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## Flakiness

CHICAGO LAWYER's lawsuit against Mayor Jane Byrne to compel disclosure of the so-called "transition report" received a good deal of public attention—more perhaps than it deserved. The reasons are interesting, and they say something about the city administration.

The story began quietly. At the time Byrne took office, a team of advisers prepared the report, and we asked mayoral aide Paul McGrath for a copy. Our particular interest was in part of the report dealing with the corporation counsel's office, a subject of interest mostly to lawyers.

Asking for a copy of the report was not as wild-eyed as it sounds in retrospect. Remember that the Byrne administration came into office pledged to unprecedented openness. And McGrath originally agreed to give us the report. He soon changed his mind, or was overruled by other aides or by the mayor.

We then cited to the city officials an ordinance passed in the wake of the controversy over an outside consultant's report on snow removal. The ordinance said that the mayor must turn over copies of all reports from outside consultants to the municipal reference library for public inspection. The mayor's aides argued that the ordinance did not apply to the report, so we filed a lawsuit. Circuit Court Judge James Murray agreed with us and in May, 1980, ordered the city to turn the report over. The city then appealed to the Illinois Appellate Court, but the matter took a bizarre twist. We got a copy of parts of the report and made those available to the Chicago Tribune. When the Tribune ran a front-page story about the "secret report," Byrne announced that she was barring Tribune reporters from the City Hall press room. This produced a flurry of national and even international news stories which far transcended anything resulting from the report which started it all.

After that flurry died down, the city continued its appeal, but the appellate court unanimously upheld Judge Murray's order. The city then tried to appeal to the Illinois Supreme Court, which refused to take the case. When the appellate court's mandate issued, Judge Murray's order, which had been stayed, took effect. But the city did nothing to comply.

Finally, our lawyers—Merle Royce and Lois Lipton—asked the city lawyers what they were going to do. After some further delay, the city lawyers advised us that they could not find all of the six volumes of the report. This was after a representation to the court early on in the proceedings that the report would be preserved pending final decision on the case. We filed a motion to hold the mayor in contempt. The city produced two volumes, which included critical material on Chicago Housing Authority Chairman Charles Swibel; this made more news than it would have made three years ago. Judge Murray, rightfully angry, told the city to come back in a week and explain itself. All of this—the mayor being seriously threatened with a contempt citation—made bigger news.

Then what happened? You could not have guessed: The mayor revealed that she already had given the missing two volumes of the report to a reporter more than a year ago, thereby technically making them public, although the reporter didn't do anything with the report. Thus, the appeal was a waste of the city's money and effort—and ours. Those volumes were so dull even the 3-year build-up couldn't make them into news.

The whole business amounts in the end only to a textbook lesson in how a series of actions by a public official can turn a simple, dull matter into sensational news stories. If those were positive stories, one might cite all this as evidence of the mayor's public relations genius. But they were negative. The point, we think, is that there isn't a point: Flakiness is all.