Interview with Murray Shusterman
Nov. 4, 1976

Walter, your first question was when and how did it happen that I went to work for the Bureau of Municipal Research when I was a young man. And of course with that adjective it makes me go back many years. I graduated from law school in June of 1936 and as you will recall, it was the height of the Depression. Fortunately for me, I was recommended for a post that was going to be created with the Bureau of Municipal Research as staff lawyer and the Dean of the law school recommended me to that position. I took my bar exams in July and I began working at the Bureau of Municipal Research the Monday immediately after I took the bar exams on Thursday and Friday and that was in 1936. My principal assignments were to do legal research. As you very much know, the Bureau of Municipal Research was concerned with the government operations of the city and also with the laws affecting government.

We had as Assistant Director or Associate Director, Clarence G. Shenton, whom I shall allude to later on. He was a lawyer who probably was responsible for writing the original city-county consolidation amendment to the Pennsylvania constitution. Apparently he needed help in terms of legal research, writing legislation and so on and that was my principal responsibility. Also to become involved with matters in which the city was involved where legal procedures were being followed. For example, the first assignment that I had when I came to the Bureau of Municipal Research was to acquaint myself with the legal issues involved in the PTC reorganization. I mean the PRT -- the Philadelphia Rapid Transit Company. Then it became the Philadelphia Transportation Company and now of course it is SEPTA. And I would attend the sessions in the United States District Court and I would come back and I would write those issues -- you recall the little brochure that we put out weekly, Citizen's Business. And also from time to time I would write releases that were issued in the name of the Bureau of Municipal Research. And of course we followed all legislation affecting Philadelphia's government and I did a fair amount of research and a fair amount of writing and in a sense I guess it was like being house counsel, because considering the vast area of concern that the bureau expressed in every phase of government, there was need for someone to help Clarence Shenton because he couldn't possibly do the job.

(WMP: Do you recall whether it was Ballard Spare who headed the PTC?)

It was Ballard, Spare, Andrews, and Ingersoll. It was Ballard who represented the PRT.
(WMP: What was Mr. Hopkinson's role at that point?)

He was very much in it. I can't recollect with certainty. He was a sort of Major Domo who would provide the know-how to reestablish the PRT as a functioning unit, not pressed down with the terrible burden of paying all of the underlyers the rents that were being exacted -- which made it pretty much impossible for the PRT to operate economically or have it as a viable economic unit and still bear the burdens of the rents that had to be paid to the underlying companies. They were just like ground rents. I guess Hopkinson was a sort of financial specialist who would provide the way out. His precise role I don't recall now. I'd have to look back in history.

(WMP: He did give a talk at that time to the City Policy Committee.)

Yes. As a matter of fact there were two organizations -- there was the Citizen's Council for Government, which was the old group and there was the younger group, and it was the -- no, Philadelphia Committee of Public Affairs was the older group and there was a younger group that you and Ed Bacon and Johannes Hoeber -- I still remember, the four of us met. Also with Frank Van Dusen. The five of us met in a restaurant on 13th street when we conceived this whole idea. And later on, as you will recall, there was a merger of the younger group and the older group. And I belonged to both groups. I was the first President of the City Policy Committee -- of the merged group. And you remember we had a marvelous group of people. The future leaders of the city government were contributed by the City Policy Committee -- you, Joe Clark, Dick Dilworth, Abe Freedman, Ed Bacon, Bill Rafsky, the whole bunch of the people on later became the most prominent people in the Clark administration.

(WMP: I'm not sure Bill Rafsky was in it -- )

He came in later on. He was not one of the originators, but Bill became a member of the committee.

As you know, I was an understudy to Clarence Shenton while he was there, and Clarence Shenton was later asked to become the Chief Editorial Writer for the Philadelphia Evening Bulletin and he left the Bureau of Municipal Research. In my judgment, there wasn't a man in the city of Philadelphia who contributed more to the substantive thinking with respect to governmental reform than Clarence Shenton. He was one of the most knowledgeable, one of the most perceptive, and one of the most wonderful guys that I ever knew. We remained friends until the date of his death. We met regularly.
As a matter of fact, Clarence and I used to play chess together. Every Tuesday night until I got married. And then it became every other Tuesday night. I would come to his home and we would play chess. And then later on Clarence and his wife and Judith and I became friends.

