200</td>
</tr>
</tbody>
</table>

Evaluations:

Administrative studies of Chicago's departmental structure have frequently produced greater efficiency and economy in governmental operations. Periodic studies of this type are imperative to maintaining an effective city government.

The 1952 study of Chicago's government by the Sims Committee represents a rather thorough survey of the city's governmental agencies. The professional character of the Committee provided recommendations which were based on scientific findings.

The "knowledge and competence" of the men heading the various governmental agencies in Chicago, and their desire "to do a good job," plus accomplished improvements in the Civil Service Commission, the Department of Law, the Department of Finance, and the Department of Purchases, Contracts and Supplies are all indicative of the merits of Chicago's present government.
The Analysis of the Sims Report presented a disposition of the recommendations of the Sims Committee. Accepted by department and bureau heads were 157 3/4 recommendations and a budgetary savings of $1,434,736. The Drever Committee predicted an additional net saving of $470,000. Such savings plus improved organization and operation of the city government are the significant benefits of an administrative reform.

A certain lapse of time will be necessary to fully realise the savings and improved services resulting from the implementation of the recommendations of the Sims Report. There is first need to meet certain requirements. Such requirements include the enactment of legislation; the financing of one-time capital expenditures; and a further understanding and agreement among department and bureau heads.
CHAPTER III

CHARTER REFORM

Chicago began its legal existence by incorporating as a town in 1833, fifteen years after the adoption of the first Illinois constitution in 1818. The Charter of 1833 was Chicago's first charter. The state constitution at that time offered to the local governments only a limited delegation of power. The charter placed that power in its legislative body, a board of trustees, which carried out administrative functions without the presence of an independent executive.¹

Chicago's second charter came in 1837 when it became a city. The charter extended the use of the suffrage and provided for the election of a mayor. The mayor, however, was little more than a figurehead. The ward system was introduced and a municipal court was established. The court was later abolished in 1839. All powers were completely in the hands of a council, and a separation of functions between the "legislature" and the "executive" was still too hazy to present an orderly system of administrative procedures.²

The new state constitution of 1848 delegated additional power to municipalities. It curtailed the power of the state legislature and gave a

¹ Merriam and Elkin, The Charters of Chicago, 8-10.
² Ibid., 10-12.
greater amount of autonomy to the local governments. Extensive powers were reserved to the people, and the corporate authorities were vested with power to assess and collect taxes. 3

Chicago's third charter in 1851 resulted from the growing complexities of urban life which caused recourse to statutory amendments. New laws were formed to meet new situations. The charter of 1851 was a consolidation of these multitudinous uncodified ordinances. It transferred to the executive the powers and patronage previously held by the council. Six years later an amendment to the charter established the committee system and had all ordinances referred to council committees. In addition to these changes there was a significant consolidation of governmental functions.

The charter of 1851 and its amending enactments were fundamentally organic. Consolidation and differentiation were carried further than at any other period of the same years. The activity of the mayor was extended. . . The act of 1857 marked especially an era of change when it ushered in a series of definitely organized administrative services. . . Administrative organization was moving toward a vantage point where the personality of some directing power could unify and supervise. . . All this emphasized the degree of separation of legislative and executive functions. . . The council was now a legislative body. 4

The charter of 1863 was Chicago's last charter under the constitution of 1848. It was in effect until 1875 when Chicago was re-incorporated under the Cities and Villages Act of the new constitution of 1870. The charter

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3 Ibid., 13.
of 1863 had many amendments to meet the need for liberal revenue laws for public improvements. This was also a period of "boards," giving rise to the first Chicago Park District.5

The new constitution of 1870 once again lessened the autonomy of local governments. Its procedures with regards to amendments were cumbersome, its revenue article was very rigid, and it was heavily worded with its limitations on local governments. It specifically forbade the postage of special laws for specific localities by the state legislature, which power that body previously possessed. This meant that laws designed for rural towns and villages were to apply equally as well to the municipality of Chicago.6

The Cities and Villages Act of 1872 was accepted by Chicago in 1875 by popular referendum. It dealt with the organization and powers of municipalities. Its most significant feature as it applied to Chicago was that it reversed the trend towards maintaining a clear line of separation between the legislative and administrative functions of government. It placed certain administrative functions in the legislative council and weakened the executive branch of the government.7

The rapid growth of Chicago at that time aroused an awareness for special legislation, which resulted in an amendment to the state constitution. The amendment is popularly known as the "Little Charter for Chicago" amendment

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5 Merriam and Elkin, The Charters of Chicago, 16-17.
6 Ibid., 17.
7 Ibid., 18.
of 1904. The amendment abrogated the uniformity clause of the Cities and Villages Act by permitting special legislation for the City of Chicago. Under the amendment the state legislature was given the authority to grant Chicago a city charter.\(^8\)

The charter provision in the "Little Charter for Chicago" amendment which grants authority to the legislature to enact "a complete system of local municipal government in and for the City of Chicago," however, has never been realized. Various charter commissions and conventions have attempted to attain a charter for Chicago, but their proposals either suffered defeat in the state legislature or became so badly altered by legislative amendments that they received defeat at local referendums.\(^9\)

The "Little Charter for Chicago" amendment possessed certain drawbacks. Under the amendment the state legislature still had to initiate legislation for Chicago. Thus, the state legislature remained the supreme legislative body for Chicago and not the City Council. The state legislature by its power of initiation could still invalidate a local referendum by adopting succeeding statutes, which in effect could negate the laws previously approved.\(^10\)

The frustration that developed from the inability to secure a satisfactory charter for the City of Chicago resulted in secession moves in 1925

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8 Ibid., 20-21

9 Ibid., 21, 31.

10 Ibid., 20.
and again in the 1930's. In 1925 the City Council instructed the Corporation Counsel to outline the legal steps necessary for secession from the State of Illinois. In the same year the County Commissioners attempted to withhold taxes from the State Treasury. In 1931 and in 1935 resolutions were submitted to the state legislature granting statehood to Cook County. 11

In 1935 Albert Lepawsky expressed the status of Chicago under a system of state guidance and control, which has adversely affected the governmental operations of the city.

Legally, Chicago is an infant. The State of Illinois has created it, the State of Illinois decides what its functions shall be, and the State of Illinois specifies in minute detail how its functions shall be exercised.

But, in spite of its legal infancy, Chicago has come of age in respect to its governmental needs and political responsibilities. It therefore demands a greater measure of legal and political independence from the state. 12

Continuing his criticism, Lepawsky wrote:

The city may exercise only those powers specifically granted by the state statutes. . . State law has lagged far behind city needs and in some instances has left the city helpless for decades. . . State laws contain meddlesome details and unexpected kinks, which result in the crippling interferences and the dragging delays of urban administration.

The vicissitudes of metropolitan government have forced the city to act without specific authorization and in some instances extra-legally. . . Legal restraints upon the city lead to municipal pussy-footing. . . officials sometimes hesitate to assume the initiative in dealing with vital city problems. . . they hide behind statutory confusions.

11 Ibid., 26-27.
12 Lepawsky, Home Rule for Metropolitan Chicago, 1, 10.
Deliberations at Springfield, the state capital, frequently run counter to the interests of metropolitan Chicago. . . because of (1) the legislature's failure to comprehend urban problems, (2) sectional rivalries and (3) political bargainings.

