

Seattle City Clerk's Office

Comptroller File

230283

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(GENERAL)

FILE NO. 230283

Notice of Removal

OF
John J. Kennett,
Transit Commissioner

by

Mayor Gordon S. Clinton

and

reasons for doing so.

*Hearing set for 10/26/56
10:00 a.m.*

OCT 8 1956

FILED

W. C. THOMAS
COMPTROLLER AND CITY CLERK

BY *W. A. Davis* DEPUTY

ACTION OF THE COUNCIL

REFERRED

OCT 8 1956

REFERRED

REFERRED

REFERRED

MAY 13 1957

RE-REFERRED

REFERRED

TO

C/W

TO

TO

DISPOSITION

On File

TO

DISPOSITION

REPORT OF COMMITTEE

Mr. President:

Your

Committee of the Whole

~~XXXXXXXXXX~~

to which was referred the within Notice of Removal

would respectfully report that we have considered the same and respectfully recommend that

the hearing on removal of J. J. KENNETT as Transit Commissioner, set for

2:00 p.m. May 16, 1957, be canceled, and the Notice of Removal be placed

on file, in view of Mr. Kennett's resignation as Transit Commissioner,

accepted by the Mayor, effective as of May 16, 1957 (File No. 231811).

CHAIRMAN

CHAIRMAN

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

AS:AM 5-9-57

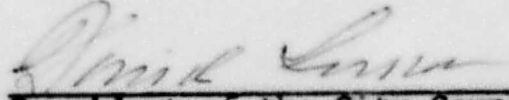
NOTICE OF HEARING

To: JOHN J. KENNETT, Seattle Transit Commissioner, Seattle, Washington, and to his attorney, GEORGE S. KAHIN, Seattle, Washington.

YOU, AND EACH OF YOU, ARE HEREBY NOTIFIED that on Thursday, May 16, 1957, at the hour of two o'clock p.m., in the Council Chambers of the City Council of the City of Seattle, 513 County-City Building, Seattle, King County, Washington, said Council will hold a hearing to determine its action upon that certain Notice of Removal dated October 1, 1956, filed with said City Council on October 8, 1956, by Honorable Gordon S. Clinton, Mayor of the City of Seattle, giving notice of your removal for cause as a member of the Seattle Transit Commission, pursuant to Article XXIII, Section 1, of the City Charter, copy of which notice has heretofore been delivered to you.

YOU ARE FURTHER NOTIFIED that at said time and place you will have an opportunity to be heard upon said matter and to make such showing in person and with counsel as you may consider proper in the premises.

DATED at Seattle this 10th day of May, 1957.


President of the City Council.

Copy of the foregoing notice
received this _____ day of May,
1957.

KAHIN, CARMODY & HORSWILL

MAY 10 1957

COPY RECEIVED

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

AS:AM 5-9-57

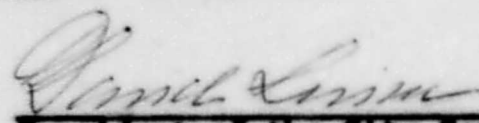
NOTICE OF HEARING

To: JOHN J. KENNETH, Seattle Transit Commissioner, Seattle, Washington, and to his attorney, GEORGE S. KAHN, Seattle, Washington.

YOU, AND EACH OF YOU, ARE HEREBY NOTIFIED that on Thursday, May 16, 1957, at the hour of two o'clock p.m., in the Council Chambers of the City Council of the City of Seattle, 513 County-City Building, Seattle, King County, Washington, said Council will hold a hearing to determine its action upon that certain Notice of Removal dated October 1, 1956, filed with said City Council on October 8, 1956, by Honorable Gordon S. Clinton, Mayor of the City of Seattle, giving notice of your removal for cause as a member of the Seattle Transit Commission, pursuant to Article XXIII, Section 1, of the City Charter, copy of which notice has heretofore been delivered to you.

YOU ARE FURTHER NOTIFIED that at said time and place you will have an opportunity to be heard upon said matter and to make such showing in person and with counsel as you may consider proper in the premises.

DATED at Seattle this 10th day of May, 1957.


President of the City Council.

