

# Fresno leaders to decide whether Confederate flag could ever fly over City Hall

The Fresno City Council president vows the Confederate battle flag will never legally fly over Fresno City Hall.

Not that it's ever likely to happen. Not that it's ever happened as far as City Hall veterans can recall.

Council President Oliver Baines on Thursday is proposing a law that would prohibit the city from displaying or selling the Confederate battle flag.

The law would not apply to private organizations or individuals.

California lawmakers last year passed a similar law that applies to state government agencies. The Confederate flag on South Carolina's State House grounds was recently removed.

Baines' proposal comes about a month after the murders of nine African Americans at a historic black church in Charleston, South Carolina. Authorities have called it a racist attack.

Photos have emerged of the suspect, Dylann Storm Roof, posing with a Confederate flag.

Baines said the tragedy in South Carolina is the driving force behind his proposal.

The tragedy "has broadened into a national discussion of what the flag means," Baines said. "When we looked into the issue here, we realized there was no ordinance that would disallow us to fly the Confederate flag on government property. We wanted to make sure we were taking the right posture with the national mood and also to make sure that it never happens here."

Baines said he has no doubt about the flag's intended message.

To say that a symbol of hate and rebellion to this country should not exist on government is really not a controversial issue.

Fresno City Council President Oliver Baines

"It's the symbol of hate," Baines said. "There's no other reason for that flag to exist other than the promotion of slavery."

The one-page proposed law opens much like a proclamation, each of three statements beginning with "whereas." The proposal notes that the battle flag of the Confederacy "symbolizes Southern pride to some, but is seen by many as a symbol of racism and hatred."

The city of Fresno, the proposal states, "desires to honor the victims of the mass shooting in Charleston, South Carolina."

The final "whereas" notes that the state of California and many organizations have already banned the sale or display of the Confederate flag.

Then comes the proposed law: "The City of Fresno may not display or sell the Battle Flag of the Confederacy, also referred to as the Stars and Bars, or any similar image, or tangible personal property inscribed with such an image, unless the image appears in a book, digital medium, or city museum that serves an educational or historical purpose."

The proposal, should it pass, would go to Mayor Ashley Swearengin's desk for signature or veto. A veto would be subject to a possible council override vote.

The law would become effective one month after final passage.

The proposed law's reference to "City of Fresno" caused confusion in some corners of City Hall. Does this mean the city's 515,000 people and all of the day-to-day living that goes on within its 110 square miles? Or does this mean the city of Fresno as a "municipal corporation," a term often used by city officials when they want to be precise about the scope of a legal action?

City Attorney Doug Sloan said "City of Fresno" refers only to the municipal corporation — in other words, the actions of city employees as part of their official duty.

Officials said a city employee may not display the Confederate flag on his desk at City Hall. But that employee is free to display the Confederate flag in his home.

Sloan said the proposal is "an internal policy."

Council Member Lee Brand identified four questions:

- Has the sale and display of the Confederate battle flag by city officials on city property been a problem?
- Why turn a city policy into law?
- Is debate on this proposal destined to paint anyone who thinks it simply unwise policy as racist?
- If city policy is to use its municipal code to de-legitimize the public display of offensive symbols, why stop with the Confederate battle flag?

Brand, who has been on the council for nearly seven years, said he can't recall City Hall or its employees ever being engaged in selling or displaying the Confederate flag as official policy.

Brand said City Hall's empathy for victims of the Charleston tragedy and support for survivors and their families may be best done with a proclamation.

He said strong emotions and social pressure could smother sincere debate: "How do you vote no on this?"

You get on a slippery slope very quickly.

Council Member Lee Brand on whether Fresno should ban symbols of oppression and hatred

Brand said City Hall's commitment to equity for all in Fresno's diverse population means the council may have to take official stands on other controversies involving symbols of alleged hate or oppression.

"I have the highest regard for Oliver's judgment and integrity," Brand said. "But I don't know what this solves. Where do you start and where do you end?"

In light of the South Carolina shootings, Council Member Esmeralda Soria said, "it is appropriate that the city of Fresno also honor the victims by banning the display or sale of the Confederate flag or its image. I see a place for the flag in a museum as an educational tool or for historical purposes only."

Baines said he, too, has never heard of City Hall selling or officially displaying the Confederate flag. But, he added, that's irrelevant to his basic point: Let's make sure by putting the prohibition in a law.

Baines said the "proper way" to handle the ban and City Hall's desire to honor the Charleston victims is through a law,

not a proclamation.

Baines said he's second to none in his love of a sharp debate. At the same time, he said, "it will matter what the words are" when the public reviews his proposal.

Baines said the Civil War and the end of slavery make the Confederate flag an especially potent symbol in American history. For that reason, he said, the flag's legal status in the eyes of Fresno's elected leaders merits a debate all by itself.

But, Baines added, maybe city officials at a later date should renew a debate on symbols that allegedly trumpet hate and oppression.

"Why does it have to end?" Baines said.

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