

gram of spreading as widely as possible an appreciation of the progress that can be made by enlightened police work.

But public apathy is not the only obstacle. While it is the principal one—if there were an insistent public demand for adequate training, the difficulties would soon enough be swept away—there are at least two others. One of these is rooted in that perennial trouble-maker already referred to—the fragmentation of our police organization. With the average American force actually only four men strong and with the huge majority below that figure, it is simply out of the question for most departments to run an independent training school. Obviously the answer is cooperation, either along the line of a cooperative school run by a group of cities jointly, or by school facilities set up by a larger unit such as the state police or the Federal Bureau of Investigation. There is likely to be scant local enthusiasm for such pooling of efforts—it smacks too much of an admission of one's own failure to reach perfection single-handed. Better to do without the training than to make such an admission.

The last obstacle referred to, that has crippled progress in schooling, lies in the woefully inadequate textbook material for school use. Since, to a large extent, entirely untrained "teachers" are relied upon, this final difficulty has often been the last straw. Hence the appearance of a well-rounded text in this field is a matter of much more significance than it would be in any other. The present volume aims to fill this need. Mr. Perkins, who is partly its author and partly its editor, has gathered together, as separate chapters, a wide range of articles, many, if not all, of which have already appeared elsewhere, each dealing with a single phase of police work, and running the gamut from finger-printing to police courtesy. Each is by a writer of special experience in his subject. Naturally in such a collection the degree of excellence varies, and here and there criticisms suggest themselves. But far more important is the fact that each article is bound to contribute its sizable bit to the teaching of the whole. By far the best part (and the largest unit in the book) is Mr. Perkins' own contribution—descriptions of the law of arrest and of the substantive and procedural criminal law in general. The reviewer knows of no other treatment of the law of arrest which even approaches the present one in completeness and in clarity of wording—the latter an especially important matter in view of the purpose of the book. The treatment of the general criminal law is elementary and, of course, not aimed at the needs of the practitioner, but it too is admirably set forth to meet the needs of the readers for whom the book is meant. The whole book, but particularly Mr. Perkins' contribution, is well calculated to fill a glaring need. There can be little doubt that alert police teachers will give it a warm welcome.

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Administration of Municipal Legal Services, The: The Chicago Law Department. By Robert W. Siebenschuh.* Chicago: Public Administration Service, 1942. Pp. vi, 58. \$1.50.

This is a monograph showing how the six separate municipal law agencies which, before 1935, supplied legal services for the City of Chicago were reorganized in that year into a single law office under the Corporation Counsel; the operation of this office and the resulting advantages from unification are also shown. An appendix reproduces office forms used for handling litigation and claims.

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The Department of Law of the City of Chicago, serving approximately 3,500,000 clients and a \$5,000,000,000 corporation, is probably larger than any of the private legal department stores which transact most of the important law business in the large cities of this country. As of January 1, 1941, the personnel consisted of ninety-five attorneys, eight clerks, forty stenographers, forty-one investigators and six research assistants. This staff attempted to dispose of 117,108 judicial proceedings, prepare 3,287 legal opinions and communications, examine 1,754 legal documents, and complete 2,607 legal investigations in one year.

The way in which so huge an establishment is recruited and conducted is, therefore, of importance: first, in the cost to the community and, second, in the effect on the government of the city.

Before reorganization, in each of the years 1928 and 1929, the operating cost of this office exceeded \$1,000,000. In 1935, the expenses of operation were less than half of these yearly expenditures and, with increasing costs, are still less than \$750,000. The cost of Cincinnati's legal department in 1941 was \$70,325. But comparisons of cost, without full knowledge of services rendered and items of expense, are worth very little. For instance, it is recounted that the Chicago Law Department maintains an active and apparently effective lobby in the Illinois General Assembly, furthering bills sponsored by the city and opposing such as are thought inimical to its interests. Doubtless, this expense is especially necessary in Illinois, where the anomaly of our country's second city in population with but a modicum of home rule exists, and where the state supreme court has been exceptionally severe in opinions restricting municipal powers. Presumably other Illinois cities maintain similar lobbies. It would be a great saving in expense for them if there were a league of municipalities performing this work for the best interest of all.