Illinois has entered the field of licensing in competition with Chicago. . . Where the state has undertaken functions parallel with the city, the line of demarcation is often blurred and confusing. . . And when important services are performed exclusively by the state they do not adequately meet the needs of the metropolitan area.

State regulation has frequently operated contrary to the interests of the city. . . Illinois has provided Chicago with no effective legal machinery for self-government.13

Chicago has now no real charter. There is no single document that can be referred to as Chicago's charter. The laws under which Chicago operates its city government are scattered through various charters, general incorporating acts, general and special laws, judicial decisions and constitutional provisions, totaling 1,458 pages and constituting a "phantom" charter for the city.14

The fundamental laws that now govern Chicago fall into four general classes of enactments:15

1. Pre Civil War charters. Chicago still depends upon its one town charter and its three city charters with their amendments for certain powers. Lepawsky said that

13 Ibid., XIII-XVIII.
14 Ibid., 116.
15 Ibid., 116-119.
perhaps Chicago's dusty charters may turn out to be legal bonanzas if they are searched with sufficient ingenuity by inquisitive students and lawyers who may by their research overwhelm the Supreme Court with the city's need for a more flexible list of powers and may even shame the legislature into legalizing some obscure city charter rights of pre-Civil War days.

2. The Cities and Villages Act of 1872. This is the act upon which the city depends for most of its powers. However, its contents are not complete or comprehensive, since it is constantly necessary to go to other state acts to clear up questions of city powers. The act contains inserted amendments with little reference to surrounding sections, and its clauses pop about from one subject to another, from general provision to minute detail, from a grant of authority to a procedural rule, very often without rhyme or reason.

3. The "Little Charter for Chicago" amendment of 1901. This amendment, and its associated acts possess the name but not the substance of a city charter.

On examination, the Little Charter is found to be not a charter at all but a set of regulations governing the details of aldermanic qualifications, city elections, the mayor's veto, and the acquisition of property for municipal purposes. . . So the upshot of the enthusiastic charter movement of 30 years ago was a small measure of court and park consolidation for Chicago and a few special detailed provisions governing its own administration, but actually the city was and still is subject to the old Cities and Villages Act now 60 years of age.

4. Miscellaneous enactments. These embody general and specific legislation for the City of Chicago. Such legislation, however, has not proven functional:

When general powers are granted to the city, they are narrowly construed by the courts, and when specific powers are enumerated they
are often too detailed to cover the unforeseen and unforeseeable contingencies of metropolitan government.\textsuperscript{16}

The above condition of having the "charter" of Chicago composed of scattered enactments led Lepawsky to conclude the following:

Thus, the city is kept in the dark not only with respect to its specific powers and its legal status, but it is, in addition, governed by a rather indefinite, disorderly, and confusing body of law wrought out of vestigial charter remains, a general Cities and Villages Act, charter amendments, miscellaneous and special provisions, and legal and judicial proceedings designed to discover just what its phantom charter really permits it to do.\textsuperscript{17}

In 1935 the City Club of Chicago released a report on a city-manager form of government for Chicago. The report stated that a city-manager form of government was "at once responsive, responsible and easily understood." It maintained that even in city-manager cities where political bossism persisted, major improvements in governmental effectiveness has been noted. In a more specific way it stated that

Many years of observation of the manner in which Chicago has been governed and misgoverned, and of the success with which other cities have disposed of problems similar to Chicago's, have convinced the City Club that a business-like council-manager government in place of the existing cumbersome structure, a structure so largely dominated by personal and factional groups, is the only well-balanced scheme thus far designed that can serve the best interests of the whole city.\textsuperscript{18}

\textsuperscript{16} Ibid., 115.

\textsuperscript{17} Ibid., 119.

\textsuperscript{18} A City Manager for Chicago, A report by the City-Manager Committee of the City Club of Chicago, 1935, 3.
The Cities and Villages Act, however, specifies the forms of government that cities and villages in Illinois can adopt. When the act was first passed it provided for a general type of organization for villages, with a president and a board of trustees, and a mayor-council government for cities. In 1910, cities with a population of two-hundred or less were permitted to adopt the commission plan of local government. In 1921, communities of five-thousand or less were permitted to adopt a city-manager form of government. In 1951, municipalities of five-hundred thousand or less were also permitted to adopt a city-manager form of government.

Chicago, however, has not been given authority to adopt a city-manager form of government. It has been stated that Chicago has characteristics peculiar to itself, and that demand by Chicago citizens has not been sufficient enough to induce legislators to include the city in the law.\(^\text{19}\)

Chicago is now the only city of over one-million population which does not possess home-rule privileges. To obtain home-rule for Chicago an amendment to the state constitution is needed. Such an amendment would require a two-thirds majority vote in the legislature and in a state-wide referendum.

Home-rule for Chicago would mean broad powers of self-government. It would mean no more enabling legislation from the state legislature to

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19 Interested in City Manager Government, A booklet by the Legislative Department of the Illinois State Chamber of Commerce, n.d., 2-h.
perform local functions. It would place initiative and responsibility at the
local level. With home-rule privileges Chicago could call its own charter
commission or convention and draft its own city charter. Such a charter
would need only the approval of the local citizenry—approval at a local refer-
endum. 20

The Citizens of Greater Chicago, however, does not feel that Chicago
is as yet ready for home-rule. It feels that a modern charter for Chicago is
first necessary. It stated that

Home rule without a modern, clean, responsible city government would
be very dangerous. It would give too much power to the forces of
evil that thrive in our antiquated city structure. A modern charter
would give Chicago a chance to establish itself as a well-governed
city. It would give the city a chance to prove it deserved home-
rule. 21

An awareness of the need for a modern charter for Chicago appeared
in a Supplemental Report of the Committee on City Expenditures. 22 The report
stated that the Sims Committee

became strongly impressed with the need for basic simplifications
in the whole framework of the City government. Although it found
that a number of operating efficiencies and savings could be made
under present conditions, it also found that far greater opportunities
would be opened up for the more effective conduct of municipal affairs
if the general structure of municipal government in the Chicago
community were simplified and modernized. It was realized, however,
that this could only be done through the adoption of what would be
in effect a new charter.

21 Enough's Enough, Citizens of Greater Chicago, Leaflet.
22 Supplemental Report of the Committee on City Expenditures, 1952,
Letter to the Mayor and City Council.
The Supplemental Report went on to say that

The City operates under the Cities and Villages Act of 1872 as amended. This Act was adopted when Chicago's population needs and problems were but a fraction of what they are now. The population of Chicago is now 1/4 per cent of that of the entire State of Illinois. Public officials and informed citizens have known for many years that the limits of the powers and duties of the City government are so vague and indefinite as to hamper action and cause confusion and delays that in themselves have been expensive and wasteful. The necessity of securing amendments of State laws to meet purely local needs has been a considerable burden.

