

tion had been found to be illegal. Acting upon a civil servant's complaint, the Danish ombudsman has proposed suitable redress for a wrongful disciplinary action. Conceivably, in this country, an action at law might be maintainable against a city in cases like those just outlined, but the proceedings would be difficult and the outcome highly uncertain.

The New Zealand and Norwegian ombudsmen have gone much further in recommending "ex gratia payments"—payments that simply reflect a generous exercise of discretion rather than recognition of a potential legal liability—and their recommendations have been a strongly humanizing force in public administration. An American municipal ombudsman might have less capability to act in this manner because most cities, having wrapped miles of red tape around their cash drawers, have made discretionary payments nearly impossible.

6. An ombudsman system, if foreign experience can guide American judgment, is likely to bring grievance machinery within the reach of persons to whom more imposingly formal means of redress are uncongenial. Abroad, ombudsmen's "clients" are drawn from the entire range of the citizenry, but they come from the highly organized and secure elements of the population far less frequently than from the relatively isolated and unaffluent. American urban society especially needs an accessible tribune of the small people, precisely the ones who have most actively used ombudsmen elsewhere.

Although data concerning the sources of complaint to American political personages are too fragmentary to permit confident conclusions, they tend to support an impression, gained from reading Congressional mail files, that administrative grievances lodged with legislators are expressed mainly by the middle class. Moreover, distaste for trial-like hearings and other "legal" procedures is especially marked among the poor, who therefore have not readily seized opportunities to gain formal review of unsatisfactory administrative determinations. This distaste may perhaps be overcome in the course of time, with the broadening availability of legal services needed by the indigent. Until that has happened, however, a cheap, approachable and, above all, self-propelled investigator of grievances would fill a gap in the present protective wall against official abusiveness or ineptitude.

7. The bigness of cities begets impersonality. It also begets uncertainty about how to get things done. Cities are not as heartless or ruthless as they are reputed to be, but most people are ignorant of the services available to them within the municipal complex and so they simply assume that the services do not exist. Ombudsmen abroad have been important givers of information and they have also been active mediators on behalf of resourceless persons who have asked their help. No doubt local ombudsmen in this country might find themselves similarly importuned to be all-purpose handymen.

Without tight jurisdictional definitions, however, a strong effort should be made to keep a clear focus on grievance handling as the ombudsman's job. American cities populous enough to need an ombudsman probably also need a counterpart of the English and Japanese citizens' bureaus which furnish information, give advice and extend a helping hand in connection with just about any perplexity that may beset an individual. As Professor Alfred J. Kahn has remarked of the English bureaus (and the same is true of the Japanese), their "services are not limited to the poor, the uneducated or the maladjusted. The assumption is that in a complex bureaucratized society any citizen may require information, guidance, advice, application forms or explanatory pamphlets . . . The real issue is to devise a system . . . that will humanize the urban environment because of the general alienation of people from government."²

Under Professor Kahn's leadership an admirable study of what he calls neighborhood information centers has been completed by the Columbia University School of Social Work. The study shows convincingly the unfilled need for conveniently located service agencies, less engaged in righting wrongs than in, simply using existing know-how to help attain desired results.

Although ombudsmen can do and have done a great deal along this line, they should not be diverted to this time-consuming work. Preliminary exploration of difficulties can be undertaken by or under the guidance of a neighborhood service agency, leaving to the ombudsman the task of considering grievances that remain unresolved after negotiatory efforts by others have failed.

8. What has just been said suggests the further important observation that the ombudsman system excludes no other avenues to citizen satisfaction. In

² Quoted in GELLHORN, WHEN CITIZENS COMPLAIN 157 (1966).