

## PRESERVING THE WHITE LANDSCAPE DALLAS CODE ON RENAMING STREETS

– Ed Sebesta 8/23/2018

### INTRODUCTION:

The story over the struggles over naming streets after civil rights leaders is actually two stories. One is the story itself of naming streets after civil rights leaders. However, this story is also serves as an example how a white establishment maintains itself against efforts to change its domination over society.

This is a preliminary paper. There is additional research material to be obtained. Dallas City Hall archives state that they can't find an important ordinance regarding street naming. There is other material I want to track down to have an exhaustive history of the Dallas City Codes. This rush paper is because there is a need to have some historical awareness of street renaming in Dallas by early Sept. 2018.

However, I have gotten enough to tell the basic story, the materials I am looking for are to fill in gaps, have additional details, and make sure I don't overlook additional elements in the system to block renaming streets in Dallas.

Additionally for news reporting this paper is excessively dependent on the *Dallas Morning News* (DMN) articles, though since much of this paper is about white efforts to shut down street renaming this narrow range of one source reveals fairly well these efforts, but it needs to be remembered that the now defunct *Dallas Time Herald* might be much more revealing of the contrived nature of Dallas City Code to obstruct the renaming of streets after African Americans.

### CODE PROPOSALS IN ANGRY CITY HALL DEBATES

In 1981 there was a ferocious debate over renaming streets after African American civil rights heroes Frederick Douglass, Malcolm X, Martin Luther King Jr., and Ralph Bunche. In the end only Martin Luther King Jr. was adopted for a street name and even that adoption was much less than was originally asked for.<sup>1</sup>

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<sup>1</sup> The *Dallas Morning News* reported on the proposals and debates over renaming streets after African American leaders multiple times: Tatum, Henry, "Street-naming bid jars firms," *DMN* 9/12/1980, pp. 40; Kenny, Steve, "New street names OK'd," *DMN*, 1/29/1981, pp. 33, 36; Tatum, Henry, "Renaming of freeway contested," *DMN*, 2/4/1981, pp. 17, 4D in one edition and 38, 4D in another edition of paper on same day; Tatum, Henry, "But Dallas has a Bunche," *DMN*, 2/6/1981, pp. 33; Tatum, Henry, "Racism charge follows decision on street names," *DMN*, 3/13/1981, page 39, 4D; Tatum, Henry, "Street name passes after yelling match,"

After the Dallas Plan Commission had rejected three of the four proposed street renamings and they did forward to the Dallas City Council for their approval which was to be taken up on the Wednesday April 1, 1981 meeting.

City Council member Max Goldblatt led the effort to block changing street names. For this same upcoming city council meeting Goldblatt's plan was to have the city adopted a policy on street naming which would shut down the process on street naming. As reported in the Dallas Morning News, Sunday, 3/29/1981, prior to the meeting:

City Council member Max Goldblatt will propose Wednesday that the city adopt a policy prohibiting name changes for any Dallas street that has had the same name for at least 10 years.

The ordinance, to be submitted by Goldblatt, will force a new battle in council member Elsie Faye Heggins continuing struggle to have a number of South Dallas roads renamed for famous black leaders.<sup>2</sup>

Two DMN editorials advocating the adoption of special city code for name changing in 1981 need to be examined closely not only for their efforts to get city codes designed to block renaming, but also for their pretexts justifying adopting these proposed codes and the racial attitudes.

The idea of having a policy on renaming streets was first endorsed in an editorial, "Street Name Game," March 31, 1981. The title, "Street Name Game," is dismissive of African American concerns to be part of the landscape.

The editorial opens with the following:

If nothing else, the City Council wrangling over council member Elsie Faye Heggins' drive to rename several South Dallas streets for black leaders may produce some needed standards may produce some needed standards for handling such proposals.

City Councilman Max Goldblatt is suggesting a policy prohibiting name changes for any Dallas street that had the same name for at least 10 years, to prevent revolving-door switches of street names at political whims.

There are multiple manipulations involved in these two paragraphs. Heggins is "wrangling" not "advocating." The persons to whom the streets are to be named are not civil rights leaders who would be historical figures to be admired by all Americans,

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<sup>2</sup> Tatum, Henry, "Goldblatt pushes street name plan," *DMN*, 3/29/1981, pp. 13.

whose efforts advanced American society and because of their efforts we all benefit, but instead are just “black leaders.”

