Interview with Frank Walther
1/9/79

(in Walter Phillips' home)

There was some reference as to who the members of the joint committee were, and reference is made here to the article in the Bulletin, "Philadelphia's Young Turks", in the magazine section of March 31, 1963, which does list the members and indicates that they were Walter Phillips, Henry Beerits, Edmund Bacon, Sydney Schulman, John C. Phillips, William White, Jr., E. David Denfer, Edward Carson, James C. Egan, Walter Lamb, John W. Bodine.

Was Dorothy Montgomery actually a member of this committee? I think she was. She was certainly active in the City Policy Committee.

(WMP: She was, and...)

And also in municipal...

(WMP: Bureau of Municipal Research? No, she was not involved with that.)

She was later.

(WMP: I don't think she was ever on the board, though. I became the president of the Bureau, and I can't remember whether I was the paid president, or if I didn't get any money for it. And I can't remember whether I had that position at the time of the joint committee or not.)

I don't believe so.

(WMP: I don't think so either.)

I think that came later, because that would have, in a way, been a conflict of interest, I think, unless they were invited, I think. Which they were not, because that was a non-profit organization.

(WMP: Of course, the Bureau was called upon to draft the ordinances, wasn't it?)

Well, yes and no. As you will see in this report here, the joint committee, as you will recollect...as I recollect, at least, had for at least a year, monthly meetings at the Quaker Lady Restaurant, at which various experts on city planning from various towns and cities all over the country were invited
and consented to appear...one after the other....during which time, considerable thought was given as to the different types of ordinances and the political structure of these different commissions.

(WMP: Yes. That's right.)

The main issue at stake being...the center question, as I recollect, as to whether a planning commission should be merely advisory, or should be part of the mayor's administrative staff or cabinet as a department. And you may remember that Ed Bacon was very strong for making City Planning Commission a department. And I think that you, or at least I, was very strong on the other side. We had some running debates on this subject....Oh, quite friendly-natured, and even spilled over into the City Policy Committee, at the end. And it was finally decided, in passing, that... ...and Ed came around to this off and on...still believes that it was very wise...that it should merely be advisory and should rest its authority merely on the essence...the excellence of the essence of its suggestions and reports, rather than being in a position to have political power to enforce its decisions, good or bad.

Now, I think that the ordinance itself was initially drafted, as I recollect, I made the first rough draft.

(WMP: Did you?)

Bacon then took that rough draft and revised it...on the basis of his expertise and knowledge after having been city planning director of the city of Flint, Michigan, for some years, where he'd made, largely, his city planning reputation...as I recollect.

Following that, you will see this....there was a suggestion made with this as a....you may correct me on this...a semi-proposed ordinance at a luncheon which was called at the Warwick Hotel...a large luncheon which the joint committee, under the aegis of Henry C. Beerits and yourself, I presume, arranged...at which a large number of civic organizations were asked to come. And also...and here you can give me the information...Mayor Lamberton, then mayor, had been persuaded to attend by, as you said...who was it that you got to go in and see the mayor? Noke Winnet?

(WMP: Noke Winnet that did it.)

N-O-C-H-E-M Winnet, W-I-N-N-E-T. And we believed...and somebody else...I've forgotten...and he did attend. The mayor did attend. And I think that the program that was presented by Henry Beerits at that luncheon, being the conclusions that our joint committee had reached, also included
a suggested ordinance. Now this ordinance itself was then thereafter subjected to...I'm sure that must have been taped because it was on paper, in writing, as an ordinance, that was submitted to Mayor Lamberton.

Eventually, after Mayor Lamberton's death and after the whole subject matter was resurrected as an introduction of a proposed ordinance in City Council, that was the particular draft of City Planning Commission ordinance that was under consideration went direct to Niessen of the Department of Engineering, and ...

(WMP: Department of Public Works.)

Public Works...and Mr. Buckley, chief of the Bureau of Engineering. Both suggested certain amendments to it. And those amendments were as follows.