Copy of the foregoing notice
received this _____ day of May,
1957.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

AS:AM 10-15-56

NOTICE OF HEARING

To: John J. Kennett
Seattle Transit Commissioner
Seattle, Washington

YOU ARE HEREBY NOTIFIED that on Friday, October 26, 1956, at the hour of 10:00 o'clock a.m. in the Council Chambers of the City Council of the City of Seattle, 513 County-City Building, Seattle, King County, Washington, said City Council will hold a hearing to determine its action upon that certain notice of removal dated October 1, 1956, filed with said City Council on October 8, 1956, by Honorable Gordon S. Clinton, Mayor of the City of Seattle, giving notice of your removal for cause as a member of the Seattle Transit Commission pursuant to Article XXIII, Section 1 of the City Charter, copy of which notice is hereto attached and by reference made a part hereof.

YOU ARE FURTHER NOTIFIED that at said time and place you will have an opportunity to be heard upon said matter and to make such showing as you may consider proper in the premises.

DATED at Seattle this 15 day of October, 1956.

Clarence H. Massart
President of the City Council
pro tem

Copy of the foregoing notice
received this 17 day of
October, 1956.

John J. Kennett

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.



OFFICE OF THE MAYOR
CITY OF SEATTLE

GORDON S. CLINTON
MAYOR

October 1, 1956

The Honorable City Council
City of Seattle
5th County-City Building
Seattle 4, Washington

Dear Sirs and Madams:

Pursuant to Article XXIII, City Charter, I hereby file notice of removal for cause, of Mr. John J. Kennett as a member of the Seattle Transit Commission, as follows:

- 1) Mr. Kennett is a member of the Bar of the State of Washington and a member of the law firm of Kennett, McCutcheon and Soderland, 2703 Smith Tower, Seattle, Washington.
- 2) That on January 27, 1956, information was given to the then Mayor Allan Fomeroy, by John F. Cooper, City Claim Agent, with the approval of A. G. Van Sealen, Corporation Counsel, that Mr. Kennett on or about January 1, 1956, seemingly secured certain confidential information from Transit System employees regarding an accident involving a Transit System bus, and the above law firm of which he was and is a member, filed on January 27, 1956, claims for damages in the amounts of \$200,000 and \$177,852 in behalf of private clients and thereafter said law firm brought a lawsuit against the city for personal injuries in behalf of one client arising out of such accident, which claim and damages, if recoverable against the city, are payable solely from the funds of the Seattle Transit System, which funds are under the sole control of the Seattle Transit Commission. The information furnished the then Mayor Fomeroy was subsequently furnished to me on or about June 12, 1956.
- 3) That of the two claims filed January 27, 1956, one claim was perfected and suit was commenced against the city, entitled *Wieder v. Seattle*, No. 492820, for \$177,852 damages.
- 4) That recognizing the provisions of Article XXIII, Sub-Section 2, which provides that the Transit Commission shall . . . "have complete control of all the employees of said system" and the undersigned, on two separate occasions met with the Commission, advised them of such circumstances, leaving it to said Commission to make such investigation as it deemed appropriate.
- 5) That likewise, independent conferences were had by me with Mr. Kennett.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

The Honolulu City Council
Page 2, Cont'd.
October 1, 1954

- 6.) That no action has been taken by the Seattle Transit Commission in the matter, and I have taken no further action because Transit System employees may have been inadvertently involved.
- 7.) That the Wiesner case referred to in Paragraph 1, is on the trial docket to be set for trial; and that two claims for Sylvester Hodge and Herman O. Moore for \$30,000 and \$20,000 respectively, were filed May 21, 1954 for personal injuries as a result of a collision involving the Seattle Transit System on May 2, 1954, by the law firm of which Mr. Bennett is a member, and suit has been brought on the Hodge claim, and the Moore claim is also in litigation.
- 8.) That regardless of whether or not in any particular instance the office of Transit Commissioner was used by Mr. Bennett to gain confidential information not available to other lawyers, it is my considered view that the best interests of the City and of the Seattle Transit System require his removal from such office under the circumstances.
- 9.) It is further my view that it is incompatible with the office for a Transit Commissioner, individually or as a member of a law firm, to file claims against the City involving Seattle Transit funds, which claims the Seattle Transit Commission has the final authority to allow or disallow, even though the practice is to follow the recommendations of the City Claim Agent and the Corporation Council; nor should such Commissioner, in my opinion, individually or as a member of a law firm bring lawsuits in behalf of private clients for personal injury, or otherwise, involving funds of the Seattle Transit System over which the Seattle Transit Commission has full authority, responsibility and control. To permit such practice may result in grave doubts arising in the minds of the public and reflect on the integrity of such Commissioner, on the Seattle Transit Commission itself, and on other city officers including the Mayor and the City Council, who respectively appoint and confirm members of the Seattle Transit Commission and who are thereby concerned in the conduct of such officers under such appointments.

