

Government's decisions and government agencies now affect the lives of people in ways not envisaged when the structure and administrative procedures of local government were being developed in the United States and California.

The unending conflict between liberty and authority has intensified. The area of rights without remedies is broadening. This being so, procedures for the redress of citizen grievances become of looming and extraordinary importance.

The problem is not one of civil rights. Properly understood, it is one of most urban administrations not being sufficiently aware of, much less structured and organized to provide simple, orderly, inexpensive, widely-known processes for the redress of citizen grievances in keeping with justice and equity where administrative agencies execute a myriad of regulations. The problem is to counterbalance the despair of the individual in his confrontation with the unyielding monolithic public agency which may be following perfectly legal procedures and still treat citizens unfairly because its monopolistic position allows it to ignore individual complaints. Unhearing, the bureaucracy can be unthinking and unfeeling.

Imperfections exist in the operation of present institutions dealing with the redress of citizen grievances. There is a need to improve democratic processes for adjudicating accusations of noncriminal administration. The current interest in this matter is but an episode in the far greater and longer struggle of mankind to convert the *polis*, the Greek city-state, into *Cosmopolis*, the city neither of the Athenians nor of the Romans, but of the human race, the city in which men at last may resolve the riddle of liberty under law.

Folklore has it that "you can't fight city hall." In a democracy this is intolerable. The paradox is that urban government, supposedly closest to the people, has perhaps become most alienated from many of them. "There is a basic incompatibility between men and the metropolis. As we build huge metropolitan areas we risk losing our individuality. To reduce the incompatibility we must hold on to the bigness, apply it in a decentralized fashion and enlarge the role of the individual. Fighting city hall is one way in which the individual can become compatible with the metropolis."⁴

Fiscal, spatial and activities programs of state and local government are so interwoven as to undeniably affect the whole of the social, economic and cultural milieu of the urban resident. It is imperative that *Homo Civitas* not be alienated from the mechanisms that were designed to enable him to manipulate his environment—not be dominated by it. A primary purpose of the city is to foster and enhance the development of its individual citizens. "A primary function of community leadership is to translate legitimate protest into workable programs by correcting the basic conditions which have led to protest and develop the latent potential of the human resources crowded within our communities."⁵

The matter is of concern not just to the academe but to the practicing administrator. There is widespread interest in the bill, AB 2936, introduced by Speaker of the California Assembly, Jesse Unruh, to create a state office of *Ombudsman*. Speaker Unruh, like Deputy-mayor Costello, an operating official, has characterized our failure to develop any meaningful oversight of the administration of government as our "most extreme example of institutional lag."⁶

There are several areas where the grievance mechanism can be considerably improved. Some of the broadest categories of need (among others) are:

Complaints against discretionary decisions wherein the citizen disagrees with the matter in which an official has exercised his discretion but has no formal means of challenging it; or, at least, inexpensive means. The complaint in these cases is generally not that of the official abusing his power, but that the decision reached is not, in all circumstances, appropriate. There may be no allegation of bias, negligence or incompetence but merely the charge that the decision is misguided. In essence, this type of complaint is one that has not a right of appeal to an independent body which can substitute its discretionary decision for that of the official who made the original one.

Grievances against acts of maladministration, in essence not a question of appealing from but of making an accusation against an authority.

⁴ Costello, Timothy W., Deputy Mayor of the City of New York, remarks, Manhattan College, April 16th, 1966.

⁵ Anderson, Desmond L., "Developing Community Consensus", *Public Management*, International City Managers Association, Chicago, March 1966, p. 62.

⁶ Unruh, Jesse M., remarks, Institute for Local Self Government, Conference on the Redress of Citizen Grievances in California, Los Angeles, September 15, 1966.