

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

May 17, 1968
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

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 that the Special Meeting had been called for the purpose of reading, for the third and final time, the proposed Fair Housing Ordinance.

Councilman Long stated that the main change made in the ordinance since the second reading permitted homeowners to sell their property without coming under the applications of the ordinance if they did not list the home with a real estate company.

Mr. Parker Fielder, an attorney and one of the authors of the ordinance, explained the changes that had been made since the second reading, and discussed in "plain language" the implications and provisions of the ordinance. He explained the situations which were exempted from the application of the ordinance.

Mr. Nelson Puett appeared before the Council to speak in opposition to the ordinance. He stated that the ordinance did not promote racial justice but was rather a step towards turning ownership of private property over to the government. He asked the Council to hold a referendum to determine the will of all of the people of Austin on the question.

Mr. Sam Dunnam, speaking on behalf of the real estate agents who were in favor of the ordinance, deplored the racism evident in the actions of the opposition and the untimeliness of the petition asking for a referendum. He thought tensions were higher in the heat of the summer.

Councilman Nichols stated that Mr. Puett and Mr. Hub Bechtol had called clients of his to put economic pressure on him to vote against the ordinance. He denounced their actions and stated strongly that they would not sway his vote by such tactics.

Mr. Charles Babb, an opponent of the Fair Housing Ordinance, asked the Council to insert a clause in the ordinance stating that, in the administrative hearing and in all investigations and pre-trial procedures, the burden of proof would rest on the person filing the complaint. He also asked for a copy of the City Attorney's written opinion on the ordinance. Mr. Doren Eskew, City Attorney, stated that he had not filed written objections to the ordinance because he had no legal objections to it. He added that he intended to approve the ordinance before it was adopted.

Mr. Aster Kirk, Deputy Regional Director of the Southwest Regional Office of Economic Opportunity, appeared before the Council as a private citizen. He stated that the ordinance would be a step in making all segments of the population feel a part of the community. He commended the Council on its forward-looking attitude in the field of human relations. He felt that the ordinance was a continuation of Austin's steps to lead the Southwest in the whole matter of human relationships.

Mr. Jack Caro, County Chairman of the American Party, asked the Council to allow a referendum on the question of Fair Housing. He felt that the Federal Housing Act was unconstitutional to all Americans.

Mrs. Sue McBee, a member of the Human Relations Commission, appeared before the Council to speak in favor of the ordinance. She stated that people should not be judged by their skin color. She felt that the ordinance was a step in getting children out of the ghettos.

Mrs. T. C. Whitworth stated that she opposed the Fair Housing Ordinance because she felt it was a fulfillment of the Lincoln Project, a package deal launched by the Communist Party, U.S.A. 12 years ago, and Operation 76, government by terror. She then described the objectives of these plans, linking the ordinance with them.

She stated that there was Federal legislation in the offing requiring any person wishing to move from his home to get a permit to move. She stated that anyone who promoted, knowingly or unknowingly, the legislation under consideration was helping to destroy his own country. She also asked for a referendum.

Councilman Janes felt that he was obliged to comment that he did not believe that his colleagues on the Council were Communists.

After some discussion, Mr. Parker Fielder appeared as a private citizen to discuss the rights that were involved in the Fair Housing question. He said that it was a choice between the rights of one group of people to buy and the rights of another group to refrain from selling, and therefore a conflict between property rights and human rights. He stood on the side of human rights.

Mr. Floyd Williams appeared in opposition to the proposed ordinance. He stated that he believed that individual choice expressed in a free market was a requisite for liberty and the source of economic progress. He felt that the propositions contained in the ordinance were racist. He interpreted the Constitution to read that men had a right to provide for their families and that right could not be denied by other men. Only God could dictate on such matters, according to Mr. Williams.

Ms. Betty Wittaker, homeowner and taxpayer, stated that she would go along with the vote of the Council.

Mr. Roan Puett, appearing in opposition to the ordinance, brought up the Council's eagerness to get the ordinance passed. He did not see why the Council could not have waited until the next regular meeting to have the final reading.