Sincerely yours,

Gordon S. Clinton
Gordon S. Clinton
Mayor

UEC/ale

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

GEW:EC 10-15-56

MAYOR'S OFFICE
RECEIVED BY *May Pomeroy*

NOTICE OF HEARING

1956 OCT 16 AM 9:54

To: Hon. Gordon S. Clinton
Mayor
City of Seattle
County-City Building
Seattle, Wash.

YOU ARE HEREBY NOTIFIED that on Friday, October 26, 1956, at the hour of 10:00 o'clock a.m. in the Council Chambers of the City Council of the City of Seattle, 513 County-City Building, Seattle, King County, Washington, the said City Council will hold a hearing to determine its action upon that certain notice of removal dated October 1, 1956, filed by you with said City Council on October 8, 1956, giving notice of removal for cause of John J. Kennett as a member of the Seattle Transit Commission pursuant to Article XXIII, Section 1, of the City Charter.

YOU ARE FURTHER NOTIFIED that at said time and place you may be present and make such showing in support of the charges as you may consider proper under the circumstances.

DATED at Seattle this 15 day of October, 1956.

Clarence H. Mazzari
President of the City Council.
pro tem

Copy of the foregoing notice
received this ____ day of
October, 1956.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ASSISTANT CORPORATION COUNSEL

ARTHUR SCHRAMM
C. C. McCULLOUGH
GLEN E. WILSON
JOHN A. LOGAN
CHARLES V. HOARD
CHARLES L. CONLEY
GEORGE T. McGILLIVRAY
G. GRANT WILCOX
CHARLES R. NELSON
ALFRED L. NEWSBOULD
GEORGE H. HOLT
RAYMOND H. SIDERIUS

THE CITY OF SEATTLE
LAW DEPARTMENT

515 COUNTY-CITY BUILDING
A. C. VAN SOELEN, CORPORATION COUNSEL

CITY PROSECUTOR
BRUCE MACDOUGALL

SECRETARY
FAVE FORDE
CLAIM AGENT
JOHN F. COOPER

October 15, 1956

Mr. David Levine, President
City Council
Seattle, Wash.

Dear Sir:

Pursuant to your oral request, we herewith transmit forms of notice of hearing by the City Council upon the notice of removal by the Mayor of John J. Kennett as a member of the Seattle Transit Commission. We have prepared said notice for your signature and if you desire to sign the same and have this office take care of the service, we will be pleased to do so.

Since this is in effect a removal for cause, it is possible that one side or the other will desire the issuance of subpoenas. We shall upon request be glad to prepare any such subpoenas but do not consider it a function of the City Council to effectuate the service of such subpoenas.

Yours very truly,

A. C. VAN SOELEN
Corporation Counsel

By *Glen E. Wilson*
GLEN E. WILSON
Assistant

GEW:EC
encl.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

NOTICE OF HEARING

To: John J. Kennett
Seattle Transit Commissioner
Seattle, Washington

YOU ARE HEREBY NOTIFIED that on Friday, October 26, 1956, at the hour of 10:00 o'clock a.m. in the Council Chambers of the City Council of the City of Seattle, 513 County-City Building, Seattle, King County, Washington, said City Council will hold a hearing to determine its action upon that certain notice of removal dated October 1, 1956, filed with said City Council on October 8, 1956, by Honorable Gordon S. Clinton, Mayor of the City of Seattle, giving notice of your removal for cause as a member of the Seattle Transit Commission pursuant to Article XXIII, Section 1 of the City Charter, copy of which notice is hereto attached and by reference made a part hereof.

