



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: SEPTEMBER 2, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER/s/

DOCKET TITLE:

Consideration of Memorials To and Symbols of the Confederacy on City of Alexandria Property.

ISSUE: Memorials to and symbols of the Confederacy on City of Alexandria property.

RECOMMENDATION: That City Council consider holding a public hearing on a date to be determined, and after that hearing decide what actions it wishes to take with respect to various symbols of the Confederacy on City property including: (1) the flying of any flags of the Confederacy, (2) the *Appomattox* statue at Prince and South Washington Streets, (3) the name of Jefferson Davis Highway, and (4) the names of other City streets that have been named after Confederate military leaders.

DISCUSSION: Following the June murder of 9 people at an evening Bible study in Charleston, South Carolina, there was renewed interest throughout the country in eliminating in public places many of the symbols of and memorials to the Confederacy, ranging from flags to statutes and building and highway names. Here in Alexandria, a number of people have asked that the City re-examine its own use of symbols and memorials connected to the Confederacy.

Among the things that people have questioned is the practice of flying of the first flag of the Confederate States of America on the corners of Prince and South Washington Streets twice a year, the *Appomattox* statue on South Washington Street, the use of the names of Confederate generals and other leaders for City streets, and in particular the name-Jefferson Davis, the President of the Confederate States of America-that is assigned to parts of Route 1 in Alexandria and other Virginia localities.

Flying the Confederate States of America Flag: In 1970, Alexandria City Council approved the following policy with respect to flying the Confederate States of America flag: "The Confederate flag is flown on Lee's birthday, January 19, and on Confederate Memorial Day, May 24, at Prince and South Washington Streets only.

If Lee's birthday falls on the same day as Martin Luther King Day, the flags are moved a day ahead, to January 18. The flags are flown on the three corners of the intersection that have light poles (staff from the Department of Transportation and Environmental Services place the flags on the poles). The flags that are used are not the Battle Flag of the Army of Northern Virginia, which is commonly thought of as the Confederate flag. Rather, it is the first official flag of the Confederacy, the "Stars and Bars." It consists of three wide horizontal stripes (two red and one white) and a blue square in the upper left with seven white stars.

City Council, if it wishes, can direct staff to stop placing the Confederate flag on City property. The City Attorney has advised that if Council takes this action, it should only allow flags of the United States, the Commonwealth of Virginia, and the City of Alexandria to be displayed on City property. Allowing others, but not the Confederate flags, may result in violations of the First Amendment's freedom of speech provisions. This would mean that the Red Cross and Irish flags would no longer be flown.

The Confederate Statute Appomattox: In 1888, Alexandria City Council approved the placement of a statue of a Confederate soldier at the intersection of Prince and South Washington Streets (the same intersection where Confederate flags have been flown twice a year). The statue, which honors Alexandria's Confederate dead, was provided by the local chapter of the United Confederate Veterans, and was dedicated in 1889.

Legislation passed in the 1890 General Assembly requires the statue to remain in its current location permanently. In addition, §15.2-1812 of the Code of Virginia prohibits the removal of memorials or monuments related to any war involving the United States, including the "War Between the States." There are many memorials to the Confederacy throughout Virginia.

Following the Charleston murders, some individuals asked that the City move the statute to private land or a museum, or otherwise remove it and some individuals want the statue to remain in place. If the City wishes to remove the statue, it would need legislation to override §15.2-1812 of the Code of Virginia, as well as the 1890 statute.

Jefferson Davis Highway: The 1922 General Assembly enacted legislation that designated Route 1 throughout Virginia as Jefferson Davis Highway, "in honor of the only president of the Confederate States of America." In spite of this designation, the highway actually goes by a number of other names, including Patrick and Henry Streets (here in Alexandria); Richmond Highway (Fairfax County); Brook Road (Henrico County and northern Richmond); Chamberlayne Avenue (central Richmond); Washington Highway (Town of Ashland and Hanover County); and Boydton Plank Rd. (much of Route 1 below Petersburg).