Again, the Chicago Law Department maintains a research division which concerns itself not only with factual reports on special legal problems but with "socio-economic research," whatever that is.¹ To the extent that the research division brought about an indexing of the opinions of the office and the circulation of bulletins containing court and agency rulings of interest to the staff, it rendered a useful service. Certainly, every well organized law office should have an index of opinions, as the same questions recur and much duplication of work and possible inconsistencies of opinion are thus avoided. But if it is conceded that socio-economic research in connection with the giving of legal opinions and trial of cases is desirable, it probably could be made better by an independent bureau of governmental research or a municipal reference librarian. The trouble with research made in an office which may be subject to political pressure is, that the research may lead to a conclusion which is desired, rather than to one that is sound.

The expense of the Chicago Law Department is bound to be larger than it should be because, in general, staff appointments are made through the patronage system.² Mr. Hodes, Corporation Counsel, under whom the reorganization of 1935 was effected, asserts "that effective service can be rendered even though members of the staff do

¹ Mr. Siebenschuh was one of the original members of this division. A foreword is contributed by Albert Lepawsky, lecturer, Department of Political Science, University of Chicago, who served as the first director of the Research Division, which he regards as "essential if justice is to prevail under municipal law." This division was not recruited under the patronage system.

² Eighty-five per cent came to the department in this manner. Pp. 19, 20, 21, 29. Cf. New York City, where eighty-five per cent of the appointments are made with the assistance of the merit system.

enter the department through what might be called the political route."³ But the author of the monograph concedes what everyone familiar with the workings of a patronage system knows, namely, that recruitment over the patronage route results in inferior personnel. Furthermore, there is no promise of advancement or of salary increases on the basis of merit. Slight opportunity for a career of service in the municipal law office exists. The insatiable maw of patronage also makes practically impossible the interesting suggested exchange of positions with other law offices in the metropolitan district so as to prevent staleness in the staff resulting from being too long immured in specialized nooks. Likewise, patronage encourages the setting-up of new legal agencies for politically ambitious lawyers who would not get the same recognition if all legal services were concentrated in a single office under the Corporation Counsel.

But more serious than the financial loss resulting from the use of the patronage system in public legal employments is its blighting effect on municipal good government. The political lawyer, owing appointment to his patron, not to the head of the office, and having no security of tenure, may, unless exceptionally high-minded, render opinions which he thinks or knows his sponsor will wish. He may try cases supinely or make settlements not in the interest of his client, the city. The fear that the full performance of his duty may preclude him forever from the possibility of employment by powerful persons or corporations after being separated from the public legal position he holds may haunt him.⁴ The fable of the wolf and the lamb illustrates how easy it is to give a reason for a conclusion, however unjust and harmful. Sinister forces can prevent action that would be for the good of the city by the simple expedient of having an adverse legal opinion.⁵

The pall of the patronage system over the Chicago Law Department makes the reorganization of it, shown in the brochure, a lambent achievement. It is gratifying to learn from the foreword "that during the past five years increasing attention has been given to the possibilities of improving municipal law services in cities other than Chicago. In New York, Philadelphia, and Milwaukee, to mention but a few of the larger American cities, the movement for administrative reform has affected the law department. Moreover, the National Institute of Municipal Law Officers and the Section on Municipal Law of the American Bar Association have shown a growing interest in the problems of the organization and management of municipal law offices."⁶

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³ Hodes, *Law and the Modern City* 92 (1937).

⁴ The author well observes "that a municipal law department exercises considerable influence upon the formulation and execution of policy. . . . The opinion of the Corporation Counsel is often the decisive factor in the City Council's deliberations on whether or not to engage in this public service undertaking or to enter into that field of regulation . . . 'finding and declaring the law' is in part dependent upon the attitude and the social philosophy of the lawyers in the department." Pp. 3-4.

⁵ It is not suggested that there is any impossibility in utilizing the merit system in public legal offices. See Kaplan, *The Lawyer in the Civil Service—Recruitment, Selection, and Opportunities* (1939); Seasongood, *Should the Merit System Be Used in Making Appointments of Lawyers for Public Service?* 15 *U. of Cin. L. Rev.* 209 (1941).

⁶ P. iv.

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