

Harry R. Booth papers, 1930-1974 (bulk 1959-1974)

Descriptive Inventory for the Collection at the Chicago Historical Society

By Mary E. Janzen, Frank Boles, Richard Popp, Christopher Ann Paton, January, 1982; revised by Jennifer Asimakopoulos, July 2005

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Main entry: Booth, Harry R., 1902-1974

Title: Harry R. Booth papers, 1930-1974 (bulk 1959-1974)

Inclusive dates: 1930-1974 (bulk 1959-1974)

Size: 45 linear feet (45 boxes)

A&M accession number: 1975.0009

This descriptive inventory contains

1. Brief biography of Harry R. Booth,
2. Description of the collection,
3. Description of some related material,
4. List of card catalog headings,
5. Provenance statement,
6. Storage designation,
- 7. Container list of box/folder numbers and titles.**

Brief biography of Harry R. Booth

Harry B. Booth, lawyer and civic activist, was born on April 19, 1920, in the northern Minnesota mining town of Virginia. After coming to Chicago in 1920 to study at the Armour Institute of Technology, he transferred to the University of Chicago where he received a bachelor's degree in 1925 and a law degree in 1926. He was admitted to the Illinois bar the following year. Very early in his career he was attracted to the field of public utility regulation.

Booth's earliest mentor in this field was David Lilienthal, who later gained national prominence when he served as director of the Tennessee Valley Authority and as the first chairman of the Atomic Energy Commission. Between 1926 and 1931, Lilienthal engaged in private practice in Chicago. He was retained as special counsel for the City in a telephone rate case which was appealed all the way to the U.S. Supreme Court and resulted in a \$20,000,000 refund to telephone subscribers. Booth served as Lilienthal's legal assistant from 1927 to 1931, when Lilienthal became State Public Service Commissioner of Wisconsin. Booth then set up a private law practice with Joseph Swidler. From 1928-1932, Booth was also employed as associate editor of the Public Utility and Carrier Services, published by the Commerce Clearing House, Incorporated.

In the late 1920s and early 1930s, the name Samuel Insull represented to many citizens both the power and the arrogance of public utility companies. Booth's first major public interest utilities case was directed against the Insull-controlled Peoples Gas, Light, and Coke Company, when, in 1932, he went before the Illinois Commerce Commission to challenge the company's practice of substituting cheaper natural gas for manufactured gas without lowering rates. In this case, Booth acted as counsel for the Utility Consumers League of Illinois, which he had founded the previous year with Paul H. Douglas (later U.S. Senator from Illinois), Harold L. Ickes (later Secretary of the Interior under the Roosevelt Administration), and others. Booth and his law partner Joseph Swidler

were cited for contempt of court when they subsequently went to the newspapers to expose the ICC's pliancy in granting every rate increase ever requested by Insull.

In 1933, Harry Booth began a 14-year period of government service. From 1933 to 1940, having gained the support of Governor Henry Horner, he worked as counsel in charge of valuation and rate cases for the Illinois Commerce Commission and as head of its Legal Division (the last year and a half, July 1939 to December 1940, he was under the Attorney General's office). In January 1941, Booth moved to Washington, D.C. to accept a position as Chief of the Rate Section in the Law Department of the Federal Communications Commission, but resigned the following year when the FCC compromised with American Telephone & Telegraph on a proposed long distance rate reduction program Booth had designed. Soon thereafter, he was drawn into war work as Chief of the Utilities Branch of the Office of Price Administration, 1942-1946.

In 1947, Booth left government service and began the next phase of his career, a private law practice "specializing in [the] utility and common carrier field, representing municipalities, consumer and commuter groups in connection with rate and service matters of various types—anti-trust and other miscellaneous litigation." (Vita, Box 1 folder 1).

For about a year, Booth apparently maintained law offices both in Washington and Chicago before returning to Chicago permanently in 1949. Over the next twenty-five years, he was involved in a number of cases in which he took the role of advocate of consumers and taxpayers. Though he continued to be interested in gas and electricity company regulation, these were not his primary areas of litigation. Between 1949 and 1974, his major cases concerned telephone and public transport rates, leases of public land, and radio station licensing.