The Sims Committee further stated that

even if the improvements in governmental framework were limited to the City corporation itself, a program of modernization and simplification would be very much worth-while. The City Council made up of 50 members is now expected to deal not only with questions of broad public policy as the central legislative body of a City that is larger than many States, but is also expected to deal with all kinds of minor individual operating problems. The Mayor is not given adequate executive powers, nor is he provided with a type of operating organization suited to modern day municipal government.

Such existing conditions prompted the Sims Committee to recommend that the Mayor appoint a charter committee to find out the best method of securing a modern city charter and then to go ahead and draft such a charter. This recommendation was carried out and on March 30, 1953 a seven-man charter committee was appointed by Mayor Martin Kennelly with authorization by the City Council.

The charter committee consisted of three aldermen and four individuals from business, labor and civic groups. Represented on the Committee were the Association of Commerce and Industry, the American Federation of Labor, the Chicago Real Estate Board, the Chicago Club, and administration leaders form the City Council. Upon completion of its study the Committee
turned the whole matter over to the state legislature. It proposed that the state legislature establish a charter commission to look into the needs of Chicago and then take the necessary steps to fulfill those needs.

While the Mayor's committee was conducting its study the Citizens of Greater Chicago created a committee to study Chicago's government and to draft a charter for Chicago. To attain a city charter the Citizens of Greater Chicago proposed to attach an amendment to the Cities and Villages Act. Acceptance of the proposed amendment would have required a majority vote in the state legislature and in a local referendum.

The charter committee of the Citizens of Greater Chicago consisted of individuals from various fields of law, political science, business, labor and religious and civic organizations. Members of the Committee were Robert Cushman, lawyer; William Lee, President of the Chicago District of the AFL; Joseph Pois, Signode Strapping Company; Mrs. Bradford L. Patton of the League of Women Voters; John Nuveen, President of the Sunday Evening Club; Julian H. Levi of the Southside Planning Commission; Benjamin Adamowski, lawyer; Earl Kribben, assistant to the President of Marshall Field & Company; and Dr. Edward Martin of Public Relations, Union League Club.

The charter committee undertook a survey of previous studies on Chicago's government, and also studied government and charter development in other major cities. To incorporate the best thought of and as wide a cross-section of the citizenry as possible the charter committee held special meetings throughout Chicago and sent approximately three thousand questionnaires to Chicago residents and organizations.
The questionnaire of the charter committee dealt with the size, selection, function and salary of the City Council. It also included items on increasing the powers of the mayor. It was suggested that the mayor be provided with a Commissioner of Administration and Finance to assist him with his administrative duties. It was also suggested that the preparation of the city budget be transferred to the executive branch of the government, with the City Council retaining its amending and approval powers. Also included on the questionnaire was the desirability of a civilian Commissioner of Police. The questionnaire further requested any other improvements thought necessary by the citizenry.

Approximately five-hundred questionnaires, or 17 percent, were returned. The returns of the first sampling revealed that forty percent favored a reduction of the City Council from fifty to fifteen members, while an additional 30 percent felt it should be even smaller. Seventy-eight percent felt that two-thirds of the City Council should be elected from wards and that one-third should be elected at large. Eighty-three percent favored a ten to fifteen-thousand dollars a year salary for aldermen. Ninety-five percent approved of removing all administrative responsibilities from the City Council, thus making it purely legislative, while ninety-seven percent favored transferring the budget-making function from the City Council to the executive branch. Ninety-eight percent felt that the mayor should have an administrative assistant; and ninety percent favored the installation of a civilian Commissioner of Police.23

TABLE III

RESULTS OF QUESTIONNAIRES SENT OUT BY CITIZENS OF GREATER CHICAGO FOR CHARTER PROPOSAL DRAFT

<table>
<thead>
<tr>
<th>Proposed changes</th>
<th>Percent favoring change</th>
<th>Number Aldermen</th>
<th>Dollars (thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduce City Council</td>
<td>40</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; &quot;</td>
<td>30</td>
<td>Less than 15</td>
<td></td>
</tr>
<tr>
<td>Election of aldermen</td>
<td>78</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From wards</td>
<td>2/3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-large</td>
<td>1/3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase Council's salary</td>
<td>83</td>
<td></td>
<td>10 to 15</td>
</tr>
<tr>
<td>Remove Council's administrative responsibilities</td>
<td>95</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shift budget-making function</td>
<td>97</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide administrative assistant</td>
<td>98</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Install Civilian Commissioner of Police</td>
<td>90</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The thinking entailed in the drafting of the charter proposal of the Citizens of Greater Chicago revolved around the following issues:

1. The Size of the City Council. Chicago now has the largest City Council in the United States. It was proposed that it be reduced from fifty to fifteen members. A City Council of fifty members is unwieldy, and enables an efficient political machine to more easily secure control of its members.
"Cooperation, under the method now in vogue," said the City Club, "is achieved by party caucus; or by the even more opprobrious device of log-rolling."24

In choosing the members of a small council the voter can act more intelligently and it would be easier for voters' leagues, the press, and other aids to the voter as well as the voter himself to rank prospective councilmen in terms of their value to the city as a whole. The voter would also feel that the office was more important and would tend to be more careful in the casting of his vote.25

2. The Number of Wards. It was proposed that there be a reduction in the number of wards, consolidating the existing fifty wards into ten larger ones. Under the proposal two-thirds of the aldermen would be elected by wards while one-third of the aldermen would be elected at-large.

In 1898 Samuel Sparling explained the evils of the ward system in the following way:

Upon final analysis, the ward system divides the voting population into social and economic groups upon a narrow territorial basis, preventing the organization of public opinion upon broader principles of interest in relation to the city as a whole. . . . the choice of men of talent by this system is necessarily restricted to individuals who dwell within a narrow territory.26

3. The Salary of Aldermen. It was proposed that the salary of councilmen be increased from $5,000 to $15,000 a year. The City Club has explained the merits of such an increase in the following way: "To make the position of councilman remunerative will attract a better type of individual,

24 A City Manager for Chicago, 7.
25 Ibid., 6.
26 Sparling, Municipal History of Chicago, Quoted in charter questionnaire of Citizens of Greater Chicago.
permit him to devote an adequate amount of time to his position, establish at once his independence, and add measurably to the prestige of the office. 27

4. The Administrative Functions of the City Council. It was proposed that the non-legislative powers of the City Council be transferred to the executive branch of the city government. Among these powers are the powers to approve sign, driveway, no parking, and other permits; to approve contracts, property damage settlements, and a large number of other non-legislative powers. The Citizens of Greater Chicago expressed this misplaced authority in the following way:

The exercise of these non-legislative powers takes up a substantial amount of the Council's time and tends to make an alderman a deputy mayor so far as his ward is concerned. With these non-legislative powers transferred to the appropriate executive department where they belong, the Council will become the truly legislative body which it should be. 28

5. The Budget-Making Function of the City Council.

In Chicago, due to legal requirements and custom, many of the administrative activities relating to budget preparation and administration are performed by the Finance Committee of the City Council, its Budget Director and finance staff... Budget preparation and administration should be an administrative function. 29

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27 A City Manager for Chicago, 5.


29 Study of Department of Finance by George Rossetter and Company, Quoted in City Charter Questionnaire of Citizens of Greater Chicago.
The presence of the budget-making function in the legislative branch of government is contrary to modern practice. It was proposed that this function be transferred to the executive department of the city government. Such a transfer would provide, it was said, more leadership and efficiency in the executive department.

6. A Commissioner of Administration and Finance. It was proposed that a Commissioner of Administration and Finance be provided to assist the mayor with his administrative duties. Such a commissioner "would be chosen on the basis of his executive and administrative qualifications with special reference to his actual experience with and his knowledge of financial and administrative functions."\(^3\) Such a commissioner would strengthen the position of the executive department by providing financial and administrative controls.


"If I were to choose the one action," says Alderman Robert Merriam, "which would be the most effective in destroying the syndicate, it would be the appointment . . . of an experienced administrator from outside the police force." "Such a man," continued Merriam, "would have to institute modern methods of police administration."\(^3\)

\(^3\) The City Charter Bill of the Citizens of Greater Chicago, sec. 21-59.

\(^3\) Merriam, Text of remarks to Junior Association of Commerce and Industry, 11.
Political pressure has been identified with the administration of law enforcement in Chicago, and to improve the operation of the police force it was proposed that a Commissioner of Police be appointed either from within or without the police force.

The City Council Judiciary Committee rejected with a vote of eight to five the charter proposal of the Citizens of Greater Chicago. The aldermen generally favored the proposed pay raise, but opposed the reduction in the number of aldermen and the consolidation of the existing fifty wards into ten larger ones. Alderman Emil Pacini stated that "even with a fifty man council, an alderman has a tough time getting things done for the people of his ward." Alderman William Lancaster stated that the charter proposal was "no good. People just wouldn't get any service."

The charter proposal was defeated in the senate of the state legislature with a vote of eighteen to twelve. Cook County Democrats displayed a defiance to the passage of the bill, while downstate Republicans twice walked out or failed to vote when the bill was called up in the senate.

Mayor Martin Kennelly offered no positive leadership for the passage of the charter proposal in the state legislature. The Mayor resented the action taken by the Citizens of Greater Chicago in drafting and submitting to the state legislature a charter proposal while his own committee was working on the same problem.

The charter proposal bill encountered many difficulties in the state legislature. Log-rolling was suspected since a reapportionment bill was to be passed at that time. Introducing the bill at the latter part of the legislative session was also unfortunate. In the desire to speed the bill through the legislature unavoidable friction in the presentation and handling of the bill developed.

Evaluations:

Chicago has been at the disposition of the state legislature since its incorporation in 1833. Its government has been guided by state constitutions which have varied in their delegation of powers to local governments. Only under the charter of 1851 and its amendments did Chicago attain a high order of administrative organization.

Chicago has constantly been growing in population and economy. Governmental needs have pursued this growth, but have remained unsatisfied for lack of adequate powers. Chicago has no real charter or home-rule privileges, instead, state statutes specifically specify the powers the city may exercise.

Administration of the city government without a charter or home-rule privileges has been confusing and frustrating. State guidance and control has caused "crippling interferences and dragging delays of urban administration," and has not been conducive to effective city government.

A city charter could be obtained under the "Little Charter for Chicago" amendment. However, previous attempts toward this goal have failed. Home-rule, on the other hand, does not now appear advisable in view of Chicago's present character. A city-manager form of government has been encouraged by the City Club, but has not found strong support from the rest of the citizenry.

Chicago does not now possess a modern city government. The City Council is not purely legislative in function nor modern in its organization. The executive department, on the other hand, is weak in leadership and control. Budget-preparation, contrary to modern practice, is not a function of this department.

The proposed Commissioner of Administration and Finance in Chicago's government reflects a quality of the city-manager plan. Such a person who is selected on the basis of his training and experience in administrative procedures could produce a high order of administrative organization in city government. City government could indeed become more effective.

The charter proposal of the Citizens of Greater Chicago was conducted in a scientific manner. The proposal was a sincere attempt under the existing provisions to obtain a modern charter for Chicago. It intended to correct the basic faults in Chicago's government, and to be indicative of the wishes of the citizenry.

The views expressed by the aldermen in opposition to the charter proposal were narrow and unprofessional in character. The display of non-
support by the City Council Judiciary Committee indicated no more than a strong reluctance on the part of many councilmen in relinquishing certain prerogatives which they now possess.

have been, one hundred years ago, under the constitution of 1818, in the jail courts of Illinois was established. The constitution of 1848 provided for three of the constitutional courts now operating—the supreme court, the circuit courts, the county courts, and the justices of the peace. Authorization, however, has been given to the state legislature to create local courts in cities. Persuasion was later granted, under the constitution of 1870, for the creation of appellate courts, probate courts, and additional courts for Cook County. Since that time, however, with the exception of the "Little Charter for Chicago" enacted in 1901, which abolished the justices of the peace in Chicago, no constitutional change has occurred in the judicial system of Illinois.

The growth in population and activity since 1870 has rendered the judicial system of Chicago inadequate as an effective organ for judicial service. Courts are frequently congested in the different courts of law procedure and administration is lax, and it is whispered through out Chicago without reference to the need for legal jurisprudence.


CHAPTER IV

JUDICIAL REFORM

More than one-hundred years ago, under the constitution of 1818, the judicial system of Illinois was formulated. The constitution of 1818 provided for most of the constitutional courts now operating—the supreme court, the circuit courts, the county courts, and the justices of the peace. Authorization, however, was given to the state legislature to create local courts in cities. Permission was later granted, under the constitution of 1870, for the creation of appellate courts, probate courts, and additional courts for Cook County. Since that time, however, with the exception of the "Little Charter for Chicago" amendment of 1904, which abolished the justices of the peace in Chicago, no constitutional changes have occurred in the judicial system of Illinois.¹

The growth in population and economy since 1870 has rendered the judicial system of Chicago unsuitable as an effective organ for judicial service. Courts are frequently conducted under different codes of legal procedure and administrative routine, and are dispersed throughout Chicago without reference to the need for local judicial facilities.²

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In 1933, Merriam, Parratt and Lepawsky stated that judicial organization in Chicago was cumbersome and "ill-adapted to the growing volume and intricacy of metropolitan judicial functions. Instead of being coordinated and specialized, the courts with few exceptions are independent, minute, and unspecialized units having concurrent jurisdiction in a wide variety of cases." There further is no control over the distribution of judicial business, some courts are overworked, while others remain idle.

The trial courts of Cook County, namely, those courts hearing evidence and deciding cases for the first time, present a multiplicity of courts with differing jurisdictions. In Cook County there is: a County Court, a Circuit Court, a Superior Court, a Criminal Court, a Probate Court, the Municipal Court of Chicago, city courts for Chicago Heights and Calumet City, the Municipal Court of Evanston, and approximately one-hundred and twenty-five justices of the peace and ninety police magistrates in that part of Cook County outside of Chicago. Each class of court has a separate jurisdiction, with power to hear some cases but not others. If a suit is filed in the wrong court, time and money are lost and justice may be denied.

The administrative supervision for every one of the trial courts is separate and independent and results in much duplication. The Circuit and Superior Courts, which have the same jurisdiction and occupy the same building,

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for example, maintain separate staffs, separate assignment systems, separate records and files, and separate clerks.\textsuperscript{5} Except for the right of the appellate courts to review the judgments of the trial courts, the authority to superintend and coordinate the work of the judicial department as a whole rests nowhere.

The courts have no central agency to collect statistics, to find out which judges are overloaded and which are too often tardy or on vacation, and to recommend changes in assignments. Even if it could be determined precisely where additional judicial help is needed, there is no central authority to make assignments of judges freely between courts on the same level or on different levels. There is, in short, no administrative office to help the courts in disposing of their business.\textsuperscript{6}

The faults of the judicial system do not lie entirely with the organizational structure, but also with the caliber of judicial personnel. The constitution of 1870 provided for the popular election of judges, but the growth in population and cities made the effectiveness of such elections questionable. The general lack of knowledge and interest by the voters tended to turn the selection of judges over to political parties. The results have been that "party loyalty" instead of judicial competence has been made the primary requisite in the selection of a judge, and that the voters have been at times presented with coalition ballots.\textsuperscript{7}

\textsuperscript{5} "Legal Log Jam in Chicago," \textit{Life Magazine}, November 10, 1952, 128.
\textsuperscript{7} \textit{Ibid.}, 12.
Lepawsky stated that

Perhaps one of the most fundamental needs of the courts is a more comprehensive system of merit selection of judicial officers. At the present stage of American political culture, the system of partisan election and appointment does not furnish the expert talents, the personal detachment, or the public recognition, that are essential to the complicated regulatory and arbitral functions of the metropolitan courts. 8

Judicial conduct in Cook County reflects a deplorable condition. Judges in Chicago have on occasion offended one or more of the Canons of Judicial Ethics. It has been found that

while 'most appointees are men of probity and integrity, and perhaps (in reasonable degree) impartiality,' they are largely influenced by politics, 'with an eye toward renomination' of the judge; 'unfortunately appointments to positions involving financial gain of some importance are influenced (and in not a few cases controlled) by ward committee men and party leaders.

There are fine judges in all courts who observe all the Canons. If it were not for the method of judicial selection and tenure which prevails there would undoubtedly be far more than at present and in the past.

The odious situation in the Municipal Court of Chicago is publicly recognized. The Circuit and Superior Court judges are men of higher character and integrity, but even there the over-all standard is not too high. 9

a majority of the judges in Illinois, ... belong to political party organizations, while many are party leaders. ... All judicial candidates in Cook County make contributions to party funds; in fact, they are assessed a percent of their salaries. 9

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The legal profession of Chicago was promoted by the existing condition of the judicial system of Cook County to initiate a judicial reform. In June, 1951, the Chicago and Illinois Bar Associations appointed a Joint Committee to draft a Judicial Article as an amendment to the Illinois Constitution. For this purpose the Joint Bar Committee conducted meetings and corresponded with qualified individuals. The Draft of the Joint Bar Committee received the unanimous approval of the governing boards of the two Bar Associations, and of the Bar Associations themselves at their annual meetings. The Draft was then submitted to the Judicial Article Revision Commission, which was studying the need for a state judicial reform.

The Bar Associations' final draft was submitted to the state legislature on April 21, 1953. Although it involved a judicial reform for the entire state, it proposed many changes for the judicial system of Cook County. Principal among these changes were those related to increasing the efficiency of the courts and improving the method of selecting judges. Specifically, it proposed: (1) that the many trial courts be unified into one trial court for each judicial circuit, with such branches as may be necessary to handle litigation; (2) that the supreme court be given authority to supervise the administrative affairs of the courts; and (3) that judges be appointed by the governor from a list of nominees submitted by judicial nominating commissions.
The most significant features of the proposal of the Bar Associations were the following: 10

1. **Trial Courts.** A single trial court in each judicial circuit would be provided. Cook County would constitute such a circuit. This single trial court would be known as the circuit court, with power to try every sort of case. The circuit court would have branch courts, exercising general or special functions, as would be appropriate to handle litigation in that circuit.

All trial courts existing under the present constitution and statutes would be consolidated into the circuit court. For Cook County this would mean that the County Court, the Probate Court, the Superior Court, the Criminal Court, the Municipal Court of Chicago, the city courts of Chicago Heights and Calumet City, the Municipal Court of Evanston, as well as police magistrates and justice of the peace courts, would be abolished as separate courts.

Such a simplification of the court structure on the trial level would have three principal purposes:

a) It would eliminate the possibility of filing a suit in the wrong court.

b) It would abolish wasteful retrials in circuit courts of matters already tried before "inferior" tribunals.

c) It would facilitate a more efficient utilization of judicial personnel.

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In each circuit court there would be three classifications of judicial officers: circuit judges, associate judges, and magistrates. All judges of the various trial courts in office when the proposal became effective would be absorbed into the circuit courts. For Cook County this would mean that the incumbent judges of the Circuit and Superior Courts, the County Court, the Probate Court, and the Chief Justice of the Municipal Court of Chicago would become circuit judges. The associate judges of the Municipal Court of Chicago, and all judges of other municipal and city courts, would become associate judges of the circuit court. Police magistrates and justices of the peace elected before the adoption of the proposed Judicial Article and in office on its effective date would become magistrates of the circuit court.

2. Supreme and Appellate Courts. The power to review decisions of the circuit courts would be vested in an appellate court and a supreme court. In general, litigants would be entitled to only one appeal. In all cases decided by the appellate court, except those involving a constitutional question, it would rest with the supreme court to decide whether a second appeal should be allowed. This would enable the supreme court to perform its supervisory functions free of the obligation imposed by the present constitution and statutes requiring the Supreme Court to take every appeal in specified classes of cases despite the frequently routine character of the legal question involved and the relative lack of public interest at stake.

Under the proposal, the state would be divided into three judicial districts. Cook County would constitute the First Judicial District. Such
districts would serve both as appellate court districts and as judicial selection districts for the supreme court and appellate courts.

The state is now divided into four districts for the appellate courts and seven districts for the supreme court. No judge is now elected specifically to the appellate courts. The supreme court chooses from among the judges elected to the circuit courts and the Superior Court of Cook County those who are to be assigned to service in the appellate courts.

3. Rule Making and Administration. The supreme court would be responsible for making rules governing practice and procedure in all the courts. In addition, the supreme court would be given general administrative authority over all the courts. The supreme court would exercise this authority through its chief justice. An administrative director and staff would compile the requisite information and otherwise assist the chief justice. Subject to the over-all authority of the supreme court, administrative authority in each circuit would be vested in the circuit judges, as distinguished from the associated judges and magistrates. One of the circuit judges would be chosen by the supreme court to serve as chief judge of the circuit. With a centralized administrative authority, judges would be given temporary assignments to render service where they are most needed.

The lack of administrative authority over the courts under the present constitution renders full utilization of judicial personnel impossible. Courts lag behind in their work and justice is denied because it is delayed. Life Magazine reported that civil courts in Chicago
have accumulated a whopping backlog of 50,000 cases. A man with a just urgent claim may have to wait three years before his case can be heard at all. And while Chicago's 30 civil judges wind up cases at the rate of 150 a day, every day Chicago's turning population loads the creaking backlog with another 175 more.\footnote{"Legal Log Jam in Chicago," \textit{Life Magazine}, 127.}

To maintain administrative effectiveness there was also provision for a conference of all judges in the state to be convened annually to consider and make recommendations for the improvement of the administration of justice.