After Clarence left the Bureau of Municipal Research he continued to serve as Executive Secretary of the Thomas Skelton Harrison Foundation. You are familiar with the work of the foundation and its support of various studies of government in Philadelphia. It has been a mainstay for research for the Bureau of Municipal Research for many many years. The foundation also has made monies available to other agencies for research, but most of the money really went to the Bureau of Municipal Research for studies so far as I can recollect. You may recall that many years ago the foundation supported a study, under the supervision of the Bureau of the Municipal Court and there are quite a number of volumes. It was a real contribution.

You and I have talked several times about the difference in philosophy between the Bureau of Municipal Research as an agency and the Philadelphia Economy League. And you and I know that they merged and they are now one. When I came into this field there was a distinct difference between the so-called taxpayers agencies and the Bureaus of Municipal Research. Both kinds of organizations were members of the Governmental Research Association, which would hold conventions regularly. The Bureau of Municipal Research in Philadelphia, which was considered undeniably as the best bureau and the best example of absolute independent research, carried on its work on the basis of absolute independence for many many years, without any particular axe to grind. There were other agencies known principally as taxpayer's associations that had a particular axe to grind. They were concerned also with efficiency in government but it was always from the angle of saving money, whereas the Bureau was concerned more with public service and indeed if it meant spending more money, whether it was for recreational activities or other undertakings, the Bureau would unhesitatingly recommend such legislation.

The taxpayer's associations emphasized efficiency in operation, but primarily concerned with saving money. As you will recall, Samuel Fels was one of the founders and one of the great supporters of the Bureau of Municipal Research. And there was E. Lewis Burnham and many others who gave the Bureau of Municipal Research absolute freedom in terms of positions taken with respect to issues, whether they be political, economic, governmental, social, whatever they might be. I remember, for example, writing an issue of Citizen's Business and I took it to Dan Goodwin -- you remember Dan. Dan was a conservative banker and he argued with me about the position that I had taken. And I remember saying, "Mr. Goodwin, what are you saying to me?" And he said, "I'm just saying that I disagree with you. But you publish it the way you think and I don't want to ask you to change your opinion." And that's exactly what happened. In every instance, when we would talk to these
bankers and brokers and businessmen and manufacturers, they were so aware of the independence that we had a right to expect to assert that they never imposed on us their philosophy.

Now we worked with the Economy League and I have high regard for the people who operated -- who were in charge of the Economy League. I remember Lansberg -- they were all very competent. And of course Eddie Shills, who has been a friend of mine for many, many years and still is a friend of mine. They did an excellent job.

The philosophical difference in terms of financial support between the Bureaus of Municipal Research and the taxpayer's association was primarily in this respect. The Economy League and taxpayer's associations received primary support from big business. It was corporate support. Actual corporate support and individual support by private corporations who were interested in saving taxpayer's money. The support for the Bureau of Municipal Research was non-corporate support. If I recollect correctly, we never accepted so-to-speak corporate gifts. We got gifts from individuals, but the Bureau never wanted to ask for any contributions from any of the corporations, so for example, Pennsylvania Railroad and corporations like that supported the Economy League but never gave a cent to the Bureau of Municipal Research. Until there was a merger, and I guess that was inevitable.

Before the merger -- I think what happened was this -- when Clarence Shenton went out and when Bill Byer, who was Director and a very gentle, fine, studious, scholarly man with whom we still exchange Christmas cards -- after Bill left and Buck Sawyer came and Len Moak came I suppose the need for financial support became so great that they had no alternate but to seek support wherever they could find it and I'm not suggesting for a moment that that altered the independence of research -- I'm not sufficiently familiar with the day-to-day activities to give an opinion as to whether there was pressure in one direction or another direction as far as emphasis of research. I'm sure the research was excellent.