This is not a minor point. Defining who is “us” and who are not “us” is in this case drawing racial boundaries and a rejection of civil rights leaders as heroes for all of us.

Heggins isn’t correcting the white landscape in which African Americans are not named, but placing Dallas history at risk by “revolving-door switches” which happen because of “political whims.” It characterizes African American demands as whimsical and frivolous and not rational or serious and denies African Americans as comprehending the power of historical memory and having an intellectual process.

The editorial repeats Goldblatt’s arguments against renaming streets naming them as Goldblatt “points” stating, “Goldblatt has brought up some valid points.”

The article points out that it costs \$280 a mile for new street signs.

Dallas city government however, later would be quite willing to rename Industrial Boulevard to Riverfront Blvd. without complaint from the DMN editorial board.

The city paid over a \$100 million for the Calatrava arches which mimic the architectural design of a suspension bridge but are actually decorative and do not suspend the bridge or it seems even the walkway.<sup>3</sup>

For the Trinity River project the city spent \$4 million on attempting to create a fake kayaking rapids that was later dug up at further expense.<sup>4</sup>

Editorial footnote. But the concluding sentence argues that city streets should not be for streets named in honor of others, without considering that there are streets named after someone, but not as an honor or streets named in honor of people who certain deserve no honors.

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<sup>3</sup> Schutze, “TxDOT Fires Back, Blames Margaret McDermott Bridge Mess on Dallas and Calatrava,” *Dallas Observer*, 1/32/2018, online <https://www.dallasobserver.com/news/txdot-officials-blame-dallas-and-calatrava-for-trinity-river-bridge-problems-10315262>, printed out 9/30/2018. Jim Schutze has done a whole series on this debacle. The author would like the bridge and arches to remain perpetually in place unopened as an important cultural landmark of the essence of Dallas and the rich Texas heritage of Texas Rich.

<sup>4</sup> For a picture of the latter abandoned kayak run see Schutze, Jim, “Bad bridge, Bad Kayak Rapids, Bad Toll Road: Time to add up Trinity Bill,” *Dallas Observer*, 5/14/2018. <https://www.dallasobserver.com/news/dallas-calatrava-bike-lanes-still-unsafe-oh-well-well-use-kayaks-10681157>, printed out 9/30/2018. This article also has a summary of the expenses. The \$4 million figure is in another article by Schutze, “Calatrava Bridge Test Failure Prompts a Round of Finger-Pointing and Blame-Casting,” *Dallas Observer*, Feb. 6, 2018, <https://www.dallasobserver.com/news/dallas-gets-big-new-amazon-distribution-center-11187682>, printed out 9/30/2018.

One example might be Cabell Street which is named after W.L. Cabell who was the officer in charge in an infamous massacre of African American troops in Arkansas during the Civil War.

The editorial narrows the question to one of two choices with one choice unacceptable.<sup>5</sup>

The Dallas Morning News again had another editorial asking for a policy on street naming April 11, 1981. It opens with:

That argument over changing street names to honor black leaders should prompt the Dallas City Council to set a serious policy of future name changes.

Certainly, it is appropriate for a city's street names to honor outstanding persons of any race. But it is not a process that should be approached willy-nilly.

Heggins was not acting "willy-nilly," without coherent thought. The use of the term reveals a fear of irrational African Americans making changes to the white landscape.

It was also a manifestation of a strategy that would be used again and again of endorsing the naming of streets for civil rights heroes, but expressing opposition to a specific street being renamed. In this editorial it isn't a matter of a specific street for which they are rejecting a renaming, but a concern expressed that streets will be selected recklessly and they are opposed to these imagined recklessly selected streets.

The DMN editorial admonishes that "street names should be changed frequently." It is not clear whether they are saying that a single street shouldn't have its name changed frequently, or that there shouldn't be many street name changes. The city of Dallas has changed many street names at once when it annexed cities, and eliminated duplicate street names.<sup>6</sup> In 1923 the DMN reports that one-third of the "1,046 street in Dallas and suburbs, about a third of them have duplicate names or ones so similar as to cause confusion, and this needs to be eliminated."<sup>7</sup> The city changed 52 street names when it annex the Lake June area.<sup>8</sup> In the history of Dallas street names have been changed multiple times. It seemed to have not resulted in any real problems.

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<sup>5</sup> Editorial, "Street Name Game," *DMN*, 3/11/1981, page 11.