Although cities have authority under State general law to name most of the roads within their localities, this authority does not necessarily extend to those which constitute part of the State highway system-and Route 1 is part of that system. Highways that are part of the State system are usually named by either the General Assembly or the Commonwealth Transportation Board (CTB). Since the General Assembly affixed the name Jefferson Davis to Route 1 in 1922, some have suggested that only the General Assembly can rename it-not the CTB in cases such as this. This is likely the case in most localities in Virginia.

In Alexandria, however, the City has a Charter provision which says:

§2.03. In addition to the powers granted by other sections of this charter the city shall have power:
(r) To give names to or alter the names of streets.

Since staff is unaware of any general law provision that would override this Charter provision, City Council appears to have the authority to rename Jefferson Davis Highway within the City if it chooses to do so. In fact Jefferson Davis Highway was named River Road until 1953 when City Council (as part of an overall street renaming process described below) changed its name to Jefferson Davis Highway.

If the City or another locality wants to pursue the renaming of Jefferson Davis Highway outside the City, legislation would be needed to amend or repeal the 1922 statute. If the City decides to rename Jefferson Davis Highway within Alexandria it would be to determine a replacement street name, potentially in conjunction with Arlington County where Jefferson Davis Highway is also located. Arlington County does not have charter authority and may not have the right to rename Jefferson Davis Highway without obtaining General Assembly authority.

Other City Streets Named After Confederate Military Leaders: There are at least 33 streets in Alexandria clearly named after Confederate Generals and other Confederate military leaders (Attachment I). Council may remember that the City Code was amended in January 2014 to delete a requirement (that was put in place in 1953 after the annexation of Fairfax County land into the City and the City then undertook a street renaming project City wide) that streets running north-south generally be named after Confederate military leaders, resulting in many streets being named after Confederate Generals. There are also more than 30 other streets in Alexandria which may have Confederate related street names (Attachment II), but the historical record is not clear for those streets. City Council, as noted above, has the power to name or alter the names of City streets.

Other Confederate Commemorations: There are other places in the City where there are Confederate related commemorations including private graves, the Marshall House plaque on the 400 block of King Street (a private plaque on a private building), Robert E. Lee's portrait in City Council Chambers; and the name of one elementary school (Maury). The City government has no authority to (1) make changes of any private owned property including graves or plaques, (2) change the name of public schools which is in the purview of the School Board.

FISCAL IMPACT: There will be no added cost to the City if it ceases to place the Confederate States of America flag at the intersection of Prince and South Washington streets twice a year (there would, in fact, be a very small savings since City staff were the ones who performed this work). If the City were to relocate the Confederate Statue, the cost of removing the statue from its current site, demolition of the existing curb and pedestal, and restoration of the roadway is estimated to be \$40,000. This does not include any cost that may be incurred for installing the statue at another site. This cost estimate is based on actual costs for a similar statue relocation project.

If the City changes the name of Jefferson Davis Highway (the current designation of Route 1 from the boundary with Arlington to the Monroe Avenue Bridge), the City would have to replace the current street signage. Staff estimates that this cost would range from \$15,000 to \$50,000; the lower amount would be the cost of placing new signage in the existing sign frames, which could be done if the number of letters in the new name were similar to the number of letters in the existing signage. If a longer name were adopted, the sign frames and light assemblies would also have to be replaced-hence the higher cost.

Staff estimates the cost of replacing the signage for approximately 236 street signs for Confederate military leaders (not Jefferson Davis) would be approximately \$270,000.

In addition, while the City would not have to pay any costs incurred by the private sector, residents and

businesses which have street addresses with any streets to be renamed would incur some cost for replacing stationery, business cards, forms, etc.

ATTACHMENTS:

- I. Inventory of Confederate Street Names in Alexandria
- II. Inventory of Possible Confederate Street Names in Alexandria

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