I know that men like Clarence Shenton and Bill Byer would not have been happy with support from corporate givers. It was almost like a feeling that the man pays the piper, calls the tune -- I'm not suggesting that that has been the case, but I think that philosophically, knowing these men as I knew them for many, many years -- I would feel that they would not have been happy in depending on that kind of support.
I worked for the Bureau until 1942. What happened in the organizational structure in the Bureau after that time you are more familiar with than I am, though I followed your career as the President of the Bureau; however, as I said before, I'm not familiar with the philosophical changes or structural changes of the Bureau. I left the Bureau of Municipal Research to work for the National Resources Planning Board and subsequently, when that agency was terminated, I became Counsel for the Reconstruction Finance Corporation here in Philadelphia and continued there for a long while. But of course, throughout all that time I continued my interest in civic affairs and participated in civic affairs.

You refer to the 1951 charter -- you will recall, however, that there was an earlier charter that didn't get through. And you might be interested in the part that I played in that. In 1937 there was the Evans Charter Commission. Thomas Evans. Before that commission was actually appointed, there was movement towards the creation of such a commission. I was then staff lawyer for the Bureau of Municipal Research. And what I'm going to relate to you covers the period of '37 to '39. We began doing work on the proposed charter and the following people met regularly in terms of discussing philosophy, and I was the draftsman -- Joe Clark, Dick Dilworth, Lou Stevens and I -- would meet regularly at the Racquet Club. Joe Clark brought Dilworth in. And on a number of occasions, Bill Byer or Clarence Shenton would come. But most of the time it was the four of us. Later on, it was Joe Clark, Lou Stevens and I. And then of course we had some drafts. Subsequently, when the Evans Charter Commission was created, you will recall that Shippen Lewis became General Counsel of that commission. And Shippen Lewis hired a lawyer by the name of Isreal Packel. Packel, as you know, later on became a judge on the Superior Court and then Attorney General. And Packel is my partner. He was a member of this firm when Shapp asked him to serve on the Superior Court. Packel was the almost fulltime employee and I was almost a fulltime employee, loaned by the Bureau of Municipal Research. And between Is Packel and me we wrote the whole 1939 charter, which really became a base on which the 1951 charter was predicated.

(WMP: The others -- Clark and Dilworth -- adopted what you had written?)

Shippen Lewis was the General Counsel and Is Packel and I were his Associate Counsel and if you will look at the 1939 charter report of the Evans Commission you will see that we are listed that way. The original basic research in terms of philosophy and so on was discussed by this group of men. And of course for a long while they argued for the Evans Commission and it died aborning because of political reasons and there is a long interesting history in that regard. When the '51 Commission was set up a lawyer by the name of Paul Walkin was hired as
fulltime counsel. And of course from time to time I would be called and I helped with drafting -- didn't serve as a regular consultant, but I was called even by the Bureau of Municipal Research and other agencies in helping them prepare drafts for submission to the charter commission.

Roland B. Posey, who was the son-in-law of Clarence Dykstra. That goes back to the 1939 commission. That wasn't the '51 commission. That's when we had that whole group of men working. Incidentally, a very good document ultimately came out. And some very interesting studies came out. And I have a whole folder in my basement of the whole history of that period.

Abraham Freedman had been my professor at Temple University School of Law and we became friendly when I was at law school. Abe was appointed City Solicitor by Joe Clark and he asked whether I would be interested in joining his staff and I said that I would be delighted to. And I joined his staff in May of 1952 and I said that I would take an appointment for only two years because I wanted to get back to the private practice of law, but I had spent so much time in terms of my own work on the charter and government that I felt I almost had a proprietary interest in this administration.

And I knew all the people who were in the administration, like you and Joe and Ed Bacon and all the others. So I felt I just had to be part of the administration. My initial commitment for two years lasted through four years with Abe, four years with Dave Berger, and I guess really about six years with Dave Berger, because he was reappointed by Tate. And about a year or so with Ed Baurer. Altogether I served some ten years in the City Solicitor's office.