There was a meeting of a small committee of four, being representatives of certain organizations which had offered amendments to the ordinance...which was created to meet with Director Niessen and Mr. Buckley. And it did meet on October 6, 1942, with members of the other organizations which had submitted the amendments. And thereafter, met the next day with Director Niessen and Mr. Buckley on October 7th. Oh, the committee, itself, the four, preliminarily met by itself, on October 6th. And then, the next day, having come to an agreement among itself, as to certain possible amendments, it did meet with Director Niessen and Mr. Buckley.

(WMP: This is joint committee?)

Well, no these are members of other organizations which the joint committee had submitted its proposed ordinance to...who had certain recommended amendments of their own. And the joint committee too, yeah. The joint committee, of course, was carrying the torch, I think, all through this situation.

And then, a final draft of the ordinance was agreed upon, on October 7, 1942, as to budgets of a comparable...and comparable data as to budgets of other city planning commissions, which had been prepared by the Bureau of Municipal Research, was carefully considered.

Not only the ordinance's wording itself, but also how much the budget should be, which was proposed at $50,000, which we recollect, I think...well, I've got it here, anyway.

The draft of ordinance, finally agreed upon was modified to include the following provisions. Now these provisions are the ones where the argument had centered around in the drafting of the ordinance as suggested, as I recollect.
These are all included in the paper's summary of progress today in obtaining a new active and adequately staffed planning commission for Philadelphia, which I prepared. And I don't want to duplicate too much, but since we're on the topic, I'll carry through, shall I?

(WMP: Sure.)

There are four, I believe, suggested...no, there're six...five.

The first one was...that there should be a provision that one of the department heads on the new commission was recommended to be the director of the department of public works. This would be...this goes as to what the members should be.

(WMP: Yeah.)

And the other two were to be chosen by the mayor at his discretion. Then there should be a provision for the election by the commission of its chairman and vice-chairman. There should be a further provision that the chairman might appoint an executive committee of three members.

There was a substitution of a section for the section which provided a detailed statement of the technical stuff. Now, in passing, you may remember that Ed Bacon was very keen on having it spelled right out in the ordinance as to what the staff should be composed of. And he included a very detailed section. That was deleted, as a result, and instead of a general provision put in, authorizing the new commission to employ such technical and clerical and other assistants, including consultants, and to incur such expenses as might be further provided by ordinance or by appropriation.

(WMP: I think that was wise.)

...which was, as you say, I think a very wise thing. It would have been too inelastic, the other arrangement.

But Ed was afraid that the staff would be choked and starved, and he wanted to make sure that it was going to be there. But the other, I believe, has worked very well, has it not? ...historically...the more general provision.

Well anyway, that was the one that was finally put in. And then there was, in addition to the section outlining the general authority conferred upon the commission under the enabling act, a new section was added which authorized a new commission to recommend to City Council appropriate changes in zoning classification, and to prepare necessary maps in support
thereof. And further inclusion of a section authorizing the new commission to submit to City Council a capital improvements budget, which was very important....

(WMP: Which was a new idea.)

A new idea...an entirely new idea........on or before September 15th, annually. In other words, this really has to be kept up.

And then there were sundry other modifications of technical and detailed nature. And the ordinance as thus re-drafted, was submitted on October 13, 1942, in typed form to Director Niessen, for his final approval.

Now, at the time that this report was written, Director Niessen indicated that another organization, on October 26th, intended to offer some more amendments. Thereafter, the above-mentioned small committee should...any of the recommendations submitted at that meeting proved to be of a subsequent nature, they would be adopted. I don't remember what further ones were made, but I don't think there were any, personally. As I recollect, the new ones...and I don't even know what the new organization was, that was trying to get another amendment in. I don't think it's very important.

(WMP: I don't recall it.)

It must have been, surely, because I must have had some reason for this.

The actual budget became $40,000 instead of $50,000.

All right, now so much for that.

(WMP: Well, the ordinance....how about the story about it got passed?)

Now, that's the next thing. Mayor Lamberton asked that we submit this proposed ordinance, and I think he must have been still alive while all this amendment business was going on, because the preliminary report of the luncheon, submitted to the luncheon, was in May of 1941. And I don't remember when Mayor Lamberton finally died. But the ultimate result was that the entire question of the introduction of an ordinance to establish this City Planning Commission was put on the shelf.