In 1950, Booth fought fare increases proposed by the Chicago Transit Authority, the first of a number of common carrier rate cases he was to be involved in. In 1953, he won for pensioners at the Illinois Bell Telephone Company (a wholly-owned subsidiary of AT&T, his old FCC nemesis), the recognition of vested rights in their pensions regardless of any increases in social security payments they received. He also won a similar pension case against the Elgin National Watch Company.

In 1963, Booth filed suit against the Metropolitan Sanitary District of Greater Chicago, charging that the District deprived the taxpayers of revenue through long-term leases of 50 to 99 years that had been negotiated with Chicago area industries between 1948 and 1961, at rentals well below market values. Booth regarded this as his most significant case, even though the out-of-court settlement in 1971 did not result in the kind of rent increases he thought were appropriate.

In 1968, Booth went before the Federal Communications Commission to fight the sale of WFMT, a Chicago radio station devoted to classical and folk music, to WGN, which was controlled by the Chicago Tribune. Booth helped prevent this sale, but he was not as successful in a similar case before the FCC, a case which proved to be his last one, the 1973-1974 fight against the conversion of WEFM from a classical to a rock music format.

Harry Booth died on December 9, 1974, in Chicago, leaving his wife, Sylvia Whalley Booth, whom he had married in 1934, and two grown daughters, Susan and Alice. A newspaper article on Booth written in 1963 described him from the viewpoint of his opponents as a "gadfly, a troublemaker, a misdirected knight on a white horse." His daughter, Alice, fondly called him "Harry Booth Quixote" in a paper she wrote for a college class in 1965. But no one questioned his sincerity or his

single-minded, life-long commitment to the cause of defending the tax-and rate-paying public against the big utilities.

Description of the collection

The Harry R. Booth papers consist primarily of legal papers for specific public interest cases in which Booth was involved. The cases are mainly concerned with telephone and mass transit rates, with leases of publicly owned lands, and with the licensing of radio stations. Dating between 1950 and 1974 for the most part, the files include briefs, motions, and other routine documents, but very few affidavits or depositions. A certain amount of related correspondence, memoranda, and publications are also found in the case files, but the vast majority is legal documents. The most valuable part of the collection is also the smallest portion (6 out of 45 boxes): the personal and correspondence files. They concern litigation, background material for cases such as newsclippings and publications, politics, and some personal and family matters. (Files concerning Booth's routine private practice as a lawyer handling divorces, estates, bankruptcies, small civil suits, etc., have not been retained for historical research.)

The collection is divided into 2 series:

Series 1. Personal and Correspondence Files, 1930-1974 (Boxes 1-6)

Series 2. Litigation, ca. 1950-1974 (Boxes 7-45)

Series 1. Personal and Correspondence Files, 1930-1974 (Boxes 1-6)

Series 1 consists of personal and professional letters received by Harry Booth and some carbon copies of his replies, fragmentary manuscript drafts of his autobiography, and some family papers.

It is made up of two subseries:

Subseries 1. Personal Files

Subseries 2. Correspondence Files

Subseries 1 includes vitae, news clippings related to Booth's career, scattered published and unpublished writings by Booth and drafts of his autobiography, lists of cases he was working on at various dates, and materials relating to his family. There is also information on two consumer groups which Booth founded: the Utilities Consumers League of Illinois of the 1930s, and the Utilities Users League of the 1960s.

Subseries 2 is primarily arranged chronologically from 1930 to 1974. It deals chiefly with litigation and is similar to correspondence that remains in the litigation files (Series 2) since much of it is related to specific cases found there. Some of the most interesting correspondence is from the 1930s with such notable figures as David Lilienthal, Paul H. Douglas, and Harold L. Ickes. Also of special interest are files on the National Lawyers Guild Committee on Public Utilities, 1939, of which Booth was chairman, and correspondence of the 1972 Presidential election campaign, in which Booth supported the Democratic candidate, George McGovern. A few files of Booth's pre-1950 cases are also found here.