When I was appointed to the City Solicitor's office, interestingly enough my assignment to serve as counsel for City Council came not from Abe but from Jim Tate. You may recall that Jim Tate was the floor man, Jim Finnegan was the President of City Council and because Tate had had experience in the legislature and frankly, because Tate had no other commitment, like a Lou Stevens who had a law practice, he was available and he became the so-called floor leader. I knew Jim Tate from law school and Jim Tate typed for me. Jim Tate was secretary to Dean Hervey and he was a damn competent stenographer and typist and in his capacity as secretary to Dean Hervey he also served as Secretary to the Law Review and I was an editor of the Law Review. So many of the articles that I would write out in longhand, Jim Tate typed. We became friends and when I was appointed to the City Solicitor's staff, Jim asked Abe that I be assigned to City Council. It was a fascinating assignment from my standpoint because most of the progress made had some genesis in legislation and whenever it came to legislation I either prepared it or supervised its preparation.
You may recall when I resigned there was a news story which pointed out that I had either drafted or supervised the drafting of 10,000 ordinances and 100 or more laws enacted in Pennsylvania. As a matter of fact, because of my identification with legislation, Joe Clark had appointed me as his liaison to the legislature in Harrisburg and I would go to Harrisburg each week. I still have in my possession, and I treasure it, a letter that Joe Clark had written to whom it may concern: Murray Shusterman, of the City Solicitor's Office, is authorized to speak on behalf of my administration in regard to legislation matters that you are considering down in Harrisburg, etc. And I would go to Harrisburg every week and sit in both on the Philadelphia Democratic Caucus and on the state legislative caucus, while later on Natalie Saxe and McLoughlin.

I was the one who would make the presentations in terms of what the legislation was all about. Now as far as getting legislators to vote outside of the Philadelphia delegation Pat was the guy who would go to the Pittsburg delegation and so forth. I worked with Herman Talisman, remember, who was a very studious and knowledgeable guy. Later on with Josh Elieberg, and so on. And that was for pretty much throughout the entire Clark administration. With Dilworth's administration I still had the same responsibility, but by that time I was carrying a much heavier load and I told Abe and then later on Dave that I couldn't afford to go to Harrisburg for two days a week. You see, my work with the City Solicitor's office was on a part-time basis and my own practice was growing and I just told them that I couldn't make a commitment beyond the half-day that I was to work. And that was the arrangement with Abe and later on with the others. Presumably I worked 20 hours a week and the rest of the time was my own and I was permitted to practice privately.

As you will recall, the early years of the City Solicitor's office were concerned with protecting the home rule charter and I as well as the other members of the staff were assigned to particular departments -- met regularly with Abe in planning and in drafting the briefs to support the charter. There was the Lennox case and all of the other cases. I suppose the one I had the most to do with individually was that I argued the case before the Supreme Court which sustained our position that the coroner did not have to be an elected officer and thereafter we abolished the coroner's office. Ominsky had been the coroner and I guess we were responsible for him losing that job.

As far as legislation is concerned, that's a whole history in itself and as I said that was my primary responsibility. And you remember in the beginning there were all sorts of laws that were being introduced in City Council, but I also
prepared the city's legislative program for Harrisburg. You recall getting bulletins from me or from the mayor in which he said to all the department heads any legislation that you desire please communicate with Murray Shusterman and arrange for the preparation of that legislation and he will submit it to me for review before we take it up with the caucus." And that was my responsibility the first few years.

Then of course all of the legislation was enacted later on — I either drafted or supervised the drafting of it. I had a staff — Sid Sherwin and Ed (can't think of the name) — anyway, I had a staff of four people. There were a great many ordinances that were really trivial, as far as requiring any kind of supervision, and they were really mostly drafted by the various departments — the zoning ordinances, the street ordinances, the water ordinances, and the painting ordinances and I suppose that's where the editorial writer got the figure of 10,000 because what they did was to total up the ordinances.

We had a lot of interesting ordinances. We had interesting discussions on them. The rent control legislation that we wrote, the curfew legislation, the criminal registration ordinance and some day not on tape I'll tell you the fascinating story of how that legislation was enacted and what Paul D'Ortoba wanted and what he finally settled for. The criminal legislation. Paul started off by saying that everyone who has been convicted of a crime has to register. Paul was a very able guy, notwithstanding his lack of formal education. He was perceptive and he had insight that many people didn't give him credit for. It took about four or five sessions before I could get him around to the point where he was willing to restrict it. For example, I'd say, "Paul, what if somebody was convicted 20 years ago writing numbers? Do you want him to register now?" He said, "That's no crime. I don't care about that." Then I went down one by one until we finally limited it to crimes like burglary, robbery, rape, aggravated assault and battery, and crimes like that.

