

NEAL FALGOUST
ASSISTANT CITY ATTORNEY

BRION OAKS
CHIEF EQUITY OFFICER

FRIDAY JUNE 21, 2019

FROM CHARLOTTESVILLE TO AUSTIN:

**ONE CITY'S JOURNEY TO RECONCILE
ITS CONFEDERATE HISTORY**

OVERVIEW

- Historical Context
- City of Austin Equity Office and City Council Resolution
- Legal Considerations

HISTORICAL CONTEXT

- Most Confederate monuments were erected in early 1900s, well after the defeat of the Confederacy, during Jim Crow and Civil Rights eras.
- The Confederacy was an institution of white supremacy.
- Monuments that honor this past are symbols of oppression for many African Americans.

CITY OF AUSTIN EQUITY OFFICE

- Provides leadership across the City on racial equity issues.
- Assessing the impact of policies, procedures, and practices on equity
- Developing a shared understanding by normalizing conversations around institutional racism
- Organizing both internally and externally to build solidarity and focus on shared equity issues for the City

RESOLUTION 20171005-031

- Resolution passed by City Council on October 5, 2017.
- Directs City Manager to collect information about all city-owned Confederate monuments and memorials on city property, including street names and buildings.
- Work group formed to address this + provide estimated costs + provide recommendations for removal, renaming, maintenance for educational purposes, etc.

RESOLUTION NO. 20171005-031

WHEREAS, the institution of American slavery caused and perpetuated brutal physical, mental, and emotional abuse and impeded opportunities for equality in all aspects of life for freed slaves from Africa and their descendants; and

WHEREAS, the Confederacy and its military fought to preserve slavery and deny equality at the cost of our American Union; and

WHEREAS, even after the slow and hard-won gains made from the Civil Rights Movement, Americans of African descent are still denied equality by a society that discriminates against them; and

WHEREAS, memorials and monuments of the Confederacy, far removed from Civil War battlefields, often have little to do with history but are public announcements of racial bigotry erected in the early- to mid-twentieth century during the Civil Rights Movement; and

WHEREAS, monuments of the Confederacy along with streets, schools, and other public places named for prominent members of the Confederacy have continued to be glaring symbols of some's refusal to allow full and equal participation in society by Americans of African ancestry; and

WHEREAS, these monuments and other commemorations of the Confederacy were made for the explicit purpose of distorting the violent and oppressive history of the Confederacy and to preserve the cause of white supremacy as the law of the land; and

WHEREAS, it is deeply unjust to require Americans of African descent in our community to continuously support the City's upkeep of these hateful symbols with their tax dollars; and

WHEREAS, the continued public display of monuments and commemorations of the Confederacy is antithetical to the stated public policy of the City of Austin to be a welcoming city to people of all backgrounds; and

NARROWING OUR SCOPE

- Can apply only to City property – Capitol, University of Texas, AISD, and federally protected buildings cannot be included.
- Several City of Austin Historic Landmarks relating to Confederacy are also Texas Historic Landmarks and/or on the National Register, adding layers of protection.
- Where to draw the line?

OPPOSING VIEWPOINTS

- Erasure of history and threat on preservation.
- Unnecessary cost to government budgets for removal.
- Inconveniences to businesses and/or residencies.
- A slippery slope: what's next and where do we stop?

GUIDING PRINCIPLES

- Advisory Council on Historic Preservation
 - Changing values
 - Historical context/significance
 - Consultation and Inclusion
- American Historical Association
 - "*History comprises both facts and interpretations of those facts. To remove a monument, or to change the name of a school or street, is not to erase history, but rather to alter or call attention to a previous interpretation of history. A monument is not history itself; a monument commemorates an aspect of history, representing a moment in the past when a public or private decision defined who would be honored in a community's public spaces.*"