Series 2. Litigation, ca. 1950-1974 (Boxes 7-45)

The litigation files in Series 2 contain legal documents and some correspondence, memoranda, news clippings, and publications relating to Booth's public-interest cases. The files have been roughly sorted by type of case: telephone, commuter railroads, Metropolitan Sanitary District, radio station licensing, etc. Within these broad categories, however, there is no particular order.

The largest single category is material about telephone companies. Measuring twelve feet, it involves pensions for Illinois Bell workers as well as other cases involving AT&T or its wholly-owned subsidiaries, especially Illinois Bell Telephone Company, and information regarding rates and rate structures. Midwest Telephone, which serves a small segment of suburban Chicago, is also mentioned at some length in a particular case: *Margie Bridals vs. Midwest Telephone*.

There are eight feet of material involving lands leased by the Metropolitan Sanitary District (MSD). Booth sued MSD and some of its lessees (apparently the initial investigation of the situation had been made by Booth in conjunction with the Sun-Times, which ran the story as an expose) and a series of cases followed, some of which continued after Booth's death. Three cases in particular are well represented in these files: *Booth vs. Lemont* (later *Ceco*), *Booth vs. General Dynamics*, and *Gendel vs. North American Car*.

There are four feet of material regarding radio stations, most of it revolving around the purchase or proposed purchase of classical music stations WFMT and WEFM and announced plans of the owners to change the stations' formats. The WFMT case occurred first (beginning in 1968). Most of the material, however, comes from the WEFM case.

While Booth's early interest in regulation of gas companies is documented through news clippings and correspondence in Series 1, subseries 2, the 4.5 feet of material on gas companies in Series 2 involved primarily rate cases and background material for People's Gas and Northern Illinois Gas. Booth seems to have maintained a continuing interest in this area although it was not his major area of activity after World War II.

There are four feet of material regarding electric utilities, primarily Commonwealth Edison. Once again the main interest is in rate cases, with some background material kept on other companies, probably for comparison with Commonwealth Edison. Electric utility regulation does not appear to have been one of Booth's major areas of litigation after 1945.

Mass transit material amounts to about four feet, three-fourths of which concern commuter railroads serving suburban Chicago and one-fourth the CTA. Most of the information involved either rate increases or service cuts. Documentation is best for two cases about suburban railroads: the *Illinois Central* and the *Chicago, Aurora & Elgin (CA&E)*. The CA&E case involved proposed service cuts, including the elimination of some train stops.

Finally, there are approximately two feet of litigation material concerning various subjects. These include nine cases or groups of cases:

- 1) *Hoffman vs. Northwestern University* is a suit about the tax status of property owned by Northwestern and other private Illinois schools, which enjoyed a tax exemption despite having been leased for commercial purposes.
- 2) *Kearney vs. Chicago Board of Education* is concerned with the leasing of Board land to private enterprise, and appears to be similar to the MSD cases.
- 3) *Kandl vs. Urse* involved two persons who were committed to the state mental hospital, allegedly without due process.
- 4) *Butler vs. Timothy Christian* is an interpretation case involving the refusal of a Dutch Reformed school in Cicero to allow the children of Black co-religionists (apparently there was a black congregation just inside the Chicago border that shared communion with the Dutch Reformed group) to attend their school. The case is interesting because Booth, a liberal Democrat, served as counsel for the school.

- 5) Fried vs. Korzen represents one of Booth's successes in his later years. The case implemented a law which allowed the city to auction off land obtained for failure to pay back taxes rather than sell the land for the amount of taxes owed. Frequently the back tax was so much that no one was willing to pay it, but the land could be returned to the tax rolls if it was auctioned for a lower price.
- 6) The Elgin National Watch case involved employee pensions and is probably similar to the litigation concerning the pensions of telephone employees.
- 7) Southwest Council of Civic Organizations vs. City of Chicago involves the resumption of commercial passenger air service at Midway Airport and the effort of community groups to stop that resumption.
- 8) Fried vs. Danaher involves the repayment of a \$50 jury fee which was levied and paid in advance by those seeking a jury trial but not refunded should the jury trial not be held.
- 9) Barnes vs. Barnes and two other cases involve questions of civil liberties. The Barnes case concerns illegal search (search without warrant) and alleged physical abuse of a person in his home by the Chicago police.