Then of course I had to write the residence ordinance. I wrote a great many ordinances where philosophically I was 100% opposed to them, but ours is not to ask questions. Our responsibility was to prepare legislation that the various councilmen wanted. We would do that. As a matter of fact, I don't mind this going on record — the one big fight I had with Jim Tate, I told him I would be perfectly happy to walk away from my assignment as counsel for City Council and go back into other work in the office because there was a thousand things I was involved in. Jim was Mayor and Wilbur Hamilton had asked me to prepare a certain resolution that had a certain public appeal at the time. I don't even remember what it was.
And I prepared the resolution. And Jim wanted to know, why didn't I call him and tell him and then the administration could have introduced that resolution and that ordinance instead of Wilbur Hamilton. I told Jim that I was counsel for City Council and as far as I was concerned I wouldn't reveal any requests from the Democratic party to anybody on the other side and I thought I had the right to review any requests from the Republican side. That my loyalty was not to the party but to the Council as a whole. And we had a set-to. I think it was quite evident that I really didn't give a damn whether I was there or whether I was back at the office as counsel for the Commission on Human Relations or writing opinions or preparing briefs or arguing cases. But we had no problem thereafter.

If you will look at the various volumes of ordinances published each year you can get the list of the principal bits of legislation enacted and if there is any particular interest on your part in getting the background on any of this legislation I would be very happy to give you what I recollect. I suppose in a sense one of my most interesting experiences in writing legislation was when we had to write a whole new series of tax laws. The Realty Transfer Tax, the Mercantile License Tax and a bunch of taxes you may recall. The mayor was so concerned about it not getting public that we had a meeting that was attended by Abe Freedman, Lou Stevens, who was Chairman of the Finance Committee, the mayor, and I and the first draft of that proposed tax legislation they insisted that I write out and not dictate it to anybody because they were fearful of what would happen. It was at the time of the November election when we first started talking about it because they had to get that legislation passed before the end of the year. And I remember very well writing out that legislation long-hand until after the election and then of course we had it typed up.

Beyond the legislation program that I was personally concerned with, I did other work in the law department. I might say parenthetically, Walter, that at the time of Abe Freedman was City Solicitor the law department had the best law firm in the city of Philadelphia. I say it without any hesitation. And I'll tell you who was on it -- Abe Freedman, Abe Wieneck (2), Jerry Shestack, Jimmy Stern, Murray Schwartz (who is now Dean of the law school at the University of California), Harvey Levin, who is since passed away, who was a clerk for one of the U.S. Supreme Court justices, Lee Anderson, and I. And that was just at one strata. And then of course there were a lot of assistants who were very very capable. We really had an excellent set-up. When Abe would call -- and then Bob Landis, later on -- and Ernest Neige (?), I think that because of the kind of people who were there and because of the pattern that Joe Clark set in terms of honesty
in government. I think we probably had during those first four years the best government that the city of Philadelphia ever had, to my knowledge.

(WMP: Did you get involved in the attempts that were made to change the city charter in favor of more political activity?)

Yes. As a matter of fact, I was very much involved in both reviewing the legislation and remember, there was also a Bok decision. There were a number of changes. You will recall that there were amendments that were suggested by a commission of which Lou Stevens was Chairman. There was an amendatory charter commission established by those people -- by council -- Lou Stevens was the chairman. And I served as its counsel. There were a number of amendments. That was a very interesting history and I think you will find that in Philadelphia's Government.