YOU ARE FURTHER NOTIFIED that at said time and place you will have an opportunity to be heard upon said matter and to make such showing as you may consider proper in the premises.

DATED at Seattle this 15 day of October, 1956.

Clarence F. Massart
President of the City Council
pro tem

Copy of the foregoing notice
received this ____ day of
October, 1956.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

NOTICE OF HEARING

To: Hon. Gordon S. Clinton
Mayor
City of Seattle
County-City Building
Seattle, Wash.

YOU ARE HEREBY NOTIFIED that on Friday, October 26, 1956, at the hour of 10:00 o'clock a.m. in the Council Chambers of the City Council of the City of Seattle, 513 County-City Building, Seattle, King County, Washington, the said City Council will hold a hearing to determine its action upon that certain notice of removal dated October 1, 1956, filed by you with said City Council on October 8, 1956, giving notice of removal for cause of John J. Kennett as a member of the Seattle Transit Commission pursuant to Article XXIII, Section 1, of the City Charter.

YOU ARE FURTHER NOTIFIED that at said time and place you may be present and make such showing in support of the charges as you may consider proper under the circumstances.

DATED at Seattle this 15 day of October, 1956.

Clarence F. Massart
President of the City Council.
pro tem

Copy of the foregoing notice
received this ____ day of
October, 1956.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

John J. Kennett Wants the Public to Know:

1. I was appointed on January 9, 1954, to a six-year term on the Seattle Transit Commission, by Mayor Alan Pomeroy.
2. I did not accept the offered appointment until after I had been assured by Willard Maxwell, a Seattle banker, then the Chairman of the Seattle Transit Commission, and by Mayor Pomeroy, that the Seattle Transit Commission had nothing whatsoever to do with the allowance or rejection of claims filed against the City growing out of the operation of the Seattle Transit System. This was confirmed by a letter to Mayor Pomeroy on January 9, 1954, a copy of which was shown to Mayor Clinton in June of this year.
3. The Charter of the City of Seattle, Article XXIII, makes it mandatory upon the Transit Commission to use the services of the Corporation Counsel, Mr. Van Soelen. A claim for damages arising out of the operation of the Seattle Transit System cannot be paid until the payment of it has been recommended by Mr. Van Soelen and approved by the City Council.
4. The position of Transit Commissioner is a non-salaried position. During the past three years, I have devoted in excess of sixteen hours per week, without compensation, to the duties of Transit Commissioner.
5. Since August 1923, I have practiced law in the City of Seattle, and during that period I have had a great many claims and lawsuits against the City of Seattle. I could not, in justice to my family and to my law partners, accept the proffered appointment as Transit Commissioner, if by so doing it meant that I would be required to give up a part of my law practice. That is why a definite understanding was had with Mayor Pomeroy on that matter before I accepted the appointment.
6. The people of Seattle, in 1950, amended the City Charter in an attempt to place the Transit Commission beyond the political influence of the Mayor or the City Council. The amendment to the City Charter contemplated that the Transit Commission should be wholly independent, and not subject to control by the Mayor or the City Council. All of the present members of the Commission were appointed and are properly serving as Commissioners under appointments by former Mayor Pomeroy. Mayor Clinton is not content to wait for their terms to expire, but is attempting to create a vacancy so that he can appoint men of his choosing to the Commission and thus extend his own political power over the Commission, which is, of course, wholly contrary to the City Charter.