(WMP: Oh, I had the feeling that somehow...Mayor Lamberton died on the very day that we presented the ordinance to City Council.)

That may have been. That would have been in 1942 after this
amendment business, I suppose. It would be well to look up when his date of death was, because it was after that that the whole thing died as I recollect...for a year.

(WMP: Then how did it get....and then Margaret Levy had a meeting.)

Yes, there was a ....

(WMP: And Noke Winnet was there, I think. And he had contacts......)

Well, at that time, Barney Samuel had been elected mayor... or succeeded him.

(WMP: Succeeded him, yeah. But somehow, Winnet was a great help to us.)

And he finally got Barney Samuel to call a meeting, I guess, of the committee on City Planning...I think it is, if there is such a committee...or was such a committee.

(WMP: In City Council?)

Yeah.

(WMP: And the ordinance was introduced by Councilman...) Garman. Fred Garman....G-A-R-M-A-N.

(WMP: Was it Garman himself?)

Yeah....by request, incidentally...which is the kiss of death.

(WMP: That was part of their code, wasn't it.)

Yes, their code, but they were just doing this at the request of others.

(WMP: Just to get some constituent help off their back.)

Off their back....you're right. So it was after that that considerable effort had to be made, with the mayor, to have him request that committee to meet and consider this proposed ordinance, as I recollect. And you may remember that in the interim, you and I went around to the different civic leaders. I remember very well myself...I had a meeting with Gates, president...then president of the University of Pennsylvania, wasn't it? Oh, what's his first name.....)

(BF: Thomas E. Gates.)

Thomas Gates, yeah.
And I remember so well that he benevolently looked at me and said...well, when you're young, it's grand for you to espouse these civic endeavors and to get the experience. As you get older, you'll realize, however, that there's very little chance of any successful development from your efforts. But it's a fine experience.....he said!

That's as far as I got with him!

So I took up my hat and left.

Then, I remember seeing Edward Hopkinson and I think you saw Edward Hopkinson.

(WMP: Yeah, he took a different....)

He took just the opposite view.

(WMP: They were partners at Drexel and Company.)

At Drexel and Company? Yes, I know; he's very interesting.

And it was.....I want to call him Doctor Gates....he became a doctor, I guess...I don't know.

(WMP: Honorary degree, I'm sure.)

Yeah. Oh, yes, I could tell a lot about him because of my step-father's....he succeeded my step-father as president.

(WMP: Your step-father was provost.)

Provost...of the University of Pennsylvania.

(WMP: Under Gates?)

No, Gates finally came in and supplanted my step-father...as president. My step-father was named as provost.

The problem of his position....this is nothing for what we're doing today....but the desire was to get somebody to raise money for the university...that was really the president's main job. And I think my step-father...he'd raised an awful lot of money, but I think he'd pretty well gone through what he could do.

(WMP: What was your step-father's name?)

Josiah H. Penniman.
Dr. Penniman. So, be that as it may. Hopkinson mentioned the fact that both had been approached, and it wasn't a question of Gates saying....well, see Hopkinson. It was a question of Gates saying .....no soap!

Well, he didn't say ...no soap...but the equivalent...I mean he was very polite...but he wouldn't lend his support whatsoever to this attempt to get a City Planning Commission. But Edward Hopkinson was quite the reverse, and he was even willing to appear, finally, at a hearing before Barney Samuel, you remember....

...in support of the ordinance, and he was the spokesman, really, at that time.

And then he became chairman of the commission later, did he not?

I think he did. Yes, that's right. Because we finally did get a hearing before City Council...You remember that, at which you and I and some others spoke.

A hundred and twenty, as I figured it.

Yes, and they all had representatives present in the audience.

They sure did....the balconies, even.

As mentioned in this thing, the League of Women Voters had a lot to do with it.
(WMP: Well, the Citizens' Council on City Planning came out of it. And I think we just went out and gave speeches to all kinds of organizations we could get audiences with.)

We got really wrapped up in our work.

(WMP: And then we'd ask them each to name a representative.)

And that formed a committee of...what...a hundred and twenty?