ASSETS SLATED FOR INITIAL REVIEW

Name of Asset	Type of Asset	Notes/Historical Context	Civil War	Res... Party	Priority	Department	Remediation Recommended	C... to Reme	Communit
Metz Recreation Center/Park and Pool	Park Name	Hamilton M. Metz: Captain Co. E, 33rd Texas Cavalry (Confederate Vet), also longtime school board	<input checked="" type="checkbox"/>	City	High	PARD	Interpretive Signa		District 3
Jefferson Davis	Highway Marker	Davis was the President of the Confederacy; a statue of him was removed from UT's campus in 2011	<input checked="" type="checkbox"/>	State/C	High	Austin Transpo	Removal		District 2
Austin C.S.A.	Historical Marker	Texas Historical Commission marker, located at intersection of Cesar Chavez and Congress Avenue	<input checked="" type="checkbox"/>	City/St:	High	PARD	Removal		District 9
Fort MacGruder C.S.A.	Historical Marker	Texas Historical Commission marker; 3900 S. Congress Ave, reported missing	<input checked="" type="checkbox"/>	City/St:	High	PARD	Missing		District 3
Texas Newspapers C.S.A.	Historical Marker	Texas Historical Commission marker; 718 W. 5th St. These markers are among more than 100 C.S.A	<input checked="" type="checkbox"/>	City/St:	High	PARD	Removal		District 9
Robert E. Lee Read	Street Name	has been referenced by this name since the 1920s; NAACP chairman and Reverend Robert E. Lee w	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 5
Jeff Davis Avenue	Street Name	Davis was the President of the Confederacy; a statue of him was removed from UT's campus in 2011	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 7
Littlefield Street	Street Name	George Littlefield: Confederate Army Major - Terry's Texas Rangers; slave owner; UT's Littlefield Fou	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 9
Tom Green Street	Street Name	General in Civil War, died in battle, first company raised in Austin and one of the first organized in the	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 9
Sneed Cove	Street Name	Sebron Sneed: owned 21 slaves; Confederate provost marshal and volunteered his home also calle	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 2; a
Reagan Hill Dr.	Street Name	in same area as Reagan H.S., so presumably named after John H. Reagan.	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 4
Dixie Drive	Street Name	De facto/unofficial anthem of the Confederate States of America; Confederate Pres. Jeff Davis had it	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 2
Confederate Avenue	Street Name	Located within Clarksville, historically Black neighborhood; didn't show up in City Directories until 192	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 9
Plantation Road	Street Name	Recalls 19th century when plantation landowners owned black slaves	<input checked="" type="checkbox"/>	City	High	Austin Transpo	Rename		District 5/b



High Priority = Any asset identified that is in direct relationship to the language in the resolution being explicitly Confederate and/or Civil War related

NEXT STEPS

- Equity Office recommends Council take immediate action to rename streets that were identified in the list for “Assets Slated for Initial Review.”
- Street assets slated for initial renaming are anticipated to cost \$5,956.23.
- Consider and decide on options presented by Austin Transportation Department to gain efficiencies in renaming multiple streets.
- Allow the Council Member(s) in which the street resides to identify a person or other entity desired to be honored in the rename of the street.
- Make a formal request to the Texas Historical Commission to remove its Confederate markers from city property.
- Get input from Council on the desire to address secondary assets that were identified.
- Explore the opportunity for buildings or structural assets to be contextualized in order to provide awareness and a teachable moment for the community.

RENAMING GUIDANCE

Historically Connected – having a positive relationship and history with the community

Servant Leader – compassionate advocate for vulnerable and marginalized populations

Respected for Integrity – demonstrating strength of character

Equity and Social Justice – a member of a community that has been historically marginalized

Visionary and Inspirational - inspiring in thought and action a trailblazer in opening doors and creating opportunities

*Adopted from AISD School Renaming Task Force

LEGAL CONSIDERATIONS

- City Charter & Code of Ordinances
- First Amendment and Equal Protection
- Texas Legislature

YOUR CITY'S NAME

- Austin City Charter
- "... hereby constituted a body politic and corporate, in perpetuity, under the name the 'City of Austin[.]'"
- Charter Amendment Election, Local Gov't Code § 9.004

STREETS

- Austin City Code Chapter 14-5
- Eight reasons for a street name change:
 - “To honor a person place, institution, group, entity, or event[.]”
 - “To enhance a neighborhood through the association of a street name with its location, area characteristics, and history.”
- Council action – Public hearing required if any property owner objects.

PARK FACILITIES

- Austin City Code Chapter 14-1
- May be named for:
 - Individual who provided valuable contribution and creditable service;
 - Individual or entity who made a qualified financial contribution; or
 - Individual or entity who made culturally significant contribution.
- Procedure:
 - Nomination
 - Park and Recreation Board public hearing and recommendation
 - Approval by City Council
- Rejection of name if it affects status of tax-exempt bonds.

CEMETERIES

- Monuments are protected speech on government-owned property.
- Public cemeteries are non-public forums.
- Restrictions on monuments must be reasonable and viewpoint neutral.
- Written policies allowing denial of monuments based on preserving existing burial space or to maintain quiet atmosphere free of conflict.

LEGISLATIVE ACTION

- SB 1663 – Relating to the removal, relocation, alteration, or construction of certain monuments or memorials located on public property; providing civil penalties.
- Approved in Senate; failed to pass House Calendars Committee on May 19.
- Addressed state-owned monuments and monuments located on municipal or county property.

CHALLENGING LEGISLATIVE ACTION

- Infringement on local government's free speech rights.
- Violation of Equal Protection and Due Process.
- Contrary to Home Rule Doctrine.
- *State of Alabama v. City of Birmingham*

QUESTIONS? COMMENTS?

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