The contributions that the City Solicitor's office made was the codification of ordinances. The charter required us to codify the ordinances and because it was in the field of legislation, Abe had asked me to be in charge of that project and the first codification of ordinances was published several years after we started the project and for the first time in the history of Philadelphia there was a volume to which you could go to which contained the legislation affecting Philadelphia and we repealed a great many laws or ordinances in this codification. There were old ordinances -- for example, you couldn't smoke a cigar in Fairmount Park. You weren't allowed to take any cattle over the Girard Ave. bridge. There were a slew of them. I remember at the time we wrote an article on that.

We had revisions from time to time and Sid Sherwin worked with me and we revised it a second time. But that was an important contribution to the City Solicitor's office.

What we did was to codify existing legislation and set them up in separate codes. For example, we ended up with a health code, which contained all of the legislation regarding health. We had a building code. We had a zoning code. We had specialists who assumed the responsibility of writing some of these special codes. Obviously, nobody in my department was competent to write a health code as such. What we did, we gathered together the basic ordinances and the health department made the initial draft and then we put it, so to speak, in legal language. Now as far as the zoning code was concerned, that was let out to Lou Teilen and Irv Stander and they were the ones who were primarily responsible for writing that code.
They were very, very interesting years. Initial years fighting to protect the sanctity of the charter -- later years to justify certain programs. Dick Dilworth had a lot of vision with regard to building up the center city. Of course Jim Tate followed in carrying out some of the innovative ideas that Clark and Dilworth administrations conceived.

That plaque you see there represents an award which I got from the Commission on Human Relations, for whom I served as counsel for some 8 years or so.

The City Council that came in with the Clark administration was undoubtedly within my knowledge of history the best legislative body that the city ever had. We had in City Council people like Lou Stevens, Henry Sawyer, Ray Alexander, Connie Dallas, Charlie Guerrin, Sammy Rose, and I could list many others, with the exception of perhaps two or three, most of the people were articulate, were knowledgeable, and were very responsible persons. Jim Tate was probably the most knowledgeable from the standpoint of legislative procedures. He came to council after having served in the House of Representatives. Unfortunately, the formal rules of council were imposed upon by Jim Tate because what he did was to borrow the rules from the House of Representatives and I think some of them were unusually burdensome, but Jim Tate volunteered to write the rules and therefore he was asked to do it.

The strongest man in council, of course, was Jim Finnegan, who was President of council. And I think one of the principal reasons, in my opinion, for the success of the Clark administration was that he had in council a man like Jim Finnegan who had a deep-seated belief that good government was good politics and Jim Finnegan, although a politician by background, was nevertheless able to bridge the philosophies of a Clark with the philosophies of a Toohey from Kensington, who was a politician and several of the others. And because of Jim Finnegan's influence and strength in City Council, many of the projects that the Clark administration had in mind were able to be brought to fruition.

Jim was a straight-shooter. No artifice, no facade. When you spoke to Jim Finnegan you knew where you stood. And if he was angry with someone, that person knew it. He was direct and he minced no words. He wasn't a reformer as such. His background was anything but that, but he believed that good government was really an asset in terms of political achievement and he realized that but for the Clarks and the Dilworths and others, the Democratic party would never have thrown the Republicans out of office. I suppose, though he never said it,
I suppose that perhaps subconsciously if not consciously, as a politician there was a payoff due to the guy who performed and Clark and Dilworth, etc. performed in getting the people into office. And so he owed a loyalty to the administration. Of course there was political activity. No question about that. And I suppose the $100 dinners came around. It wasn't done as openly as it was in later years, but there were attempts to go to $100 dinners.

Jim Finnegan was a good man in my opinion.

As far as ordinances were concerned, the day-to-day zoning changes and paving ordinances and so on were very simple to review and as far as the legislative activity was concerned under the charter they always required a public hearing. And I would generally send one of my assistants to attend the hearings where no fundamental policy was involved. There were some special purpose ordinances that created problems. For example, when somebody would want to build across the street a bridge or a vault underneath the street and there would be local people who would oppose it and there would be public hearings and I generally liked to get around to those meetings. But we always had somebody there in the event that some change had to be made and had to be drafted right away.

(WMP: A lot of them were zoning changes? To what extent were you able to detect whether there was any corruption involved with that?)