<sup>6</sup> No author, "In Secret Session," *DMN*, 3/29/1905, pp. 4. This is about a decision of the Dallas city council to get rid of duplicate names after the annexation of East Dallas by changing the names in the suburb and it seems that there are duplicate names in the Ninth Ward of Dallas also.

<sup>7</sup> No author, "To Report on Street Names," *DMN*, 6/20/1925, pp. 13. A lengthy list of streets being changes is given in "Changes in Street Names Are Listed by Chairman for Hearing Next Friday," *DMN*, 12/15/1925, pp. 13. This was followed by changes in Dallas County outside Dallas city limits to avoid duplications. "Court Changes Street Names," *DMN*, 9/24/1927.

<sup>8</sup> No author, "52 Street Name Changes Asked in Lake June Area," *DMN*, 5/8/1952,

Even without computers and modern electronics the city was able to do these renamings without catastrophe or really any real problems.

How frequent “frequently” is isn’t specified, nor any reason given why this is a problem. Would four streets be too much in a year, perhaps just two streets they feel would bring on unbearable disorder? Did the DMN expect that naming of streets after civil rights heroes would be dozens a year or a dozen? Even presuming that a great many street names were selected for renaming, could it not be spread out on a schedule?

It would be the case again and again that there is some potential disaster of runaway street name changes in Dallas, the latest example was in 2015 which will be in the history of the name changes in a following section.

The historical record is that street name changes have been by the dozens when Dallas annexed adjacent cities and areas and when they have attempted to get some order in the naming of Dallas streets.

Again, we find a hunt for problems to be the pretext for not renaming streets.

Another section argues:

Dallas citizens of all races have many heroes and leaders deserving the honor of having a street named after them. But the list does change as the tides of history ebb and flow. Therefore the naming or renaming of a street should be a serious matter entered into only after thoughtful consideration and with the understanding that the decision will be relatively permanent.

Those who the DMN considers to be willy-nilly African Americans are admonished by the DMN to have “thoughtful consideration” and to know that street names are long lasting. I would think that in any effort to get a street renamed would include an understanding that a renaming would be relatively permanent and any such effort would hope that it is permanent, not relatively permanent.

Showing again their attitude towards African Americans the DMN editorial concludes with this instruction to the reader, “The primary function of a street name – to help citizens and visitors find their way around the city – should not be lost in the process.”

The implication of this is that even this basic function of a street sign is something that African Americans might not cognitively grasp in their bid to rename streets because they have all gone willy-nilly.

A possible alternative explanation is that the DMN Editorial board for some reason a street named Malcolm X as opposed to Lamar street will cause motorists to get lost, perhaps they will take wrong turns when they are shocked to see Malcolm X on a street sign.

Did the editorial board of the *Dallas Morning News* think that Heggins and friend drew names out of a party while drunk? Surely there was very “serious” thinking on Heggins’s part. There is the implication that somehow the persons purposed to be named are frivolous in that maybe later they will not be candidates for streets to be named after. Did the Dallas Morning News imagine that Martin Luther King, Jr., or Malcolm X or Frederick Douglass had an expiration date as being significant figures in American history more than streets named after other historical figures in Dallas? Surely as a practical measure, though theoretically it might be in the 26<sup>th</sup> century other historical figures will be a greater concern to residents of Dallas, surely the interest in Martin Luther King, Jr. or Malcolm X or Frederick Douglass is not a passing fad or likely to be of short duration. The editorial reveals a dismissive tone of the civil rights movement and their leaders.

The editorial also repeated various and sundry arguments against street renaming.<sup>9</sup>

Shortly after this editorial the *Dallas Morning News*, April 15, 1981, reports that Mayor Pro Tem Don Hicks is going to propose what the *News* calls, “a touch policy” on renaming streets. From it we can see many of the elements which make up the current Dallas city code for renaming streets. In the article these are points in Hick’s proposal.

1. “[A] majority of property owners and tenants on a street to approve a name change before the city government could enact it.”
2. “[A]ny street named for an individual or historical event be off limits for name changes.

The article reports that Hicks rejects Goldblatt’s prohibition on renaming streets over ten years old. The article also reports that Hicks had originally wanted “at 75 percent of the property owners and tenants on a street should favor the change ...” but revised it.

Hick’s is careful to try to avoid having his proposal be seen as being against renaming streets for civil rights leaders and the article in reference to the city council meeting which approved the Martin Luther King Blvd. quotes him as follows:

“I voted for the name change,” Hicks said. “But I also heard several speakers ask us to adopt a permanent policy on this.”

He said the timing is right for the council to adopt guidelines, now that no new requests for renaming streets are on the docket.<sup>10</sup>

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<sup>9</sup> Editorial, “To Change or Not?” *DMN*, 4/11/1981, page 26.

<sup>10</sup> Tatum, Henry, “What’s in a name change?: Hicks proposes tough policy on labeling streets,” *DMN*, 4/15/1981, page 9.

Hicks who had voted for Martin Luther King Jr. Blvd. would be the city council person to propose a process by which the renaming of city streets could be shut down without being seen as racially motivated, whereas Goldblatt would not be able to do that. The article includes Hicks as rejecting Goldblatt and provides thus some distance between them.

However, the “tough policy” of Hicks was seen as attempt to shut down street renaming after civil rights leaders. The *Dallas Morning News* April 16, 1981, article, “Street name limits withdrawn: Hicks’ plan hits dead end with council members,” title summarizes Dallas city council reaction to Hicks’ plan. Reactions were very negative: “But Deputy Mayor Pro Tem Fred Blair said the timing of Hicks’ proposal could not have been worse,” and “Blair said the implication was clear that Hicks was reacting to the proposed South Dallas name changes,” reported the *Dallas Morning News* in the article. Hicks denied Blair’s assertion of the motivation of the name change policy.

The *Dallas Morning News* also reported:

City Council member Elsie Faye Heggins complained the new policy would squelch any attempt to find other streets in Dallas that might be named for blacks.

There were some other interesting aspects to this. Goldblatt rejected Hicks’ proposal and in the article’s description of Goldblatt’s complain we learn other aspects of Hicks’ proposal. As reported:

Goldblatt said the new guidelines were “cluttered” with side issues such as duplication of street names, confusion of name similarities and continuity of street identifications.

These are all elements in the Dallas City Code passed in 1988 concerning naming streets.

The City Plan Commission adopted a report, “Proposed Street Name Change Process and Policies,” on March 26, 1987 and it was passed unanimously Jan. 13, 1988 by the Dallas City Council and assigned Ordinance No. 19832. From the first page of city records it was moved by “Councilwoman Palmer” and seconded by “Councilman Bartos.” It was “unanimously adopted” but a note states that Lipscomb was absent when vote taken.<sup>11</sup>

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<sup>11</sup> City Secretary Index No. 88-0275, assigned ordinance No. 19832, was Agenda item 65 at City council meeting. Passed January 13, 1988. It was an Ordinance amending Chapters 51 and 51-A of the Dallas Development Code establishing a Street Name and Name Change Process. I obtained it from microfiche supplied by the city archives.

It is not definitively known why the Dallas City Code was passed in 1988 and not earlier or later. Surely in 1981 and perhaps a couple years afterwards the position of Heggins made passing such an ordinance impossible.

However, very likely it was due to a couple factors. Heggins who had pointed out that the code proposals were to shut down renaming streets retired from politics in 1984.<sup>12</sup> Further the Dallas establishment would have realized that their methods to dilute and minimize the influence of minorities through the use of at-large seats was likely to be struck down by the federal courts. A little more than four months later, on 5/18/1988 Roy Williams would file in federal court a suit over how Dallas elected its city council.<sup>13</sup>

The code on renaming streets would be a way to undermine a potential federal court order to have the Dallas city council elected by districts. With the provision in the 1988 ordinance of either the City Plan Commission opposition or a protest by over 20% of the property owners on the street requiring three-quarters approval by the city council the renaming decision is nearly an at-large decision.

Also, it would be pernicious in that accountability for decisions on street naming could be undermined. In the case where the support for a street renaming was popular, just a small fraction of the city council would have to vote against it, and the rest could vote for the street renaming and then lament the city code.

A later restriction adopted in 1996 requiring submission by three city council persons, instead of just one also is contrary to the federal court order for district elections. The establishment of district elections was done to give citizens a voice, and in this code citizens elected representatives can't make an application without two other city council members. In this one thing their representation is in a multi-district, though not at large, it is not a single district.

It also allows city council members to privately reject proposed ordinances but not having to go on record as having done so.

To approve a U.S. Ambassador or a U.S. Supreme Court nominee the U.S. Senate merely has to approve by a simple majority. Two-thirds is required of the U.S. House and Senate to submit a constitutional amendment to the states for ratification.

However, to rename a street in Dallas you need three-quarters the same fraction required of states approving an amendment to the U.S. Constitution.

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<sup>12</sup> Davis, Camille, "Heggins, Elsie Faye," Texas State Historical Association Handbook," online <https://tshaonline.org/handbook/online/articles/fhe94>, printed out 8/26/2018.

<sup>13</sup> No author, "Dallas Man Challenging Council Election System," *DMN*, 5/25/1988, page 24A.



Tracking *Dallas Morning News* articles the next series of articles about controversial street names starts in 1992.<sup>14</sup>

The author has not found in the *Dallas Morning News* database reporting on the passage of the ordinance, but needs to do more research on this question. At the time of the passage of the ordinance the city was still under the old system with at-large representatives.

#### REVIEW OF THE 1988 ORDINANCE ON STREET NAMING

The ordinance No. 19832 added a new section to the Dallas City Code 51-9.300 and 51A-9.300 with the ordinance and review of it shows that it is designed to block street name changing in obvious and subtle ways.

Section 9.301 concerns itself with definitions of terms. Two items of interest in the ordinance is the definition of Historic Street Name and what a Local Official is.

9.301 (4) HISTORIC STREET NAME means a street name that commemorates:

- (A) a person who significantly contributed to the cultural, economic, social, religious, or political heritage of the city;
- (B) a site or area where there occurred historic events which significantly contributed to the cultural, economic, social, religious, or political heritage of the city; or
- (C) a person or family founding or traditionally associated with the area where the street is located.

With these expansive definitions every street named after someone is essentially a historic street name, and every street name that has a presence in social memory is historic. What street is so dull and uneventful that no one has any memory associated with it that can't be called significant or contributing to heritage if five or ten years old?

Another section in the ordinance working in conjunction with this definition essentially implements Goldblatt's request to forbid naming of streets more than ten years old.

9.301 (6) LOCAL OFFICIAL means an elected official serving the city of Dallas or any county or political district a portion of which is located in the City of Dallas.

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<sup>14</sup> Wade, Norma Adams, "Street renaming sought – Group want to honor Malcolm X," Metro South Bureau of the *DMN*, 5/16/1992, page 31A, is the earliest article I have found in the *DMN*, as of 8/23/2018.

This means a Dallas County elected official would be included and very likely other elected officials besides Dallas city council members.

Section 9.302 is for General Provision.

9.302 (b) A street name change application may be initiated only by:

- (1) an owner of property abutting the street;
- (2) the director or his assignee of a department of the City of Dallas; or
- (3) a local official.

Though the streets are owned, regulated, and maintained by the city of Dallas and they are used by the general public, are listed on maps, and represent a statement of values of the city of Dallas, the general public can't initiate the streets. Every street is sort of a part of a gated community instead. This is one element where people on property abutting the street are made a landed class with privileges over others and are given special claims on the street. This is part of the city promoting an ideology of privileging these property owners, who may or may not be residents in Dallas, over other Dallas residents.

9.303

An application for street name change must be filed with the subdivision administrator or the department of planning and development on an application form furnished by the department of planning and development. The application must include the following:

- (1) The application fee.
- (2) A statement of the reasons supporting a street name change.
- (3) The existing and proposed street names.
- (4) The roadway's status as a major roadway or a minor roadway.
- (5) For all applications except those made by the director or his designee of a department of the City of Dallas or a local official, a petition indicating that at least 51 percent of the owners of all lots abutting the street favor the name change.
- (6) A site plan showing the location of the street.

This has some road blocks. Surely the city knows whether a road way is a major or minor roadway. Though it may be an easy task for a city staffer to get the information, for a citizen not involved routinely with city records this could be a non-trivial task. The implication since the citizen is asked to supply this information is that it isn't a task so trivial that the city staff could look this up themselves.

The requirement for a site plan showing the location of the street is also a road block. Presumably the city already knows where its streets are. Getting a site plan requires

getting someone with the technical knowledge and ability to make one which likely involves some cost. The citizen is tasked to locate this talent and pay for it. Again since it is being asked of the citizen to supply it the implication is that this isn't a trivial task for Dallas city staff to find out for themselves. How necessary this information is or why it is needed, it open to question also.

Again, the petition of 51% of the persons with property abutting the street for which it is proposed to rename, is again the creation of a landed class with special privileges.