4. \textit{Selection and Tenure of Judges}. To minimize political influence in the selection of judges, and to assure deserving judges greater security of tenure in office, it was proposed that the present method of nominating judges by political parties and election by the people be substituted for: (1) a system of nomination by special commissions, (2) appointment by the governor for a short term, (3) and a vote of the people at a general election to determine whether the appointee should be retained in office for the full term.

Provision was made for one nominating commission for the supreme court, one for each judicial district of the appellate court, and one for each of the circuit courts. No member of a nominating commission could hold any official position in a political organization or party, nor could he succeed himself in office, nor would he receive compensation for his services.
As will be later explained the proposal provided that the state legislature, subject to approval by the people, would provide for the number, term of office, residence and manner of selection of the members of nominating commissions. Until so determined, however, each commission would be made up of an equal number of lawyers and members of the public who were not lawyers. The lawyers who would serve on the commission would be elected by a vote of all licensed attorneys in the judicial district or circuit, as the case might be, and the non-lawyers who would serve on the commission would be appointed by the governor from residents in the respective judicial district or circuit.

Upon vacancy in the office of judge of any of the courts the governor would appoint one of the nominees of the appropriate commission to the court. If the governor failed to do so within thirty days, the appointment would be made by the supreme court. Such appointment would be for one year, after which time voters in appropriate districts would decide at a general election as to whether the appointee should be retained in office for the full term. The name of the judge would be placed on the ballot without opposition and without party designation. The same procedure of election would apply in seeking re-election after the full term had expired.

Magistrates of the circuit court would be nominated by the appropriate commission and would be appointed by the circuit judges. They would have no fixed term, and would serve at the pleasure of the circuit judges.
5. Other Provisions. Article VI, section 19, of the Proposed Judicial Article reads, in part, as follows: "Judges and magistrates shall devote full time to their judicial duties, shall not engage in the practice of law or hold any other office or position of profit... and shall not hold office in or directly or indirectly make any financial contribution to any political party."

A commission consisting of judges chosen from the various courts would have power in proper proceedings to remove or suspend any judge from office for cause, and to retire any judge for physical or mental disability. In addition, the legislature would have power to provide for voluntary or involuntary retirement of judges at an age fixed by law. At present no such procedures for the removal of judges who have become incompetent are exercised or available.

All judges would be granted a longer tenure of office. Such tenure would offer greater security, and a greater opportunity for development of judicial ability.

Three principal measures in the Proposed Judicial Amendment were derived from the following sources: the granting of power to the supreme court to supervise the administrative affairs of all courts came from the New Jersey constitution of 1947; the provisions for a unified court structure were derived from the English Judicature Act; and the use of nominating commissions in selecting judges, with appointment by the governor and approval by the
electorate, was copied from the 1945 Missouri constitution. In each instance the measures have been instrumental in effecting an improved judiciary.12

The Judicial Article Revision Commission was created by the state legislature in 1951. It was directed to make a study of the need for a revision of the Judicial Article of the state constitution, and to draft an amendment of the Judicial Article for presentation at the next legislative session in 1953.

The Commission consisted of nine members, four from the Senate and five from the House of Representatives. Respectively, they were: Edward P. Saltiel, Chairman, Chicago; George E. Drach, Springfield; James W. Gray, East St. Louis; Donald J. O'Brien, Chicago; Robert L. Burhans, Peoria; W. Russell Arrington, Evanston; Joseph R. Peterson, Princeton; Fred J. Smith, Chicago; Paul Taylor, Effingham.

The Judicial Article Revision Commission stated that the proposal of the Bar Associations was a result of "laborious, intensive and protracted study by the Joint Bar Committee consisting of sincere and capable lawyers with many years of experience in the practice of law in Illinois."13 Rubin Cohn, Secretary of the Joint Committee, made the following statement:


13 Report of the Judicial Article Revision Commission, A report and draft of an amendment to the Judicial Article of the State Constitution, Springfield, April 14, 1953, 3.
No pretense is offered that the Draft Plan will wholly and irrevocably eliminate the undesirable political aspects of the elective system no more than it is suggested that every appointee thereunder will be a good judge. The human equation and the inevitable margin of error will occasionally mar the record. What is offered, however, is reasonable assurance that the proposal will be infinitely superior to the elective system or the straight appointive system (without any electorate participation) in attracting to and keeping on the bench a far greater percentage of competent and qualified judges than is now the case; and, as a necessary consequence, further assurance of a substantial improvement in the administration of justice.\textsuperscript{14}

The Judicial Article Revision Commission rendered serious consideration to the January, 1953 draft of the Joint Committee of the Bar Associations. The Commission stated:

The original draft of a proposed Judicial Article submitted by that Joint Bar Committee, represented a compromise of the various ideas of its members and of the Bar Associations by which they were chosen. Following the various conferences of this Commission with the Joint Committee of the Bar Associations, the Bar Association proposal was revised several times.

Certain differences continue to exist, however, between this Commission and the Joint Committee of the Bar Associations, as to the latest revision of the proposed Judicial Article.

There is considerable difference of opinion among the members of this Commission pertaining to certain features of the revised proposal of the Joint Committee of the Bar Associations. Basically, however, the Commission is unanimous in agreeing that the reorganization, unification and integration of our judicial system is an absolute necessity and that in nearly all respects pertaining to this feature of the change the Joint Bar Committee proposal is acceptable.

The principal objection to the Joint Bar Committee draft is to the section pertaining to the selection of judges. On this question the Commission is hopelessly divided.\textsuperscript{15}


\textsuperscript{15} Report of the Judicial Article Revision Commission, 3-4.
The principal differences between the Judicial Article Revision Commission and the Joint Bar Committee were the following:

(1) The Commission would have the selection of judges nominating commissions limited to judges of the supreme and appellate courts, while the system of popular election be retained for all trial court judges. The Joint Committee, however, believed that it was imperative that the selection of judges by nominating commissions be extended to include trial judges. Rubin Cohn stated:

To prevent miscarriages of justice where the impact upon litigants is the greatest and where the harmful consequences to society are most emphasized, the reform in the caliber of our judges must of necessity begin with the trial court judiciary. . . The Committee was not disposed to offer a plan designed to improve the administration of justice which would omit therefrom the one factor most intimately related to that objective, namely, the selection of trial court judges in the manner proposed by the Draft. 16

(2) The Commission would leave solely to the legislature the determination of the manner of selecting the members of the nominating commissions. This was unfavorable to the Joint Bar Committee for the following reasons:

The judicial nominating commissions are the heart of a proper method for selecting judges. If our courts are to be removed from politics, then the commissions which nominate the judges should also be removed from politics. . . To vest this unrestricted power in the Legislature is to ignore the history of this State from 1818 to 1848 when the

Legislature selected the judges, and would imperil the independence of the judiciary as a separate and independent branch of the government.17

To reconcile the difference between the Commission and the Joint Bar Committee over the manner in which the members of the nominating commissions would be selected, the final draft of the Joint Bar Committee provided that the manner of selection of the members of the nominating commissions be decided upon by the voters. The Joint Bar Committee's proposal, as stated earlier under the Selection and Tenure of Judges, provided that the legislature determine the manner of selection of the members of the nominating commissions, but made that determination subject to a referendum of the people. If the voters did not favor the legislatures' plan of selection, then it would be understood that the Joint Bar Committee's plan of selection, establishing nominating commissions composed of lawyers and non-lawyers, would go into effect. Thus, the final decision would rest with the people.