(WMP: Something like that, yeah.)

It was called the Action Committee...of which the joint committee....or the Citizens' Council was a member....one of them.

(BF: What did the League of Women Voters do?)

Well, they were active in persuading these other civic groups to get together. And I think they also steered us to who were the other civic groups.

(BF: You went to them first, and they helped you?)

(WMP: We did interview Noke Winnet. And he tells his story... ...we could look it up if we want to...we have it down there...) You've already interviewed him?

(WMP: Yes.)

Well he would have a good memory, yeah.

(WMP: As I recall, he.....should we look at it?)

Well, it might be worthwhile...I don't know. Unless it's too difficult to dig up.

(WMP: Let's take a look at Noke Winnet.)

This is a recapitulation of a consideration of Judge Noke Winnet's review and report, in which he recollects that by reason of his having had a close acquaintance with President of City Council Fred Garman, he had been able to persuade Garman to have the City Planning ordinance introduced.

Thereafter, I forget whether he reports this or not, the members of the joint committee contacted the various civic heads and leaders....
...throughout the city, to obtain support for the passage of the ordinance...including, among others, Dr. Gates... Thomas Gates and Edward Hopkinson.

(WMP: I think, somehow, we had contacts with Hopkinson and we got Hopkinson....not.....)

...Not Winnet. That would be a good correction, or at least, supplemental information to bring out....that it was actually done by the members of the joint committee...the contacting of the various civic organizations.

(WMP: Well, I think I went to Hopkinson because I had, as chairman of the City Policy Committee, had asked him to be the second speaker. The first speaker had been Mayor Lambert, and then we had Hopkinson, who at that point was chairman of the committee re-organizing the transit system...from PRT to the PTC. And he spoke to us on that subject and I'd got to know him there and we got along well. And so I remember going to get the Chamber of Commerce to endorse the ordinance. And there was a fellow there at the Chamber of Commerce....what was his name?...and he was on his way out, 'cause he was doing.....his usefulness had disappeared. And he opposed the ordinance. And the same day he came out against it, I happened to have been chosen to talk to...to meet with the president of the Chamber of Commerce, who was George Whitwell. And he thought well of our ordinance, and he not only gave me an audience, but he brought in Hopkinson to sit with him! Hopkinson was in the process of sort of chairing the re-organization of the Chamber of Commerce.

And so Hoppy and George Whitwell, who became the new president of the Chamber of Commerce, backed us up and went to the mayor and told him to pass the ordinance.)

I don't know whether you want to make any reference to the fact that the attempt to get Thomas Gates to back us up, was unsuccessful.

(BF: You did put that on. That was on.)

Well, when, as a result......

(WMP: What was that fellow's name that.....we'll find it somewhere....the Chamber of Commerce fellow....George .........)

(BF: Whitwell.)

WMP: Eager. No, it was George....)
(BF: Whitwell, you said.)

(WMP: Whitwell was the president; but the executive director was being fired at the time, and his name was George.... something... Well, forget it.)

This article here...this says that Edward Hopkinson, Jr., became interested. He and Thomas S. Gates another financial power in the community, eventually called on Bernard Samuel who had moved from City Council president to succeed Lamberton as mayor. And after months of cold storage, the Planning ordinance was exhumed and a hearing ordered in 1942. So I may have done Gates an injustice; he may have nevertheless gone ahead without my knowing it. I don't remember that, though...'cause I remember so well being told there was no hope!!

At any rate, that is out in this article.

(BF: Well, we'll have the article in the folder.)

Okay. Well, now....

(WMP: Now, when the ordinance....the day the ordinance passed....Mayor Lamberton died, as I remember.)

Oh no, he died before the ordinance was passed. He died before the....we had a hearing before...

(WMP: I'm sorry. I don't know what happened there.)

It says that....you see, Samuel succeeded Lamberton. And then we had our fight with Samuel, as it were...to persuade him to get behind it, and he took an absolutely neutral position, as I recollect. And you refer to McDevitt, Councilman McDevitt, as being instrumental in getting the ordinance out of committee.

(WMP: Yeah, right. But, I'm quite sure that the mayor had to....of course, he could have not signed the ordinance.)