There have been instances where residents on a street have been against their street name, when the name is considered undesirable. Home owners living on Humpty-Dumpty street wanted their name changed as well as those on Hi Hat Drive.<sup>15</sup> Prior to World War II, Lindbergh Boulevard was changed because former aviator hero Charles Lindbergh's opposition to World War II entry by the United States.<sup>16</sup> Those living on Orphan Street petitioned to have their street name changed.<sup>17</sup> Jimtown Road was changed to Clarendon because businesses along the road demanded it.<sup>18</sup> During World War I Germania Street was changed to Liberty Street.<sup>19</sup>

#### 9.304 STANDARDS FOR STREET NAMES AND STREET NAME CHANGES

(a) In general.

(3) If all the standards in this section are met, a roadway that extends into the City of Dallas from a contiguous municipality must adopt the street name given the street by the contiguous municipality.

This means road that run into the likely white suburbs of Dallas are precluded from being renamed unless the suburb would be inclined to rename the same street after a civil rights leader. It essentially removes many prominent streets from being renamed.

(b) Historic street names.

(1) A historic street name may not be changed.

This in conjunction with the definition of what a historic street name might be essentially precludes just about every street for one reason or another.

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<sup>15</sup> No author, "Street Name Subjected to A Great Fall," *DMN*, 8/26/1954, pp. 1.

<sup>16</sup> No author, "Most Lindbergh Boulevard Dwellers Favor Changing Street's Name, Poll Shows," *DMN*, 8/8/1940, pp. 1. Since Charles Lindbergh was opposed to U.S. entry into World War II there was ferocious opposition to the street being named after him and several articles on the topic in the *DMN*.

<sup>17</sup> No author, "Want Street Name Changed," *DMN*, 8/25/1911, pp. 4.

<sup>18</sup> No author, "Name of Jimtown Road Changed to Clarendon in First Official Vote," *DMN*, 7/16/1931, pp. 10. Tatum, Walter J. "Letters to the Editor," *DMN*, 5/4/1931, pp. 10.

<sup>19</sup> No author, "Name of Germania Street is Changed to Liberty," *DMN*, pp. 16.

- (2) A street name commemorating person or a historic site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated.

This allows popular enthusiasm to be dampened.

### 9.305 REVIEW OF APPLICATION.

If the prior process steps hasn't stopped the effort, this section surely is designed to slow it down.

- (a) Within ten working days after receipt of a complete application for a street name change, the subdivision administrator shall request comment regarding the potential impacts of the name change on the operations of the following city departments and other affected entities:

The list is (1) Department of Street and Sanitation Services. (2) Finance Department. (3) Fire Department. (4) Planning and Development Department. (5) Police Department. (6) Public Works Department. (7) Transportation Department. (8) Water Utilities Department. (9) Contiguous municipalities if any property abutting the street is within the contiguous municipality. (10) Dallas County Historical Commission. (11) Dallas Power and Light Company. (12) Lone Star Gas Company. (13) Southwestern Bell Telephone Company. (14) U.S. Postal Service.

The need for some of these entities to review the application is obvious, such as the Transportation department might be in charge of knowing how many street signs would have to be changed. For other departments it might provide a notice so they will be prepared for the change. The police department will need to be aware that a street might be changed. In other cases it is not so clear that it needs to be reviewed. Lone Star Gas will flow regardless of the street address. What will they do except update billing addresses. Perhaps they are planning some project, and might benefit from advanced notice of a possible change. But the U.S. Postal Service likely has a standard answer for all street name changes.

This list might be bureaucratic thoroughness so that so that no one will be surprised and all possibilities will be covered, but a couple of items need close review.

Having a contiguous municipality in the review again places the naming of some streets in the hands of adjacent likely white suburbs. Though if section 9.304 (a) (4) precludes this, I am not sure why there is provision for this check.

The other concerning item is the Dallas County Historical Commission. Historical societies are typically of older white people and these societies and clubs are the interest groups driving the agenda of historical commissions. Usually appointees to the

commission are those supported by these societies and clubs and may well be members of these societies and clubs. They view the past with nostalgia and are not likely to be sympathetic to any renaming of any street that is much over ten years old.

This step to “request comment regarding the potential impacts of the name change on the operations of the following city departments and other affected entities,” is an invitation for the group, built into the application review to comment on the application. Since the Dallas County Historical Commission is charged to preserve history they are in a position to oppose the change as impacting their mission of historical preservation.

So the likely opponents of the street name change are built into the city code as the reviewers. The review by the Dallas County Historical Commission isn't restricted to just providing historical information and even if it was, it would be likely worded in such a matter to oppose the change.