7. In his present attempt to remove me from the Transit Commission, Mayor Clinton, according to his own statement, acted upon the suggestion of Mr. Van Soelen who has had an intense dislike against me ever since I dared to oppose him for election in 1936, which intense dislike was aggravated when I publicly supported his opponent in the 1948 election.
8. Presently, I have an appeal pending in the Supreme Court of the State of Washington, involving the entire administration of the City of Seattle employees' retirement fund, which appeal challenges legal opinions rendered by Mr. Van Soelen's office. The appeal also challenges the administration of the entire pension system for many years last past. The appeal also charges the then members of the City Council with arbitrary and capricious action. This appeal has angered Mr. Van Soelen and certain City Commissioners.
9. Tuesday night, October 2, 1956, Mayor Clinton admitted to me in the privacy of his own office, that he had conferred with Mr. Van Soelen and Mr. David Levine of the City Council with reference to his attempt to remove me from the Seattle Transit Commission. Mr. Levine is a defendant in the case now on appeal.
10. Mayor Clinton in his letter to the City Council seeking my removal for cause, stated that I "seemingly secured certain confidential information from Transit System employees." The Mayor knows that is not the fact. He knows that I secured the names of three passengers who were riding on the trolley at the time of the collision in question. Such information could be obtained by any attorney under the law and the Rules of Pleading, Practice and Procedure.
11. Item 6 of the charges preferred against me, the Mayor states that although he had conferred with the Seattle Transit Commission, "no action has been taken by the Seattle Transit Commission in the matter." The truth is, that my fellow Commissioners, all four of them, positively stated to the Mayor in my presence that I had done no wrong, that they needed me on the Commission, and they did not desire me to resign.
12. The Mayor stated to all of the members of the Commission, in his office, that he could not find that I had done any wrong, but that he felt as a matter of principle I should not bring suits against the City of Seattle because he feared someone might think I had done wrong. No one of the Commissioners concurred in his viewpoint; the former Mayor did not concur in his viewpoint; and the former Transit Commissioners did not share his views. The Charter provides that a Commissioner may be removed "by the Mayor upon filing notice of removal for cause with the City Council * * *." The Charter does not state that the Mayor may remove a Commissioner who thinks differently than does he. This was all pointed out to the Mayor, but the program to cause my removal had been so planned that he first conferred with me on June 12, 1956, only a few days after he was inaugurated as Mayor. Apparently political pressure has been so great that he finds himself helpless.
13. The charges preferred against me contains the reference by the Mayor to claims and suits filed against the City by the law firm of which I am a member. With respect to one of these claims, he states that it is based upon information given "by John F. Cooper, City Claim Agent, with the approval of A. C. Van Soelen, Corporation Counsel." He also recites that the same information was given by the same gentlemen to Mayor Pomeroy on January 26, 1956. Mayor Pomeroy saw no conflict of interest. Mr. Cooper and Mr. Van Soelen are the two men who must recommend and approve any settlement of a claim against the City. They are not on friendly terms with me, and have not been in the last 20 years. They are not about to make any just settlement with me of any claim against the City. They have never paid me or my law partners any substantial amount in connection with any settlement. The fact is, any substantial amounts recovered from the City were the result of a full and fair jury trial in court.

—John J. Kennett

John J. Kennett Wants the Public to Know:

1. I was appointed on January 9, 1954, to a six-year term on the Seattle Transit Commission, by Mayor Alan Pomeroy.
2. I did not accept the offered appointment until after I had been assured by Willard Maxwell, a Seattle banker, then the Chairman of the Seattle Transit Commission, and by Mayor Pomeroy, that the Seattle Transit Commission had nothing whatsoever to do with the allowance or rejection of claims filed against the City growing out of the operation of the Seattle Transit System. This was confirmed by a letter to Mayor Pomeroy on January 9, 1954, a copy of which was shown to Mayor Clinton in June of this year.
3. The Charter of the City of Seattle, Article XXIII, makes it mandatory upon the Transit Commission to use the services of the Corporation Counsel, Mr. Van Soelen. A claim for damages arising out of the operation of the Seattle Transit System cannot be paid until the payment of it has been recommended by Mr. Van Soelen and approved by the City Council.
4. The position of Transit Commissioner is a non-salaried position. During the past three years, I have devoted in excess of sixteen hours per week, without compensation, to the duties of Transit Commissioner.
5. Since August 1923, I have practiced law in the City of Seattle, and during that period I have had a great many claims and lawsuits against the City of Seattle. I could not, in justice to my family and to my law partners, accept the proffered appointment as Transit Commissioner, if by so doing it meant that I would be required to give up a part of my law practice. That is why a definite understanding was had with Mayor Pomeroy on that matter before I accepted the appointment.
6. The people of Seattle, in 1950, amended the City Charter in an attempt to place the Transit Commission beyond the political influence of the Mayor or the City Council. The amendment to the City Charter contemplated that the Transit Commission should be wholly independent, and not subject to control by the Mayor or the City Council. All of the present members of the Commission were appointed and are properly serving as Commissioners under appointments by former Mayor Pomeroy. Mayor Clinton is not content to wait for their terms to expire, but is attempting to create a vacancy so that he can appoint men of his choosing to the Commission and thus extend his own political power over the Commission, which is, of course, wholly contrary to the City Charter.
7. In his present attempt to remove me from the Transit Commission, Mayor Clinton, according to his own statement, acted upon the suggestion of Mr. Van Soelen who has had an intense dislike against me ever since I dared to oppose him for election in 1936, which intense dislike was aggravated when I publicly supported his opponent in the 1948 election.
8. Presently, I have an appeal pending in the Supreme Court of the State of Washington, involving the entire administration of the City of Seattle employees' retirement fund, which appeal challenges legal opinions rendered by Mr. Van Soelen's office. The appeal also challenges the administration of the entire pension system for many years last past. The appeal also charges the then members of the City Council with arbitrary and capricious action. This appeal has angered Mr. Van Soelen and certain City Commissioners.
9. Tuesday night, October 2, 1956, Mayor Clinton admitted to me in the privacy of his own office, that he had conferred with Mr. Van Soelen and Mr. David Levine of the City Council with reference to his attempt to remove me from the Seattle Transit Commission. Mr. Levine is a defendant in the case now on appeal.
10. Mayor Clinton in his letter to the City Council seeking my removal for cause, stated that I "seemingly secured certain confidential information from Transit System employees." The Mayor knows that is not the fact. He knows that I secured the names of three passengers who were riding on the trolley at the time of the collision in question. Such information could be obtained by any attorney under the law and the Rules of Pleading, Practice and Procedure.
11. Item 6 of the charges preferred against me, the Mayor states that although he had conferred with the Seattle Transit Commission, "no action has been taken by the Seattle Transit Commission in the matter." The truth is, that my fellow Commissioners, all four of them, positively stated to the Mayor in my presence that I had done no wrong, that they needed me on the Commission, and they did not desire me to resign.
12. The Mayor stated to all of the members of the Commission, in his office, that he could not find that I had done any wrong, but that he felt as a matter of principle I should not bring suits against the City of Seattle because he feared someone might think I had done wrong. No one of the Commissioners concurred in his viewpoint; the former Mayor did not concur in his viewpoint; and the former Transit Commissioners did not share his views. The Charter provides that a Commissioner may be removed "by the Mayor upon filing notice of removal for cause with the City Council * * *." The Charter does not state that the Mayor may remove a Commissioner who thinks differently than does he. This was all pointed out to the Mayor, but the program to cause my removal had been so planned that he first conferred with me on June 12, 1956, only a few days after he was inaugurated as Mayor. Apparently political pressure has been so great that he finds himself helpless.
13. The charges preferred against me contains the reference by the Mayor to claims and suits filed against the City by the law firm of which I am a member. With respect to one of these claims, he states that it is based upon information given "by John F. Cooper, City Claim Agent, with the approval of A. C. Van Soelen, Corporation Counsel." He also recites that the same information was given by the same gentlemen to Mayor Pomeroy on January 26, 1956. Mayor Pomeroy saw no conflict of interest. Mr. Cooper and Mr. Van Soelen are the two men who must recommend and approve any settlement of a claim against the City. They are not on friendly terms with me, and have not been in the last 20 years. They are not about to make any just settlement with me of any claim against the City. They have never paid me or my law partners any substantial amount in connection with any settlement. The fact is, any substantial amounts recovered from the City were the result of a full and fair jury trial in court.

—John J. Kennett

John J. Kennett Wants the Public to Know:

1. I was appointed on January 9, 1954, to a six-year term on the Seattle Transit Commission, by Mayor Alan Pomeroy.
2. I did not accept the offered appointment until after I had been assured by Willard Maxwell, a Seattle banker, then the Chairman of the Seattle Transit Commission, and by Mayor Pomeroy, that the Seattle Transit Commission had nothing whatsoever to do with the allowance or rejection of claims filed against the City growing out of the operation of the Seattle Transit System. This was confirmed by a letter to Mayor Pomeroy on January 9, 1954, a copy of which was shown to Mayor Clinton in June of this year.
3. The Charter of the City of Seattle, Article XXIII, makes it mandatory upon the Transit Commission to use the services of the Corporation Counsel, Mr. Van Soelen. A claim for damages arising out of the operation of the Seattle Transit System cannot be paid until the payment of it has been recommended by Mr. Van Soelen and approved by the City Council.
4. The position of Transit Commissioner is a non-salaried position. During the past three years, I have devoted in excess of sixteen hours per week, without compensation, to the duties of Transit Commissioner.
5. Since August 1923, I have practiced law in the City of Seattle, and during that period I have had a great many claims and lawsuits against the City of Seattle. I could not, in justice to my family and to my law partners, accept the proffered appointment as Transit Commissioner, if by so doing it meant that I would be required to give up a part of my law practice. That is why a definite understanding was had with Mayor Pomeroy on that matter before I accepted the appointment.
6. The people of Seattle, in 1950, amended the City Charter in an attempt to place the Transit Commission beyond the political influence of the Mayor or the City Council. The amendment to the City Charter contemplated that the Transit Commission should be wholly independent, and not subject to control by the Mayor or the City Council. All of the present members of the Commission were appointed and are properly serving as Commissioners under appointments by former Mayor Pomeroy. Mayor Clinton is not content to wait for their terms to expire, but is attempting to create a vacancy so that he can appoint men of his choosing to the Commission and thus extend his own political power over the Commission, which is, of course, wholly contrary to the City Charter.
7. In his present attempt to remove me from the Transit Commission, Mayor Clinton, according to his own statement, acted upon the suggestion of Mr. Van Soelen who has had an intense dislike against me ever since I dared to oppose him for election in 1936, which intense dislike was aggravated when I publicly supported his opponent in the 1948 election.
8. Presently, I have an appeal pending in the Supreme Court of the State of Washington, involving the entire administration of the City of Seattle employees' retirement fund, which appeal challenges legal opinions rendered by Mr. Van Soelen's office. The appeal also challenges the administration of the entire pension system for many years last past. The appeal also charges the then members of the City Council with arbitrary and capricious action. This appeal has angered Mr. Van Soelen and certain City Commissioners.
9. Tuesday night, October 2, 1956, Mayor Clinton admitted to me in the privacy of his own office, that he had conferred with Mr. Van Soelen and Mr. David Levine of the City Council with reference to his attempt to remove me from the Seattle Transit Commission. Mr. Levine is a defendant in the case now on appeal.
10. Mayor Clinton in his letter to the City Council seeking my removal for cause, stated that I "seemingly secured certain confidential information from Transit System employees." The Mayor knows that is not the fact. He knows that I secured the names of three passengers who were riding on the trolley at the time of the collision in question. Such information could be obtained by any attorney under the law and the Rules of Pleading, Practice and Procedure.
11. Item 6 of the charges preferred against me, the Mayor states that although he had conferred with the Seattle Transit Commission, "no action has been taken by the Seattle Transit Commission in the matter." The truth is, that my fellow Commissioners, all four of them, positively stated to the Mayor in my presence that I had done no wrong, that they needed me on the Commission, and they did not desire me to resign.
12. The Mayor stated to all of the members of the Commission, in his office, that he could not find that I had done any wrong, but that he felt as a matter of principle I should not bring suits against the City of Seattle because he feared someone might think I had done wrong. No one of the Commissioners concurred in his viewpoint; the former Mayor did not concur in his viewpoint; and the former Transit Commissioners did not share his views. The Charter provides that a Commissioner may be removed "by the Mayor upon filing notice of removal for cause with the City Council * * *." The Charter does not state that the Mayor may remove a Commissioner who thinks differently than does he. This was all pointed out to the Mayor, but the program to cause my removal had been so planned that he first conferred with me on June 12, 1956, only a few days after he was inaugurated as Mayor. Apparently political pressure has been so great that he finds himself helpless.
13. The charges preferred against me contains the reference by the Mayor to claims and suits filed against the City by the law firm of which I am a member. With respect to one of these claims, he states that it is based upon information given "by John F. Cooper, City Claim Agent, with the approval of A. C. Van Soelen, Corporation Counsel." He also recites that the same information was given by the same gentlemen to Mayor Pomeroy on January 26, 1956. Mayor Pomeroy saw no conflict of interest. Mr. Cooper and Mr. Van Soelen are the two men who must recommend and approve any settlement of a claim against the City. They are not on friendly terms with me, and have not been in the last 20 years. They are not about to make any just settlement with me of any claim against the City. They have never paid me or my law partners any substantial amount in connection with any settlement. The fact is, any substantial amounts recovered from the City were the result of a full and fair jury trial in court.