On April 14, 1953, the Judicial Article Revision Commission submitted to the state legislature their report and draft of a Judicial Article for the state constitution. Certain members of the Commission, while concurring with the majority in many respects, did not fully concur for the following reasons:

Representative Smith objected to the abolition of the Municipal Court of Chicago under the proposed Judicial Article. He maintained that

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Chicago has its special problems and conditions, and at times requires different legislation. He felt that regardless of how essential or beneficial the proposed judicial reform may be for Chicago, no constitutional article should be adopted which would in the future bar any necessary legislation to set up and maintain in Chicago a special type of court or judiciary.\(^{18}\)

Rubin Cohn, however, believed that the decision to vest no power in the legislature to create new or additional trial courts was made advisedly. To have done otherwise, he said, would have opened the door to the creation of courts of limited jurisdiction with all of their attendant evils. He maintained that the proposed trial court structure provided a measure of flexibility and assurance that every cause of action would be tried by a competent court with provision for appeal to either the appellate or supreme court. He stated that "to authorize the imposition upon this structure of legislatively created courts of limited geographic or judicial jurisdiction may well be productive only of consequences destructive of those essential reforms."\(^{19}\)

Representative Taylor objected to the nomination of judges by select commissions and appointment by the governor. He disagreed with the belief that this would result in better courts, remove the judiciary from politics, and select judges who, in his words, would be "all honest, competent, satisf-
factory and infallible." He believed that under the proposed system of selection, politics would still play its part.

Representative Taylor stated that politics and influence will enter into the selection of the proposed appointing Commission, whether it itself be appointed or elected; in its nominations, politics, "pressure groups" and various types of influence will have their part; Governors who may make appointments are politicians, and are human, and undoubtedly will remember who may have helped them. To say that politics will have no part in the selection of Judges under the proposed system, are mere idle words, expressing a wistful and forlorn hope, for a millennium which will never arrive.20

Rubin Cohn conceded that such an argument had a measure of plausibility. However, he felt extremely doubtful that it had a substance which could seriously threaten the objectives of the proposed plan. He argued:

In its primary assumption that governors of necessity must be venal spoilsmen it exhibits a disturbing lack of faith in the integrity of elective officials. In its further assumption that members of the bar and private citizens serving in non-salaried positions of public trust can be persuaded easily to violate that trust it displays an equal callousness of perspective.21

Cohn further believed that the prohibition upon members of nominating commissions from holding any official position in a political party would offer reasonable assurance that political influence in the commission would be minimal.

Representative Taylor also maintained that the proposed Judicial Article would remove the right of any qualified lawyer to aspire to the office

of judge. He stated that such a lawyer could not place his name before the voters for election. He would first have to be nominated by the appropriate commission and then, said Taylor, "have sufficient influence and standing with the Governor, to secure his appointment." Taylor went on to say that regardless of the competency and popularity of the lawyer, he "may forever, and without recourse, be barred from entering the Judiciary." 22

Rubin Cohn met this argument by saying that the success of the proposed plan of selection was dependent upon the integrity of the personnel of the nominating commissions. He felt there was no reason to assume that non-salaried public officers would deliberately indulge in discriminatory exclusion techniques. The sole objective, Cohn argued, would be the selection of a panel of nominees entitled by experience, competence, and promise to serve on the bench. Cohn went on to say that once a candidate is nominated upon the basis of qualification for office, the governor would be no less responsive than local political leaders to a legitimate desire for representation on the bench. 23

Representative Taylor further believed that submitting the name of a judge to the people for approval in serving out a full or repeated term of office would be a farce. He said that all the incumbent judge would have to do to be re-elected would be to express a desire to stay in office. An elec-

22 Report of the Judicial Article Revision Commission, 22.
tion would be held, but no other candidate would be permitted to run against him. In no event, he said, could the people name a successor. 24

Rubin Cohn, however, felt that the probabilities of removing incompetent judges from office would become enhanced under the proposed plan. He based his stand on two assurances: (1) the availability of the statistics gathered by the office of the administrative director, under the judicial superintending functions of the chief justice of the supreme court, for publication and press and voter consumption; and (2) the continuation of the Chicago Bar Association in effectively assessing and publicizing the qualifications and fitness of candidates for judicial office. Cohn emphasized, however, that the core of the proposed plan rested primarily in the initial nominating process and only secondarily in the retention procedures. 25

Senator O'Brien was opposed to the assignment of judges on a temporary basis by the supreme court, unless such assignment was requested by a circuit. He stated:

Such a provision would subject a judge to the whim and desire of the Supreme Court or its Chief Justice and it could well lead to manipulation of justice by the manipulation of the judges. Such a system might well lead, at any given time, to the packing of a court. . . depending upon the exigencies of the situation. 26

24 Report of the Judicial Article Revision Commission, 22.


He was also opposed to the selection of the chief judge in each circuit by the supreme court. He felt that the chief judge should be elected by the judges in each circuit.

He was further opposed to creating general or specialized divisions. He feared that such a system would make mere clerks or administrative assistants of certain judges by assigning them to divisions which are nothing but clerical or administrative.

Senator O'Brien's arguments, therefore, revolved around the belief that executive powers were improperly delegated to the supreme court. Such a delegation of powers, Rubin Cohn stated, must be measured against the test of whether they are pertinent to the administration of the judicial department. Thus the authority to assign judges on a temporary basis, and the authority to create general or specialized divisions was conceived as an integral phase of the contemplated judicial structure. Viewed in this light, Cohn continued, the authority is not executive but judicial since its objective is intimately related to the organization and functioning of the courts.

In like respect, Cohn stated, vesting in the supreme court administrative power over all courts is in the highest sense a proper judicial function. In essence it is merely the exercise of the assignment power, a function traditionally and inherently judicial in character.  

On June 3, 1953, the Illinois Senate passed the judicial amendment of the Bar Associations by one vote more than the two-thirds majority required to submit a constitutional amendment. On June 21, 1953, however, the proposed judicial amendment met defeat in the Illinois House of Representatives by a tie vote of seventy-two to seventy-two, one-hundred and two votes being needed for passage. Voting for the amendment were fifty-nine Republicans and thirteen Democrats, all downstaters. Voting against it were twenty-three Republicans and forty-nine Democrats, nearly all from Cook County. Representative W. Russell Arrington blamed Chicago Democrats for its failure to pass.28

If the proposed Judicial Article were approved by the legislature in 1953, it would have been submitted to the voters of the state at the general election in November, 1954. If then adopted, it would have become effective January 1, 1957.

Evaluations:

The judicial system of Chicago has substantially remained unchanged since its inception in 1848. Present conditions in Chicago necessitate a modern judicial system. There is need for unification in court structure and more competent judicial personnel.