Description of some related material

Three photographs and one negative were transferred to the Prints & Photographs Collection. One photograph is of the Northwest Armory being torn down on June 1, 1939, and another is a portrait of Paul J. Raver inscribed to Booth.

List of card catalog headings:

The following headings were placed in the card catalog.

Main entry: Booth, Harry R., 1902-1974.

Subject entries:

1. American Telephone and Telegraph Company.
2. Chicago. Board of Education.
3. Chicago. Sanitary District.
4. Chicago Transit Authority.
5. Discrimination in Education. Chicago Suburbs.
6. Electric Utilities. Chicago.
7. Electric Utilities. Illinois.
8. Elgin National Watch Company.
9. Family.
10. Gas Companies. Chicago.
11. Gas companies. Illinois
12. Illinois Bell Telephone Company.
13. Illinois Commerce Commission.
14. Illinois. Politics and Government.
15. Insane. Hospitals
16. Insull, Samuel, 1859-1938.
17. Land. Taxation. Chicago.
18. Land. Taxation. Chicago Suburbs.
19. Liberty.
20. Midway Airport, Chicago.
21. Monopolies.
22. Negroes. Chicago.
23. Northwestern University. Evanston, Illinois.
24. Pension.
25. Presidents, U.S. Election, 1972.

26. Radio Broadcasting. Chicago.
27. Railroad Lines. Chicago, Aurora, & Elgin.
28. Railroads Lines. Illinois Central.
29. Railroads.
30. Schools. Private. Chicago Suburbs.
31. Telephone.
32. U.S. Federal Communications Commission.
33. U. S. Politics and Government.
34. Vietnamese Conflict, 1961-

Added entries:

1. Douglas, Paul Howard, 1892-1976.
2. Horner, Henry, 1879-1940.
3. Ickes, Harold LeClair, 1874-1952.
4. Lilienthal, David Eli, 1899-
5. National Lawyers Guild.
6. Swidler, Joseph
7. Utilities Consumers League of Illinois.
8. Utilities Users League.

List of online catalog headings

The following entries were placed in the online catalog:

Main entry: Booth, Harry R., 1902-1974

Subject entries:

Chicago Transit Authority -- Trials, litigation, etc.

Illinois Commerce Commission

Metropolitan Sanitary District of Greater Chicago -- Trials, litigation, etc.

Utilities Consumers League (Ill.)

WEFM (Radio station: Chicago, Ill. -- Trials, litigation, etc.

WFMT (Radio station: Chicago, Ill. -- Trials, litigation, etc.

Actions and defenses -- Illinois.

Class actions (Civil procedure) -- Illinois.

Consumers -- Societies, etc. -- Illinois.

Gas companies -- Illinois.

Electric utilities -- Illinois.

Lawyers -- Illinois -- Chicago.

Local transit -- Illinois -- Chicago Metropolitan Area.

Practice of law -- Illinois.

Public interest law -- Illinois.

Public utilities -- United States.

Radio stations -- Illinois -- Chicago.

Sanitary districts -- Illinois -- Chicago Metropolitan Area.

Telephone companies -- Illinois.

Lawyers -- Illinois -- Chicago. lcs.

Chicago (Ill.) -- Politics and government -- 1951-

Form/genre:

Autobiographies.

Briefs.

Transcripts.

Added entries:

Douglas, Paul Howard, 1892-

Horner, Henry, 1978-1940

Ickes, Harold L. (Harold LeClair), 1874-1952

Lilienthal, David Eli, 1899-1981

Swidler, Joseph.

National Lawyers Guild. Committee on Public Utilities

Utilities Consumers League of Illinois.

Utilities Users League.

Provenance statement:

This collection was a gift to the Chicago Historical Society by Mrs. Sylvia Booth in 1975.

Accession number: 1975.0009

Storage designation:

Collection: Harry R. Booth papers.

