

AMERICAN UNIVERSITY RADIO WAMU 88.5 FM

THE KOJO NNAMDI SHOW

D.C. POLITICS HOUR WITH KOJO AND JONETTA

FRIDAY, MAY 4, 2007

GUESTS

JONETTA ROSE BARRAS
WAMU resident political analyst
and columnist for *The Examiner*.

ELLEN OPPER-WEINER
Member, Eastern Market Community Advisory Committee

ROBIN THORNER
Managing Attorney, University Legal Services

DISCLAIMER

Transcripts of WAMU programs are available for personal use. To purchase a transcript, please order online at www.softscribellc.com or call 1-800-871-7072. Transcripts are created by a contractor for WAMU, and WAMU has not verified their accuracy. Transcripts are provided "As Is" without warranties of any kind, either express or implied. WAMU does not warrant that the transcript is error-free. For all WAMU programs, the broadcast audio should be considered the authoritative version.

Transcripts are owned by WAMU 88.5 FM American University Radio and are protected by laws in both the United States and international law. You may not sell or modify transcripts or reproduce, display, distribute, or otherwise use the transcript, in whole or in part, in any way for any public or commercial purpose without the express written permission of WAMU. All requests for uses beyond personal and noncommercial use should be referred to (202) 885-1200.

Transcripts are prepared by Soft Scribe LLC, which takes sole responsibility for accuracy of transcription. No license is granted to the user of this material by Soft Scribe LLC. All license rights reside with WAMU 88.5 American Public Radio. Media representatives should contact WAMU at (202) 885-1200 for questions related to the transcript. You agree to indemnify, defend, and hold harmless Soft Scribe LLC., its officers, directors, and employees from and against any liability, loss or damage (including attorney's fees) caused by or arising from your use of the transcript.

Online streaming of the program you are about to hear is made possible by WAMU members. If you are not a member of WAMU, we hope you'll consider joining today. Your support will help keep our signal on the air and on the Internet. You can purchase compact discs and cassette copies of this program and many other programs you hear on WAMU. Go to www.wamu.org and click on programs.

D.C. POLITICS HOUR WITH KOJO AND JONETTA

12:06 p.m.

MR. NNAMDI: From WAMU 88.5 at American University in Washington, welcome to the *D.C. Politics hour with Kojo and Jonetta* where we will be discussing this week's special elections, the fires at the Georgetown Library and Eastern market and renovation proposals that's going on at St. Elizabeth's Hospital, proposals to cut taxes and install toll booths into the city and (inaudible) at emergency medical services, the results of the death of former *New York Times* reporter David Rosenbaum. We will be asking you to join the conversation by calling 800-433-8850 or sending e-mail to kojo@wamu.org, but there are a few topics I would like to discuss with our resident political analyst and columnist for *The Examiner* newspaper, Jonetta Rose Barras. Before we get to those other issues, Jonetta, good to see you again.

MS. BARRAS: Good to see you.

MR. NNAMDI: Let's share the conversation we were just having before we got on the air because with all of the hoopla surrounding the visit of Queen Elizabeth, II, and the protocol surrounding that hoopla, we remember because you covered this story back in 1991 of Alice Frazier, when the Queen went out to Marshall Heights in South East Washington, tell us about it.

MS. BARRAS: And it was quite a treat because Ms. Frazier who was just a grandmotherly-type person actually hugged the Queen, because the Queen was going through this development. It was a new development, affordable housing that the Marshall Heights Community Development Corporation had been responsible for constructing and so the Queen went into a couple of the houses. Ms. Frazier's house was one of the houses, and she actually grabbed the Queen around her arms --

MR. NNAMDI: After offering her some French salad and fried chicken.

MS. BARRAS: French salad and fried chicken which you know is famous for us African Americans as a special treat. So she -- everyone was like, oh no, she didn't --

MR. NNAMDI: Gave the Queen her --

MS. BARRAS: -- and Ms. Frazier didn't think anything of it because that's just the way she is and the Queen didn't, you know, wasn't aghast or anything like that. She just responded with a smile.

MR. NNAMDI: Only in Washington. Wikipedia says that was only the fourth time in history that the protocol has been violated. You know, last night, I was MC'ing a function for the campaign for tobacco free kids. They were honoring their youth advocates of the year, and one of the awards they were giving, that champion award went to Mayor Adrian Fenty who as a city councilmember had introduced legislation to --

MS. BARRAS: Oh, don't remind me.

MR. NNAMDI: -- make the city smoke-free and the city is now smoke-free of course for the last 123 days.

(Laughter)

MR. NNAMDI: As a matter of fact, Jonetta doesn't smoke, but she was against that piece of legislation.

MS. BARRAS: Don't remind me.