Let me say this. When a zoning ordinance would come to the City Solicitor's office for approval before it was introduced, the primary concern that we had from the legal standpoint was it spot zoning? As you know, under the existing law you can't select just a piece of property and change the zoning to suit the needs of the developer. You can't have spot zoning. The zoning has to be in terms of an overall plan of development.

The enactment of legislation as far as zoning was concerned was, as far as we were concerned, followed the usual procedures. It was introduced, and there would be a hearing on them, and the administration would either back it or not back it. I did not attend caucuses of the Democratic councilmen except by invitation. It was a strange thing. I was always at the caucuses of the legislature when they discussed things very openly, but the only time I would come to a legislative caucus was whether Finnegan or later Jim Tate or later Paul D'Ortona would invite me in to explain the reasons for certain provisions in legislation. But as soon as that was over, they said thank you very much, because they did not want to discuss the political reasons for or against. Anything I might say in that regard would only be what I overheard.
(WMP: Was it the general belief that zoning changes and other special legislation required clearance with the Democratic City Committee?)

I think someone would be naive to suppose that the Democratic City Committee wasn't consulted with regard to some legislation. And what happened at the Democratic City Committee, I don't know, but if the administration wanted certain legislation through it got the majority. Very frequently, -- I shouldn't say that -- on a number of occasions, I knew that at caucus time, when I would be in the caucus, they would decide to pass a certain bit of legislation and the councilmen from particular district would say, ok, now I'm going to make a speech against it, and they would say, ok, you are relieved from voting with the caucus vote. And so the legislation would be reported out and the councilmen from that particular area were the protestors for objecting to the changing of the zoning, he would stand up and say, we don't want this legislation enacted. It is contrary to the wishes of our people. I think it's going to be detrimental to the community. We don't need a high-rise here." And he would make a very vigorous, rhetorical presentation against the legislation when he knew and everyone else knew that it was going to go through. But that was to preserve his identification with the people in his neighborhood. And it is understandable.

There were always stories around, but in many instances I think the stories were exaggerated and I'm sure in many instances the stories were true. And I suppose it is a natural phenomena in government that favors are extended to those who have been kind to your party.

(WMP: Who would you characterize as independent leadership members of city council?)

Lou Stevens, Henry Sawyer -- you know, independence is a relative term. I don't know anybody who is more of a straight-shooter than a guy like Lou Stevens. He was the essence of integrity. And yet I can imagine that if a person like you would come and say, Lou, even though these people are protesting and so on, I think it is good for the community to have this, that, and the other thing and I would appreciate it if a number of other so-called good people would come to Lou Stevens and urge him to vote for certain legislation -- he was only human; he would vote for it. I think each one of us can be influenced one way or the other -- some people are influenced by money or money contributions. Others are influenced by logic and reason.

It's a natural concomitant of government, in every nation. You have a party platform and sometimes you don't agree with a particular approach, but it has become a party policy. And so you decide at caucus time, this has to go through.
And we can't rewrite the legislation to please you and you and you -- each one has a different idea, whether it is in regard to rent control, whether it is in regard to taxes -- I remember that many of the councilmen were opposed to the mercantile license tax.

Being in council all of those years I was not unaware of those influences -- as a matter of fact, on several occasions when I began hearing discussions of that sort (political influences for legislation) I deliberately walked away. I frankly didn't want to have that knowledge because there was nothing that I could do about it. I would hear a comment, we're going to pass this legislation -- I talked to so-and-so and he says that we have got to pass this. I think it is just part of the system.

I think there will always be some kind of influence which is imposed on legislators. It is a question really of what influences are at play. In some instances, I suppose, the influence is venal and it is sold for a contribution. If you make a contribution of x amount of money, we'll see to it that the legislation is enacted. That is the first kind. There are other situations where religious persuasion will help. I don't say this in terms of criticism but there was no doubt that the archdiocese could get any kind of legislation through during the Tate administration. I remember one time when Freddy Mann was trying to give away some property in terms of a direct sale to the archdiocese and frankly I stopped it and I remember going to see Joe Clark -- Abe Freedman told me to see Joe Clark. Joe said it's illegal and we're not going to do it -- period. And the thing was killed.

