

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

February 23, 1968  
2:30 P.M.

Council Chamber, City Hall

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The meeting was called to order with Mayor Akin presiding.

Roll call:

Present: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Absent: None

MAYOR AKIN announced this was a Specially Called Meeting; but in calling this meeting, it was not with the idea on the part of the City Administration that there are any internal problems that could not be handled. He solicited the participating and interest of the citizens of Austin in the affairs of the City and expressed appreciation for their presence this morning.

The Mayor stated the Council was very appreciative of the assistance that has been and is being rendered by the Travis County Bar Association in the matter of qualifying and making suggestions relative to appointments to the Corporation Court positions. He was grateful for the large number of qualified lawyers who had expressed an interest in this appointment.

MAYOR AKIN said that due to recent developments, particularly since there had been a note of the political injected, it was his view there would be little good purpose served by continuing or beginning hearing as it was originally planned. If there should be a disposition on the part of an impartial body such as the Grand Jury to pursue this matter, if such matter had merited this sort of attention, he would suggest and prefer that the Grand Jury do this; and as far as he was personally concerned, it would have his support.

With this expression of his personal feeling of the situation, he opened the meeting for an expression from other members of the Council and from anyone who would like to raise questions.

COUNCILMAN LONG said she would like to address herself to the subject of a special investigation of the Corporation Court, stating she had served on the Council a long time; and usually when something is wrong in City Government and the Administration, she would get an inkling. Members of the Council should communicate the matters with each other rather than making vague public statement about a possible need of investigation. She was surprised last Wednesday

when she learned they were going to investigate the procedures and activities of the Court. They had discussed setting up procedures in the Court so there would be cooperation in the law enforcement agencies, and that is what should be accomplished today. She welcomed the talent present and hoped to get suggestions from the lawyers, the Bar Association, and citizens who had appeared before the Court, and from those who know of the Court System to help in setting up procedures that are good for the community as a whole.

COUNCILMAN LaRUE reported that information had come to him recently that the records they had asked the Corporation Court Clerk to bring before the Council were not in his possession, and he asked if the Corporation Court Clerk were in a position to tell where the records were. The City Attorney explained when one went before the Grand Jury, one took an oath not to divulge anything which was communicated before the Grand Jury.

MAYOR AKIN referred to his original statement that if the Grand Jury, in its role of a properly constituted impartially investigatory body should see fit to call upon or pursue any portion of the City operation, he would be in favor of their proceeding and offering assistance. He understood that the subject referred to had attracted the attention of the Grand Jury. Councilman Long said as one member of the Council she had not been subpoenaed before the Grand Jury.

COUNCILMAN LONG stated it was the usual practice for the Chief of Police to be subpoenaed before the Grand Jury from time to time and asked if this were the case now. It was stated both the Chief of Police and Corporation Court Clerk had been subpoenaed. In answer to Councilman Long's question, the City Manager stated these two officials were the only ones subpoenaed before the Grand Jury. In answer to Councilman LaRue's inquiry, the Corporation Court Clerk said he was asked to bring to the Grand Jury certain records.

COUNCILMAN LaRUE said since the Council was assured this case was going to be investigated by an investigating body that is usually accepted by the Community, and there could be no claim by any individuals that politics were being injected into the matter if the Grand Jury does investigate, it would seem no useful purpose could be served this morning by the City Council's continuing to question witnesses or belaboring the point. It would appear this might have a detrimental effect on the overall investigation either by the publicity generated requesting additional witnesses. In light of this, Councilman LaRue moved that this hearing be continued until information was obtained from the Grand Jury as to the case. Councilman Janes seconded the motion.

COUNCILMAN LONG was under the impression they were here for the purpose of looking into the procedures, and she saw no reason why this could not be discussed. She said the Mayor had suggested this type of meeting and was prepared to make some suggestions. Councilman Janes was fearful if they embarked on this course, they would know not where it would lead. He said a matter of a week or a few weeks would be of no great moment at this point; and there would be two new judges in the near future, and then it would be a logical time to review the procedures and establish rules of conduct down there. Councilman Long suggested before the Judges were appointed, it would be a good time to talk about procedures and get practices established. She hoped there would be an announcement today on the Judges; that they had interviewed five people and had others to interview today. Councilman Long said if there were a problem the Council must get the procedures talked about. There were lots of people that appeared this morning, and perhaps they were present for that purpose, and she hated to get the citizens out early and then not give them an opportunity to

help on the things they had talked about doing today. MAYOR AKIN agreed, stating if it were the wish of the Council and those assembled here to give the benefit of their thinking by way of making suggestions for procedures and conduct of the Corporation Court, he would welcome this. Councilman Janes reiterated his position stating if they embarked in this area at all they knew not where they would go, and deferring action for a week or two would not be detrimental to the Court. Councilman Long said she doubted if the procedures were under question, but she did not know.

COUNCILMAN LaRUE suggested that the Council might ask for an interim report from the Grand Jury, stating there was no indication that it would be forth coming, but it could be put to them in the interest of time. The Mayor stated any discussion that may be held should not bear upon the subject under investigation. Councilman Janes concurred, stating this was a delicate area, particularly since politics had been injected into any investigation in this area, and he would not want this Council to appear in the light of politically persecuting anyone.


COUNCILMAN LONG stated Mr. Janes was right since the idea of an investigation had been injected into this matter, and possibly if general procedures were talked about, they might take on a different aspect, and she agreed and called for the question.

Roll call on Councilman LaRue's motion that this hearing be continued until information was obtained from the Grand Jury as to this case, showed the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The Council went into Executive Session to continue the interviews of the prospective Judges for the Corporation Court.

APPROVED



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Mayor

ATTEST:



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City Clerk