This inventory by: Mary E. Janzen, Frank Boles, Richard Popp, Christopher Ann Paton, January, 1982.

Container list of box/folder numbers and titles:

Series 1. Personal and Correspondence Files, 1930-1974 (Boxes 1-6)

Subseries 1.

Box 1

Folders:

- 1-2 Biographical materials Vitae and background materials
- 3 Biographical materials Biographical news clippings
- 4-6 Biographical materials Autobiography (various drafts) 1950-1974
- 7 Biographical materials Diary and appointment calendars 1953-1959, 1967
- 8 Biographical materials Pending cases list 1966-1967
- 9 Biographical materials Legal briefs (drafts) 1972-1973
- 10 Writings "Public Power Regulation vs. Public Power"
- 11-12 Writings "A Better Deal for Chicago," pamphlet, drafts, correspondence 1950
- 13 Writings "Your Telephone Bill," The Nation 1954 January 23
- 14 Writings Miscellaneous writings and speeches
- 15-16 Writings Miscellaneous writings
- 17 Writings Alice Booth, "In Search of a Father" 1965
- 18-20 Financial and legal materials Income tax returns, notes, correspondence
- 21-22 Financial and legal materials Personal investments
- 23-25 Financial and legal materials Personal and family legal papers

Box 2

Folders:

- 1 Financial and legal materials Samuel Booth trust
- 2 Public service miscellaneous papers Utility Consumers League of Illinois
- 3-11 Public service miscellaneous papers Utility Users League
- 12 Public service miscellaneous papers Paul H. Douglas hearing transcript (page 1 missing)-nd.
- 13 Public service miscellaneous papers Harold L. Ickes n.d.

- 14 Illinois Commerce Commission General
- 15 Illinois Commerce Commission Questions to Commissioners Perrine, Simpson and Vickers
- 16 Illinois Commerce Commission Illinois Municipal League
- 17 Illinois Commerce Commission Tennessee Valley Authority & Bonneville Dam background material

Subseries 2. Correspondence 1930-1974 and nd.

- 18-22 Lillienthal and Swidler 1930-1933
- 23-26 Illinois Commerce Commission ICC 1933-1936
- 27 Illinois Commerce Commission ICC vs. Commonwealth Edison 1936

Box 3

Folders:

- 1-5 Illinois Commerce Commission ICC 1937-1940 and n.d.
- 6-9 National Lawyers Guild 1938-1940
- 10 Committee to Defend America by Aiding the Allies 1940
- 11 Committee to Defend America by Aiding the Allies 1940
- 12-13 City of Clinton water rate case 1941
- 14-17 Federal Communications Commission 1941
- 18-21 Office of Price Administration 1942-1946
- 22 Chicago taxicab licenses 1946-1950
- 23-24 Washington, D.C. practice 1947-1948
- 25 Washington, D.C. practice 1947-1948
- 26-27 Chicago 1949
- 28 Chicago 1949

Box 4

Folders:

- 1-35 Chicago 1950-1963

Box 5

Folders:

- 1-15 Chicago 1964-1969

Box 6

Folders:

- 1-6 Chicago 1970-1972
- 7 Presidential campaign 1972
- 8-10 Presidential campaign 1973-1974
- 11-15 Presidential campaign Undated

Series 2. Litigation ca. 1950-1974 (Boxes 7-45)

Boxes 7-18

Telephone company cases

Boxes 19-26

Metropolitan Sanitary District cases

Boxes 27-30

WFMT and WEFM radio cases

Boxes 31-35

Gas company cases

Boxes 36-39

Commonwealth Edison cases

Box 40

Chicago Transit Authority cases

Boxes 41-43

Railroad cases

Box 44

Hoffman vs. Northwestern

Kearney vs. Board of Education and other Board of Education cases

Kandl vs. Urse

Butler vs. Timothy Christian School Society

Freid vs. Korson

Box 45

Cyka et al. vs. Elgin National Watch Co.

Southwest Council of Civic Organizations vs. City of Chicago

Freid vs. Danaher

Barnes vs. Harness and other civil liberties cases