The principal objections to the present judicial system stem around the existing multiplicity of courts with overlapping jurisdictions, the lack

of a central authority to superintend and coordinate the work of the courts, and the abused method of selection of judges by political parties.

The proposed Judicial Article by the Chicago and Illinois Bar Associations attempted to remedy the basic faults now present. It provided for a consolidation of all trial courts, granted to the supreme court rule-making and administrative authority, and offered a method of selection of judges by nominating commissions. Its most important features were derived from sources which have proven their worth. In brief, it was a proposal which offered Chicago a modern judicial system.

A plausible objection to the proposal was the threat of substituting another form of politics for partisan politics in the selection of judges by nominating commissions. Such a threat, however, can not become alarming when considering the primary intent of the proposed nominating commissions—the impartial selection of qualified candidates for the office of judge. To consider it any other way is to display a gross lack of faith in the proposal. It should be recognized that any conceived plan of the finite mind cannot be divorced from probabilities. Within that realm, however, there was reasonable assurance that the proposed system would have been a marked improvement over the present system.

A fair approach to this problem was taken by the Bar Associations in leaving the selection of the members of the nominating commissions to the voters. The legislature was permitted to devise a method of selecting the members of nominating commissions, while the proposed method of the Bar
Associations would be retained as an alternative. The final choice would
rest with the voters in a referendum.

Opposition to the Bar Association's proposal by certain members of
the Judicial Article Revision Commission was shallow and narrow in scope.
They displayed a complete lack of faith in the intended probabilities of the
proposed plan. There further appeared to be no complete grasp of the full
mechanics of the proposal.

In the legislature the proposal should have received its strongest
support from Cook County representatives, since the need for judicial reform
is most notable in Cook County. However, the proposal was defeated by Cook
County Democrats. The alternative was to retain an outmoded judicial system
for Chicago.

The judicial system in Chicago is ill-adapted to meet the present
needs of society. The present judicial system was established for a society
where the judicial system was compatible with the extent of judicial
business. The extended judicial system which now exists in Chicago lacks
proper organizational unity and an effective method of judicial selection.

The city government of Chicago is spending approximately $1,405,000
a year more than is necessary to perform its public services. There is,
therefore, need for further improvement in the city's operating organization
and procedures. A number of operating efficiencies and savings can result
under present conditions; however, greater opportunities for the more effec-
tive conduct of municipal affairs can result if the general structure of city
SUMMARY AND CONCLUSIONS

The preceding chapters depicted the governmental structure in Chicago as unsuitable to meet the needs of modern-day society. It was found that Chicago suffers from a charter deficiency, a cumbersome judiciary, and an unperfected operational structure of its city government.

Chicago has found it difficult to efficiently operate its city government without a city charter and without greater freedom from the control of the state legislature. Chicago is now governed by a disorderly and confusing body of law. Its governmental powers are too vague and inadequate to meet its local needs, and the constant need to appeal to the state legislature for additional powers has been a considerable burden.

The judicial system in Chicago is ill-adapted to meet the present needs of society. The present judicial system was established for a manorial society where the judicial system was compatible with the extent of judicial business. The outmoded judicial system which now exists in Chicago lacks proper organizational unity and an effective method of judicial selection.

The city government of Chicago is spending approximately $1,905,000 a year more than is necessary to perform its public services. There is, therefore, need for further improvement in the city's operating organization and procedures. A number of operating efficiencies and savings can result under present conditions; however, greater opportunities for the more effective conduct of municipal affairs can result if the general structure of city
government were simplified and modernized. This can only be accomplished by adopting a new charter.

The charter proposal of the Citizens of Greater Chicago provided for a simplicity and modernization of the city's governmental structure. It provided for a modification of the ward system, and a clear distinction of powers between the legislative and executive branches of government. The proposal strengthened the executive branch in its administrative functions and purified the policy making function of the legislative branch.

The judicial proposal of the Chicago and Illinois Bar Associations provided for a more efficient disposal of litigation by creating a unified judiciary, superintended by a central administrative authority. The proposal further provided for a method of judicial selection which made competence the primary requisite for judicial office instead of the customary partisan loyalty.

The Sims and Drever Committees offered recommendations for effecting greater efficiency and economy in the operations of city government. The greatest number of recommendations dealt with internal administrative improvements. The recommendations of the Sims Committee offered annual savings of $1,435,000, while the recommendations of the Drever Committee offered annual savings of $1,705,000.

The proposed reforms have focused attention on the important flaws of governmental structure in Chicago. The merits of the proposals are difficult to dispute. The controversial issues over the judicial proposal, for example, revolved around refinements which were not sufficiently significant.
to defer the reorganization of the present system. There was reasonable assurance that the proposed judicial system would have been superior to the one now existing.

The charter proposal should have been passed by the state legislature. It encountered disadvantages in passage by being introduced at the latter part of the legislative session, thereby, creating unavoidable friction in the presentation and handling of the bill. An earlier preparation of the proposal would have offered the necessary time to organize a stronger campaign and more cooperation for its adoption.

The professional character of the Sims and Drever Committees renders their findings appropriate for the improvement of the operational organization and procedures of the city government. To implement their proposals, however, will necessitate the positive leadership of the chief executive, not only with his administrative subordinates, but also with the City Council. Civic organization has taken a promising turn in Chicago. The Citizens of Greater Chicago is a new type of civic organization. Its membership consists of the various existing organizations in the Chicago Area, and it serves the purpose of integrating and coordinating their efforts. Its decentralized structure makes it possible to reach the average citizen through his own local group, and its Citizen Assembly affords the opportunity for a transfer of ideas and decisions among its members. This has rendered a more unified organization. At no other time has there been such an opportunity in Chicago for civic participation in public affairs.
To overcome the existing apathy of the citizenry toward its city government, the writer feels that there is need for a more effective use of mass media in Chicago. It has seldom been possible for any governmental reform to succeed unless enough public support was assembled for its institution. Sporadic appeals for reform have usually fallen on unprepared and uninterested citizens. City government and its intricacies has continued to affect the average citizen in Chicago with bewilderment and indifference. A more effective use of mass media by the Citizens of Greater Chicago, for example, can make civic participation in public affairs an effective force for instituting better city government.

The writer concludes that the proposed reforms were of good character and would have rendered much to improve the present governmental structure in Chicago. The various committees responsible for the proposals were composed of well-informed and competent individuals. Their conclusions need to be respected. Their studies were conducted in a scientific manner, adding greater validity and authority to their findings.

The writer feels that the failure to implement the proposed reforms, especially the charter and judicial proposals, stemmed basically from the misuse of politics. Opposition to the proposals are mostly of a subjective and not of an objective nature. Special interests were involved in contrast to the general interests of all.

The writer feels heartened to find various groups in Chicago diligently engaged in effecting worth-while governmental reforms. The consensus
usually has one believe contrary to this fact. Nevertheless, the real issue remains to be the need for more organized support in effecting reform once it has been initiated. This has been the most discouraging phase in effecting reforms in Chicago. The Citizens of Greater Chicago, however, shows great potential for overcoming this weakness.
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