#### 9.306 HEARING BEFORE THE CITY PLAN COMMISSION.

The city plan commission then advertises in the city papers notice of the hearing and also mail a written notice of the hearing to all the abutting property owners. This notice by itself of a planned change in the name of the street to abutting property owners in itself is not concerning. They have a somewhat more involvement, but in conjunction with another section in the hearing, it actually works that the city is organizing opposition to the street name change.

#### 9.307 HEARING BEFORE THE CITY COUNCIL.

(c) The favorable vote of three-fourths of all members of the city council is required if the city plan commission has recommended denial or if the owners of 20 percent of the property abutting the street oppose the name change.

This pernicious section does four things. One it creates a class of landowners with special privileges and empowers a small minority of abutting property landowners to exercise a near veto power over renaming the street. No provision is given for a situation where maybe 25% of the abutting property owners are for the change. It also asserts the idea that abutting property owners have the most important say in naming streets. It privileges them above everyone. It also asserts that the concern of street names belongs primarily and nearly entirely, given that only 20% is need to require three-quarters vote of the city council to approve, to the abutting property owners. It hands over the rights of naming the streets to a landowning class.

Two, it is a rejection of elected government. The city council could consider both inputs and act upon them accordingly. They might think the city plan commission is erroneous, they might see a need for the street name change for the greater good than a rejection by one-fifth of the abutting property owners. These two provisions enable the city council

to evade accountability also. One-quarter plus one of the city council members can vote against it, and the others can vote for the name change and then lament the rules required three-fourths. To confirm a candidate for the U.S. Supreme Court only requires 2/3rds of the Senate, as is the requirement for ambassadors and U.S. Cabinet positions in the Presidential administration. Overturning a presidential veto requires only two-thirds. However, for a street name change we have a requirement in excess of that three-quarters. This should tell you the dread of the Dallas establishment of losing control of the landscape is.

Third, it gives an unelected committee the effective control of street naming.

Fourth is a circumvention of possible future with district elections. If minorities can't be disempowered by at-large districts they can be disempowered by embedding in city code the requirement for super majorities giving a small white minority veto power over the decision to change names.

Perhaps the driving force this legislation was to forestall one possible effect of a possible future, which did come to pass of 14-1 (fourteen city council districts and one at-large mayor).

It might be of great significance that the entire Dallas City Code be reviewed for other instances where 14-1 is effectively nullified.

9.308 NOTIFICATION OF NAME CHANGE.

9.309 EFFECTIVE DATA OF NAME CHANGE.

These two sections deal with just the notification and date of change.

There is also a schedule of fees to change a name. Section 2 says that 51-105 will include fees for street renaming.

They are rather steep fees. There is a graduated scale to just start the application process.

Street Length	Amount
Less than 1/4 mile	\$500.00
Greater than 1/4 mile and less than 1/2 mile	\$700.00
Greater than 1/2 mile and less than 1 mile	\$900.00
If the street is equal to or greater than 1 mile	\$900.00 plus \$200.00 for each additional quarter mile.

So to file to change the name of a street two miles long will require \$1700.00 to start a process stacked against you and which you are likely to lose.

There are additional fees for signs and mast arms of \$75 and \$155 respectively.

Somewhat subtly the fee schedule working with other parts of the code provide a non-obvious but formidable barrier to renaming which will be discussed in the review of the final code.

## 1996 SNAP SHOT OF THE CODE CHANGES

I am somewhat constrained by discussing the changes since an important ordinance has not been found and I might have to start writing certified letters to get the text. The key ordinance appears to be No. 22224.

So I am going to discuss what the ordinance was during 1996 when ordinance No. 2224 has been passed.

The way the ordinance books used to be dated is that updates would be sent out with instructions of which pages to be pulled.

What you can see is that ordinances have been passed to significantly reduce the ability for street names to be changed and in one particular way to nearly block it.

### 9.301 DEFINITIONS

The critical thing in this section is that the term LOCAL OFFICIAL has vanished from this section and isn't used in any of the sections of 9.3. The importance of this will be apparent when discussing a subsequent sections.

### 9.302 GENERAL PROVISIONS

Only two specified departments in the city can propose a name change and only for safety.

However, **what is very critical**, is that now, a single elected official of the Dallas city area no longer can make an application. It will now require three city council members.

- (3) a city council member with concurrence by two other city council members  
or
- (4) the city plan commission by majority vote.

