How did Chicago, a city known for commerce, come to have such a splendid public waterfront—its most treasured asset? The product of two decades of research, Lakefront sets forth the social, political, and legal conflict in which private and public rights clashed repeatedly over time, only to produce, as a kind of miracle, a generally happy ending. It is an extraordinary story.

This is a transformative study . . . It will be essential reading for urban historians, for students of the planning process, as well as for legal historians and for property lawyers.” —Hendrik Hartog, Princeton University. Class of 1892 Bicentennial Professor in the History of American Law and Liberty, Emeritus, author of Public Property and Private Power

“The authors build their fascinating story case by case easily accessible to the lay reader. We learn how, legally or not, agencies, urban planners, individual personalities, the courts, and one railroad shaped today’s uniquely beautiful Chicago lakefront.” —Libby Hill, environmentalist, author of The Chicago River: A Natural and Unnatural History

Lakefront is essential reading about Chicago’s history

- The dethroning of the mouth of the Chicago River in the 1830s, the city’s renewal toward the end of the century, and the significance of these projects to the lakefront.
- The momentous arrival of the Illinois Central Railroad over the waters of Lake Michigan in the early 1850s.
- The pitched battles in Springfield in the 1860s, including the “Lake Front Deal,” to control the submerged land east of downtown for a future harbor.
- The decades-long and successful pushback by Michigan Avenue owners seeking to maintain their views of the lakefront, free of builidings.
- The monumental multiparty litigation, culminating in the landmark 1982 decision of the U.S. Supreme Court that gave birth to the modern public trust doctrine.
- The untold story of how the 1893 World’s Fair was located not on the lakefront downtown but in Jackson Park.
- The reasons behind the struggle for control of what became known as South Shore, on the lakefront north of the Chicago River.
- The construction of Lincoln Park and North Lake Shore Drive and why the Drive stops at Hollywood.
- The land deal with the Illinois Central Railroad that led to the construction of South Lake Shore Drive.
- The construction of Grant Park and the blocking of buildings there by Montgomery Ward and others.
- How planners got around restrictions to build the Art Institute and, a couple of years later, Millennium Park.
- The development of the Illinois Central “peninsula,” between Randolph Street and the Chicago River, first into a railroad complex and then, via litigation over “air rights,” into a major commercial center.
- Northwestern University’s victory and Loyola University’s loss in expanding into Lake Michigan.
- The failure of the Lucas Museum project, the apparent success of the Obama Presidential Center project, and the undermined future of the famous former South Works steel site on the lakefront on the South Side.
- Illustrated with more than 90 historical photographs and original maps.

An important book nationally—“a must read for all interested in urban history . . . and the preservation of public spaces”

American law permits most resources to be held as private property. There is one striking exception: some resources are protected by a “public trust” and thus may not be sold. So declared the U.S. Supreme Court in 1892. Its landmark decision arose out of an attempt to transfer, to the Illinois Central Railroad, 1,000 acres of submerged land under Lake Michigan, along Chicago’s downtown. The Court said that title to these waters was “held in trust for the people,” to ensure that everyone could boat and fish in the lake.

Lakefront begins by unearthing what gave rise to the grant to the railroad, detailing the bitter fight over whether it could be constitutionally repealed, and explaining the rationale and possible motivations of the Supreme Court. Yet the book’s scope is much broader, both historically and otherwise: It seeks to determine the role that the public trust doctrine and the law more generally have played in creating a spectacular and internationally famous public space—and what lessons modern urban planning might take from this complex two-century case study.

Despite its dramatic arrival, the book shows, the public trust doctrine did not itself block either private development or urban planning for the first 75 years after the 1892 decision. Grant Park, along the lakefront in the center of Chicago, was saved from development by a different legal doctrine, which allows owners of private property to enforce a “dedication,” appearing on certain plats, of nearby public land. And the equally famous Lake Shore Drive and associated parks running almost the length of the city, north and south, could be built because the park districts were able to acquire the rights of existing riparian owners in a most ingenious way: through low-visibility “boundary-line agreements” that allowed the private owners to claim and fill some submerged land, the public trust doctrine notwithstanding.

Then in 1970, the public trust doctrine began a remarkable revival, coinciding with a national environmental awakening. Urged on by an academic, Professor Joseph L. Sax, who recast the 1892 decision as a “kodestar,” the courts reinvigorated the public trust doctrine as a judicial tool for preventing critical public resources from being redirected for purely “private purposes.” The courts in Illinois and across the country have been unclear about what assets the reconstituted doctrine covers, what is a private as opposed to a public purpose, and what standard of judicial review applies to challenged legislative acts. Yet this revived public trust doctrine is now the primary legal concept used to adjudicate controversies about changes in uses of the Chicago lakefront and engages attention from environmental activists across the country. The results in Chicago have been mixed, as episodes from the South Works to the Lucas Museum to the Obama Presidential Center reflect. This experience suggests that the public trust doctrine, in its modern guise, is badly in need of clarification if it is to serve as an effective instrument for preservation.

Lakefront will stand as a major study of not only the public trust doctrine but also property law, the built environment, and urban planning more generally.

Other praise for Lakefront from Chicago and across the country

“Thanks to its authors’ exhaustive research, clear prose, colorful cast of characters, exceptionally helpful maps, and enable ability to illuminate complex concepts of private and public property, Lakefront is a wonderful read for not only those interested in Chicago but anyone who wishes to understand how urban built environments come into being and continuously evolve.” —Carl Smith, Northwestern University, author of City Water, City Life and Chicago’s Great Fire

“Consistently painstaking, judicious, and readable, Kearney and Merrill are role models for work in urban history.”—Carol M. Rose, University of Arizona

“By charting its history, Kearney and Merrill demonstrate that the lakefront solves the longstanding puzzle of striking exception: some resources are protected by a “public trust” and thus may not be sold. So declared the U.S. Supreme Court in 1892. Its landmark decision arose out of an attempt to transfer, to the Illinois Central Railroad, 1,000 acres of submerged land under Lake Michigan, along Chicago’s downtown. The Court said that title to these waters was “held in trust for the people,” to ensure that everyone could boat and fish in the lake.

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“An excellent book that aids much to our understanding of development along Lake Michigan within the City of Chicago.” —Ann Durkin Keating, Northwestern University.

“In this remarkable book, Kearney and Merrill describe how Chicago came to have one of the world’s most glorious urban waterfronts. They masterfully weave together this surprisingly contingent story, relating two centuries of on-the-ground events, influential personalities, and fluctuating legal developments that together created the city’s ‘jewel box.’” —Richard J. Lazarus, Harvard University, Axelrod Chair in Water and Natural Resources, author of Property and Persuasion

“A magnificent and exquisitely told story, replete with scoundrels and corrupt politicians, Lakefront solves the longstanding puzzle of one railroad shaped today’s uniquely beautiful Chicago lakefront.” —Libby Hill, environmentalist, author of The Chicago River: A Natural and Unnatural History