Councilman Long stated that the ordinance had been in the making for four months, a long enough time for free discussion. She felt that people came before property, and she wanted to show the whole world that America was practicing democracy. She did not feel that anybody was losing anything in the way of property rights. She stated that she would vote for the ordinance.

Mayor Akin stated that it would be easy for the Council to refer all of its decisions to the people in referendums but he did not think that it would be in the best interests of the City. He thought that much fact-finding went into the ordinance. He felt that the proponents of the free use of property were asking for the freedom to deny freedom to others.

Councilman LaRue thought that Austin had made considerable progress in improving human relations, as a result of the atmosphere that had created the Human Relations Commission in 1964. At that time, he stated, citizens had asked that the Council give the HRC the authority to fine, incarcerate, and subpoena. The Council did not see fit to give those powers to the Commission then. Rather, the Human Relations Commission was given the power to persuade. He felt that much good had come of that power and he thought that the citizens of Austin would again respond favorably to Federal or state legislation without additional City legislation.

Councilman Janes stated that he was in total agreement with Councilman LaRue.

Then Councilman Nichols moved the Council adopt the substitute ordinance, with the changes made since the second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin
Noes: Councilmen Janes, LaRue

Mayor Akin brought up the following ordinance for its third reading:

May 17, 1968

AN ORDINANCE TO BE KNOWN BY THE SHORT TITLE OF "FAIR HOUSING ORDINANCE OF THE CITY OF AUSTIN"; DECLARING THE PUBLIC POLICY OF THE CITY OF AUSTIN; DEFINING THE TERMS USED IN SAID ORDINANCE; PROHIBITING DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING; PROHIBITING DISCRIMINATION IN THE FINANCING OF HOUSING; PROHIBITING DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES; PROVIDING FOR CERTAIN EXEMPTIONS AND EXCLUSIONS; PROVIDING FOR THE FILING OF COMPLAINTS; PROVIDING FOR INVESTIGATION AND ATTEMPT AT CONCILIATION BY THE EXECUTIVE DIRECTOR OF THE HUMAN RELATIONS COMMISSION OF THE CITY OF AUSTIN; PROVIDING FOR REFERENCE OF COMPLAINTS AND FOR HEARINGS BEFORE THE HUMAN RELATIONS COMMISSION OF THE CITY OF AUSTIN; PROVIDING FOR CERTIFICATION OF VIOLATIONS TO THE CITY ATTORNEY; PROVIDING FOR THE INSTITUTION OF CIVIL OR CRIMINAL PROCEEDINGS BY THE CITY ATTORNEY; PROVIDING FOR THE ISSUANCE OF SUBPOENAS IN THE AID OF ENFORCEMENT AND FOR PENALTY FOR WILFUL VIOLATION OF SUCH SUBPOENAS; PROVIDING AUTHORITY FOR THE EXECUTIVE DIRECTOR OF THE HUMAN RELATIONS COMMISSION TO DELEGATE CERTAIN OF HIS AUTHORITIES AND RESPONSIBILITIES; PROVIDING AUTHORIZATION FOR THE COMMISSION AND THE EXECUTIVE DIRECTOR TO COOPERATE WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT AND TO ENTER INTO AGREEMENTS WITH SUCH SECRETARY; PROHIBITING UNLAWFUL INTIMIDATION IN CONNECTION WITH HOUSING AND THE ENJOYMENT OF THE RIGHTS RECOGNIZED UNDER THIS ORDINANCE; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROHIBITIONS OF THIS ORDINANCE; AND PROVIDING THAT THE INVALIDITY OF A PORTION OF THIS ORDINANCE SHALL NOT AFFECT THE REMAINING PORTIONS THEREOF.

The ordinance was read the third time and Councilman Nichols moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin
Noes: Councilmen Janes, LaRue

The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

The Council then adjourned.

APPROVED: _____

Harry Akin
Mayor

ATTEST: _____

Grace Monroe
Asst. City Clerk