What this does is significantly reduce the types of elected officials that can make and application and also prevent an individual application.

Privately two city council members can refuse to be concurrent, but it is not of public record, and the city council members can give various reasons later why they didn't if the issue is raised before the public since it isn't on record.

With a single city council member required the issue could be brought up by a single elected official and other officials would have to take a stand on it. With three required all that is necessary is something promises to peel one city council person away. With the current system of election of city council members half of them at any one time are not eligible to run for re-election and will be considering their future careers.

### 9.303 APPLICATION

There is now a hardship exemption for fees, but how that is determined is not specified. It perhaps is put in to refute charges that fees are such that poorer or even middle class people can't make an application. Likely making such a claim would be arduous. In short it puts a façade over another barrier to name changing.

As mentioned earlier somewhat subtly the fee schedule working with other parts of the code provide a non-obvious but formidable barrier to renaming which will be discussed in the review of the final code.

Also, the city funds many cultural activities and takes care of monuments and graveyards of private origin at public expense, but street name changing, a relatively infinitesimal expense in the city budget is placed as a burden on the public and a sector of the public with the least ability to pay those fees.

So by 1996 the process is largely shutdown. When exactly this process got shutdown will require that the Dallas City Archives locate the lost ordinance No. 22224.

From 1993 to 1997 there was a very contentious debate over renaming a street Malcolm X, but until I find ordinance No. 22224 I can't locate this very significant tightening of the street renaming process in the historical timeline. Essentially the only way a street could be changed is that it became more painful to the establishment to have in the news night after night a ruckus over street renaming highlighting a white establishment with a racist agenda.

It would be imperative that there be news on it all the time at whatever cost. Good decorum would result in certain defeat.

### CURRENT CODE

The current code is largely the same. There are updates such in the review of the application they have "TXU Gas, or its successor."



Section 9.303 in 1996 has specific language as to which department took the application but in the current code there is just reference to a department without specifying it. Perhaps I had missed something in my reading.

What is interesting is that the city council can now ask for a waiver of the process by three-fourths of the city council members (9.304 (g)).

Any tightening of the process further would reveal what the intent of this section of the city code had been all along.

Somewhat subtly the fee schedule working with other parts of the code provide a non-obvious but formidable barrier to renaming which will be discussed in the review of the final code. The fee schedule requires a considerable amount of resources up front at the start of the street renaming process, yet towards the end there are obstacles which will make it very likely that three-quarters of a vote will be needed. There is the City Planning Commission, a non-elected body, likely to be biased against a renaming which is not supported or opposed by the Dallas establishment, whose rejection will require three-quarters of a vote. If just more than 20% of the property owners abutting the street file a protest against the street name change, it requires a three-quarters vote. That is a very easy threshold to reach since residents on a street usually oppose any street name change by an overwhelming margin.

What the total effect of these two parts of the code is to get parties that might have been interested in making a name change give up before even starting. They can see that they will have to put in a considerable amount of resources to start and that at some point there will be the requirement for a three-quarters vote for approval and they are not likely to get it. These two parts of the code not only block street renaming, but since people give up before making an application its operation to block renaming is not revealed.

The hardship exemption is not clear in its terms or how it might be determined. Likely a group of middle class persons would not qualify but they would face considerable fees and expenses which would be burdensome. This exemption largely services as an obscuring cover of this mechanism of blocking street renaming.

## REPEALING THE CODE

The code sets up a requirement of three city council members making an application to rename a street, and it will almost invariably require three-quarters of the Dallas City Council to rename a street under that code. However, it only takes one city council member to introduce a bill to repeal or amend the Dallas City code and only a majority to change the code.

There is a section 51A-9.102 titled Thoroughfare Plan Amendment Process which requires a fee paid to propose an amendment to the Thoroughfare Plan. This is a plan for the city and they are not taking about the city code itself. However, if this is some type of obstacle, changing the law is just a matter of a vote and if other sections besides 9.3 may have to go to democratize street renaming in Dallas they can be voted on also.

#### FURTHER RESEARCH

Just on this one question there are many items to be researched. Ordinance No. 22224 needs to be located to have the specific language and locate the passage in the flow of events. The code prior to ordinance No. 19832 needs to be located.

It remains to be seen if there was any reporting of the passage of No. 19832 in the press.

For the time line of events when Goldblatt and Hicks made their proposals for a process for street name changing the *Dallas Time Herald* microfilm needs to be looked into.