

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

May 6, 1970

1:00 P.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor LaRue presiding.

Roll Call:

Present: Councilmen Atkison, Gage, Johnson, MacCorkle, Price,  
Mayor LaRue

Absent: Councilman Janes

Mayor LaRue stated that this was a called Special Meeting to discuss the recent parade and march activities on municipal streets and avenues. The Mayor had just talked to Dr. Norman Hackerman at The University of Texas, who indicated that the student group was about twice the size of the one yesterday which marched. The crowd today was estimated at about 4,000 people. It was anticipated that the group would request a parade permit from the Council for this afternoon. The discussion centered around the granting of a parade permit on an emergency basis by waiving the rule requiring a 15-day notice of a parade.

Mayor LaRue stated that he had received a call from an individual who said the Justice Department in Washington, D.C. was appearing before the Appellant Court at 2:00 P.M. today to ask that the 15-day rule on gatherings and marches be waived. Mayor LaRue stated that if the Council could designate the route from the campus on North Congress to the State Capitol where a rally could be held, and then return by the same route to the campus, it would seem that the people of the City might be served better. He pointed out that there would have to be coordination among the Department of Public Safety, Austin Police Department and The University of Texas.

Councilman MacCorkle stated that the Council, representing the constituted legal authority of the City, had a responsibility to protect life and property, and he was willing to require everyone to abide by the laws. He was willing to let people have peaceful dissent, but he would not tolerate letting mobs take over the streets to destroy property and endanger life.

Councilman Johnson stated that the words peaceful dissent and peaceful demonstration are one thing, but what was being presented and talked about at the rallies was another. The burning of automobiles on the Capitol grounds and destroying the doors of the Capitol in no way relate to the Vietnam War or to the persons killed at Kent State University, but relate to lawlessness and mob rule.

Councilman Price stated that as a Councilman he was elected to look after the rights of the citizens and to protect the citizenry and not let a group come down town and destroy property of the taxpayers of Austin.

The City Manager then reported that 2,600 students were moving from the mall south toward the Capitol, but had not left the campus.

Councilman Atkison stated that he had always tried to be a law abiding citizen and had always tried to uphold the law. He was not willing at that time to circumvent any ordinance either in Regular or Called meeting. He felt that any parade permit should follow the regular City ordinance and that today should not be an exception.

Mr. Richard Mithoff, a University of Texas law student, and Mr. Jack Strickland, also a University of Texas law student, appealed to the Council to grant the parade permit, but to control the crowd and protect property. They felt that the students needed an outlet and if contained on the campus, might damage campus buildings.

Councilman Gage stated that he felt the lesser of two evils would be to allow the students to march on controlled routes.

Mayor LaRue read Title 94, Article 5890E, Section 7:

"Such cities or towns shall have full power and authority to provide by ordinance for the exercise of all powers reasonably necessary to protect the health, security, safety, peace, life and property of the City and its inhabitants during the time of such civil emergency."

Councilman Price asked the Mayor if the students were allowed to come down North Congress to the Capitol, how did we know how we were going to stop them there?

Mayor LaRue stated that he felt that 95 per cent of the students were responsible. He felt that as adults, the Council should go the last mile rather than expect the students to meet half way.

Councilman MacCorkle agreed that the majority of the students were honest and sincere. He felt that he was being put in the position of having a group of people say that either they got their way or they would take the law into their hands. Councilman MacCorkle did not feel that he was in a position to abdicate his legal responsibilities when he swore to protect life and property in the City.

Councilman Gage stated that he did not feel that he was succumbing to their demands, but that it might be the best way to protect all life and property.

Councilman Johnson stated that he felt that there was ample room on the campus for the students to march and that if trouble started, he would prefer to restrict it to areas where there were no people in office buildings. He did not feel that the students would burn down campus buildings with other students in them. If they did, then another problem existed. He questioned how the rest of the citizens of Austin would feel about giving in to the marchers.

ADJOURNMENT

Councilman Atkison moved the Council adjourn. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Johnson, MacCorkle, Price, Mayor  
LaRue  
Noes: None  
Absent: Councilman Janes

The Council then adjourned.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk