

## “An Embattled City Attorney”

*Alleged padding of city telephone bills with charges for personal calls by city officials came under scrutiny of the county Grand Jury today as it launched an investigation of “junket” trips taken by City Atty. C. L. Byers and Councilman A. W. Bennett.*

--San Diego Sun, January 7, 1935

San Diegans had rarely seen a more tumultuous period for city politics. A new city charter approved by voters in 1931 that was intended to bring a strong, city manager form of government to the city had incited intense bickering between municipal departments, the council, and a series of city managers who struggled to maintain the autonomy that voters desired.

In January 1935, the County Grand Jury stepped into the fight, determined to bring discipline to a government it believed had grown corrupt and beholden to special interests. The most prominent casualty of the jury’s investigations would be the city’s chief legal authority: the city attorney, Clinton L. Byers.

Byers had come to office in July 1931, moving up from the assistant city attorney position after his boss, Frank Heskett, was fired after only two months. Heskett had run afoul of the city’s respected water attorney, Terence B. Cosgrove—a former city attorney himself (remembered as the man who denied the notorious “rain making” contract for Charles Hatfield in 1916). When Heskett refused to work with the veteran Cosgrove, the city council dismissed him. The 55-year old Heskett would commit suicide four months later, shooting himself in the head in his law office in the Spreckels Theatre building.



Clinton L. Byers

A man of sterner stuff, young Clinton Byers appeared destined for a rising career in politics. Born in Garner, Iowa in 1898, he had served with distinction in World War I as an Army sergeant. After the war, Byers earned a law degree from Georgetown University in Washington D.C. and then returned to his home state to practice law in Des Moines. He came to San Diego in 1928, married and started a family, and quickly found a job in government.

As city attorney, Byers earned high marks at first for his job performance. Working with Cosgrove he effectively litigated several important water issues. In April 1932 he was elected to a four-year term as city attorney. But Byers was less successful in stemming public distrust of city government, particularly the growing contempt over the council’s grasping of power from the city manager.

In the spring of 1934, the “City Charter League”—founded by citizens determined to strengthen the city manager—gathered thousands of signatures to force a special election to expel four city councilmen, and city attorney Byers. Fighting the recall effort all the way to the State Supreme Court, Byers successfully argued that the city charter had no proper recall provisions.

Byers' defense of the status quo earned him no friends among the Charter League, which urged the County Grand Jury to investigate civic operations. In January 7, 1935, the jury began grilling city officials about alleged irregularities on "junket" trips made by councilmen and city attorney Byers. For the next three weeks, witnesses waited daily outside the jury's chamber, rising in turn from the "mourners' bench" to testify in secret.

At month's end, the jury finished its investigation and newspaper headlines screamed the results: BYERS ACCUSED ON 41 COUNTS, read the *Daily Sun*. BYERS TO PLEAD NOT GUILTY announced the *Union*.

The city attorney had "willfully, unlawfully, and corruptly" filed false travel accounts over a three-year period, charged the jury in a 26-page report, which also alleged that Byers had taken unauthorized advances on his salary. But the dollar amounts cited in the charges were astonishingly small: "\$6 appropriated for own use" read a typical count; "drew \$10 salary due him" read another.

Byers appeared unperturbed by the charges of misconduct, which would lead to his removal from office if convicted. The funds in question had all been accounted for, he told reporters, and the charge of drawing his salary ahead of pay day was laughable. "We all do it; it's been done here for twenty years!"

The *San Diego Union* took the charges more seriously, editorializing that city hall was "held by a crowd which has consistently played fast and loose with the public's faith." Byers had "forfeited his hold on public confidence," the newspaper charged, and was "out of place in public office."

In April 1935, the case went to court. Although the number of charges had been reduced to eight, some carried a hint of moral scandal for Byers. A delinquent hotel bill from the Los Angeles Biltmore had been paid by a woman described by the *Los Angeles Times* as a "beautiful brunette with flashing black eyes." Byers refused to identify the mystery woman, who was not his wife. Prosecutors alleged he had used city funds to pay for the hotel visit.

After a two and half week trial in Superior Court, jurors found Clinton Byers guilty on all counts. He retained his office and salary until his appeal was heard. But the embattled city attorney found himself in fresh trouble when he was accused of playfully pulling a fire alarm one evening at 3<sup>rd</sup> and F Streets. Five fire companies and 26 men responded to the false alarm. Byers first denied the charge but then pled guilty and paid a \$100 fine.

Byers' long fight to retain his office finally ended on March 25, 1936, when the California Supreme Court upheld his conviction and affirmed the order removing him from office. "I still feel I am not guilty of any wrongful acts," Byers declared, but added he would leave office as quickly as possible and begin private law practice.

He died quietly at age 65 in December 1963. The obituary for "C. Lewis Byers" would not mention his years of public service but noted he was "a retired attorney and World War I hero."

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