—John J. Kennett



OFFICE OF THE MAYOR
CITY OF SEATTLE

GORDON S. CLINTON
MAYOR

October 1, 1956

The Honorable City Council
City of Seattle
5th County-City Building
Seattle 4, Washington

Dear Sirs and Madam:

Pursuant to Article XXIII, City Charter, I hereby file notice of removal for cause, of Mr. John J. Kennett as a member of the Seattle Transit Commission, as follows:

- 1) Mr. Kennett is a member of the Bar of the State of Washington and a member of the law firm of Kennett, McCutcheon and Soderland, 2703 Smith Tower, Seattle, Washington.
- 2) That on January 27, 1956, information was given to the then Mayor Allan Pomeroy, by John F. Cooper, City Claim Agent, with the approval of A. C. Van Soelen, Corporation Counsel, that Mr. Kennett on or about January 1, 1956, seemingly secured certain confidential information from Transit System employees regarding an accident involving a Transit System bus, and the above law firm of which he was and is a member, filed on January 27, 1956, claims for damages in the amounts of \$200,000 and \$177,852 in behalf of private clients and thereafter said law firm brought a lawsuit against the city for personal injuries in behalf of one client arising out of such accident, which claim and damages, if recoverable against the city, are payable solely from the funds of the Seattle Transit System, which funds are under the sole control of the Seattle Transit Commission. The information furnished the then Mayor Pomeroy was subsequently furnished to me on or about June 12, 1956.
- 3) That of the two claims filed January 27, 1956, one claim was perfected and suit was commenced against the city, entitled Wieder v. Seattle, No. 492820, for \$177,852 damages.
- 4) That recognizing the provisions of Article XXIII, Sub-Section 2, which provides that the Transit Commission shall . . . "have complete control of all the employees of said system" and the undersigned, on two separate occasions met with the Commission, advised them of such circumstances, leaving it to said Commission to make such investigation as it deemed appropriate.
- 5) That likewise, independent conferences were had by me with Mr. Kennett.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

The Honorable City Council
Page 2, Cont'd.
October 1, 1956

- 6.) That no action has been taken by the Seattle Transit Commission in the matter; and I have taken no further action because Transit System employees may have been inadvertently involved.
- 7.) That the Wieder case referred to in Paragraph 3, is on the trial docket to be set for trial; and that two claims for Sylvester Hodge and Herman O. Moore for \$30,000 and \$20,000 respectively, were filed May 31, 1956 for personal injuries as a result of a collision involving the Seattle Transit System on May 2, 1956, by the law firm of which Mr. Kennett is a member, and suit has been brought on the Hodge claim, and the Moore claim is also in litigation.
- 8.) That regardless of whether or not in any particular instance the office of Transit Commissioner was used by Mr. Kennett to gain confidential information not available to other lawyers, it is my considered view that the best interests of the City and of the Seattle Transit System require his removal from such office under the circumstances.
- 9.) It is further my view that it is incompatible with the office for a Transit Commissioner, individually or as a member of a law firm, to file claims against the City involving Seattle Transit funds, which claims the Seattle Transit Commission has the final authority to allow or disallow, even though the practice is to follow the recommendations of the City Claim Agent and the Corporation Counsel; nor should such Commissioner, in my opinion, individually or as a member of a law firm bring lawsuits in behalf of private clients for personal injury, or otherwise, involving funds of the Seattle Transit System over which the Seattle Transit Commission has full authority, responsibility and control. To permit such practice may result in grave doubts arising in the minds of the public and reflect on the integrity of such Commissioner, on the Seattle Transit Commission itself, and on other city officers including the Mayor and the City Council, who respectively appoint and confirm members of the Seattle Transit Commission and who are thereby concerned in the conduct of such officers under such appointment.

Sincerely yours,

Gordon S. Clinton
Gordon S. Clinton
Mayor

GSC/hlo

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.