I say -- the only reason I illustrate that is that the pressures aren't always "venal." Now what the church wanted to do here wasn't wrong per se, it was just illegal from the standpoint of the charter. They wanted a school for their children and they wanted their children to have additional recreation space and from the overall moral standpoint there was nothing wrong in what they wanted to do. They were seeking to use their influence to achieve that goal. But it was illegal.

Contrasted with that, you get a situation where someone says if you want that legislation to go through, you'll have to pay x amount of money -- make a contribution of x amount of money.

Incidentally, I notice some question here with regard to whether Jim Tate got rich in office, or something like that -- let me tell you something. There were all sorts of stories with regard to Jim Tate being paid off for this or that. I don't believe a single story. Jim Tate was a politician, but I honestly don't believe that Jim Tate ever took one dollar to get legislation enacted. There was a newspaper report that he had an opportunity
to make an investment, or he was put on a bank board, or so forth -- well, that's a natural result of holding prestigious positions. But I was in City Hall very very often and I don't know of a single time when anyone said that Jim had been paid off. I don't think that Jim ever was.

It may surprise you when I give you this opinion, but in my judgment Jim Tate knew more about the day-to-day operations of the City government than either Dilworth or Clark. And it was incredible what detailed information Jim had about the various departments and offices. He was really a storehouse of information. Obviously, Jim didn't have the imagination of a Clark or a Dilworth in terms of innovative ideas -- in terms perhaps of a definite understanding, philosophy and so on -- but in terms of a day-to-day supervision of departments he really knew what was going on and was right on top of it.

He would call me on matters of minor legislation that normally I would have thought he would have delegated it to some second or third subordinate. But I suppose Jim never lost his touch with the common man so that if Joe Blow in the 27th ward, 15th division had a problem and that ordinance didn't get through, Jim out of a personal sense of loyalty would call me and say, Where is that ordinance that was submitted to you a week ago? Why don't we have it yet? And take a personal interest in it. Very hard-working. And he worked through those periods when he had those terrible migraine headaches. That was one of the reasons why he was so obstreporous at times. When he had one of those headaches the best thing to do was to keep out of his way.

The first few years of the Clark administration were so pure that it is impossible to believe that such a period actually existed. During those first two years even the trash men were not permitted to ask for Christmas gifts. And if anyone in the administration received anything at all, he invariably returned it.

Now the story is told -- one of these days I'm going to ask Bill about it -- whether it is true -- one day Bill Rafsky received in the mail as thousands of people receive in the mail some literature which said go to this and this department store and this certificate is good for 100 dollars in connection with the purchase of furniture. The story is that Bill wrote a letter saying, I'm sorry the city charter does not permit us to accept any kind of gifts. And he sent back the advertisement.

(WMP: When Joe was first inaugurated all those in the cabinet were sent a fruitcake on New Year's Day and -- by Gimbel's -- and we each had to send back the fruitcake to Gimbel's.)
I can understand that and it's a wise thing, because lay people can understand that kind of "bribery" more so than more sophisticated kind of favoritism. I remember when I was counsel for the RFC one of the loans I handled was Reliance Homes. And one Christmas about a half dozen of us received about a 25-pound turkey with the compliments of the President of the company and I'm sure he meant no harm by it. Well, Harry Badshelter, who was then manager, and I called the office and said we don't want to accept these things and we don't know what to do about it. We couldn't take them back. So Harry Badshelter and I took the turkeys over to the Salvation Army and we got a receipt that we gave it and the way we got the receipt was that it was a contribution from this company. And then in the record I put a letter to that we contributed the turkey that you sent in your name to the Salvation Army and for your records I'm enclosing the receipt. And interestingly enough, about six or seven years later when they had an investigation of RFC loans, this loan had gone sour and they listed the number of people who had gotten turkeys for Christmas and my name was not on there and neither was Harry Badshelter's but several other people's names were. So that you might have been investigated for having accepted a fruitcake.

Dick was a little bit more lenient. Dick said that if you got something that you could either eat or drink in a day or two that was no bribe. Some of the people got bottles of liquor at Christmas time.

(end of interview)