Well that's true; he could have vetoed it, you know.

(WMP: He could have vetoed. So that's why Hopkinson and Gates came in, I think.)

Yes, but they also came in before the ordinance had passed at the meeting that was finally called, I think before that committee which the mayor did attend. I remember Hopkinson speaking on behalf of the ordinance, at that small committee...meeting before the mayor.
Oh, I think you were. And it was after that, that the ordinance was then reported out of committee to City Council. And there was a hearing in City Council on it... at which you spoke, and at which I spoke, and at which members of the civic organizations did speak... all in favor of this ordinance.

(WMP: That's where you had done a terrific job of getting the civic organizations lined up.)

Oh, we had a good showing. And then it was passed with apparently very little opposition, I think...before the City Council...as presented.

(WMP: Except for this fellow, George Something-or-other, of the Chamber of Commerce, who came in and testified against it. The day after they sent the ordinance to his office, Mayor Lamberton died...according to this.

Then after the ordinance was passed, I recollect that a meeting was called at which you conducted, really, a poll of whom we, as the Action Committee, would recommend, and a vote was taken...I've forgotten how the vote was arranged... on different candidates that we would suggest.

(WMP: For the commission.)

For the commission. And being careful to have none of the candidates members of our own organization...to indicate that we hadn't promoted this ordinance for selfish purposes in any way.

And I don't know whether we at that time recommended Ed Bacon for the director of the staff, or not, but he was so appointed, initially.

(WMP: Now, I think Hopkinson got to be ....when he got to be chairman, he ......)

There was an Allan Mitchell...who at one time was director, was he not?

(WMP: Bob Mitchell came in. Ed Bacon stayed on long enough, before going to war, to help Hopkinson select an executive director of the Planning Commission. He knew...Ed did, knew people down in Washington....of the....what was it called... it was really a national planning organization. It was called National Resources Planning Commission of the Federal
Government. And the executive of that was a man named Bob Mitchell. And he was asked, along with some other people, to come and meet with Mr. Hopkinson...one at a time, I guess, probably...and Hopkinson chose Bob Mitchell to be the first executive director.)

Yeah. And it was after that that Ed Bacon succeeded Bob Mitchell, did he?

(WMP: Ed went to war then...at that point. And Bob came in as executive director, and then when Ed came back, he went to work....went back to his old position, I guess, as executive of the housing association. And at some point, he was made director of....executive director of the Planning Commission. Bob Mitchell resigned, then Ed....)

That's what happened. Bob Mitchell....I don't know how he resigned. Do you remember?

(WMP: He probably told us, 'cause we interviewed him.)

I'm just wondering, because Greenfield, I think, became chairman of the Planning Commission following Hopkinson.

(WMP: Yeah.)

And it could be that Mitchell couldn't get along with Greenfield. I don't know.

(WMP: Yeah, could be.)

The mayor had appointed him, and Greenfield was obviously a conflict of interest, in a way, because he was interested in real estate and the Planning Commission gave him pretty good insight as to how real estate was going to be developed in the city.

(WMP: Yeah...it could well be.)

Politics was rearing its ugly head.

(WMP: We've interviewed Bob Mitchell too, and we could find out there.)

I haven't seen him for years. I don't know where he lives, do you?

(WMP: Yeah, I talked to him on the phone the other day.)
(BF: How did you come to be interested in this whole issue and how did you get involved in this in the first place?)

Well, I **think** I was on the City Policy Committee...wasn't I?

(WMP: Yeah, that was the City Policy Committee.)

The City Policy Committee, through you, were organizing this uh.....Now I'd been interested in civic affairs; that's why I was on the City Policy Committee...generally, just because I felt that every young lawyer should put his finger in the pie...see what's going on...it just made it more interesting.

(WMP: That's right. You were my neighbor, too.)

Very much so. You were my landlord!

(WMP: That building still stands.)

It's the only one there, isn't it?

(WMP: It's the only one left on the place.)

Is it still re-done, the way we did it? I guess not...like an apartment?

(WMP: I wasn't allowed in. I didn't ask to go in. But somebody's living there.)