MR. NNAMDI: I say all that to say that the Mayor was in -- on Capitol Hill in the wee hours of the morning after the Eastern Market fire. He was at the Georgetown Library right after that fire. He was there. Now, you're an investigative reporter, and so I'd like you to investigate this for me. The secret for me lies in the revelation that the Mayor no longer uses one Blackberry. He now uses two Blackberries. My hypothesis is that there are two Mayors. That Agent Fenty really has a twin who makes it possible for him to be in two places at the same time. What do you think?

MS. BARRAS: I think the closest twin would probably be Phil Fenty, and I think we'd know because Phil Fenty is a bit older than the Mayor, so -- but I do think David Nakamura's piece today in the *Washington Post* kind of sums up the kind of rigorous schedule that Mayor Fenty continues to keep even at this stage in his -- it is still early but I mean, he was elected already, so -- but he has

made a commitment to stay in the community to be present, to be involved. This is what people really elected him for because they did not -- many people complained about the fact that Mayor Anthony Williams was a little bit remote and distant. I certainly didn't feel that way about him, but other people did and so now they have got a new Mayor who is really involved hands on 24/7, exactly like he was as a councilmember.

MR. NNAMDI: Well, I think that he has a twin and that there are two Adrian Fentys. That's why he had to get a second Blackberry. Tell me if you have spotted Agent Fenty's --

MS. BARRAS: If I spot --

MR. NNAMDI: -- some place when he was reported to be some place else, we will know this for sure. 800-433-8850 is the number for you Fenty spotters out there. You can also send us e-mail to kojo@wamu.org.

If you're a commute from Virginia or Maryland, the City wants you to open your wallet, but if you're a resident, the city wants to give you your money back. Is that unfair Jonetta or just a sign of politicians watching out for their constituents?

MS. BARRAS: Well, I think it certainly is a kind of schizophrenia and you're wondering what's happening on the one hand, Marion Barry and group Kwame Brown and Harry Thomas, councilmembers introduced the tollbooth legislation. I think that is a continuation of the angst that or the anger more than angst, anger that councilmembers and others in the City continue to have over the fact that the City cannot tax income at its source, meaning they can't tax people who live in the suburbs and actually work in the district. And so this is another way to get that commuter taxed. It is not going to work. It is interesting that it would come as you say Kojo at a time when the Council is deliberating right now as we speak tax relief for district residents by capping or proposing to cap the property tax at 5 percent and a cut in the real estate tax -- I mean in the estate tax and also making another cut in that's the -- inheritance tax.

MR. NNAMDI: Correct.

MS. BARRAS: And so it's interesting that that would happen at the same time, and there are people who are complaining about what it is that Councilmember Jack Evans' committee, finance and revenue committee is attempting to do.

MR. NNAMDI: And Councilmember Jack Evans and his committee have to look at both of those bills. He joins us now by telephone. Jack Evans represents Ward 2, and he is the Chairman of the Finance and Revenue Committee of the D.C. City Council. Councilmember Evans, thank you for joining us.

MS. WARNER: I'm sorry, unfortunately Mr. Evans had to go to the Economic Development -- this is a staffer.

(Laughter)

MR. NNAMDI: Okay, and who am I speaking with?

MS. WARNER: My name is Ruth Warner, I'm a staffer for Councilmember Evans.

MR. NNAMDI: Ruth Warner, tell us a little bit about how Councilmember Evans is likely to look at these two bills. First, the one that would establish a cut in the real estate taxes, that would cap increases on owner-occupied real estate taxes to 5 percent a year starting next year.

MS. WARNER: Yes, well, I know, you already said this. This is included in his report -- I'm sorry, the Committee on Finance and Revenue's report and it's linkage I guess to the calculated rate and the proposal by the Mayor to hold the calculated rate at I believe at \$0.86.

MR. NNAMDI: Okay, well, we'll have to see if later in the broadcast we can get the Councilmember himself, but thank you very much for filling in for him.

MS. WARNER: Yes, sorry about that.

MR. NNAMDI: Oh, that's alright.

MS. BARRAS: What she's talking about, Kojo, is that the Mayor himself has proposed to reduce the tax rate to \$0.20 -- to \$0.86 and there is fear that by reducing the

tax rate on home owners, property tax could still go up depending on what the market is. It could still be rather high. And so what they have proposed here is to cap it at 5 percent, so that would kind of keep it in the safe range. Now, there are people like the Fiscal Policy Institute, Ed Lazere --

MR. NNAMDI: Ed Lazere.

MS. BARRAS: -- has said we don't need to cap it. You know, let's just leave it like it is, the 5 percent would only -- the cap that they are talking about -- the 5 percent will only benefit the rich. Well, you know, this is the argument that Ed Lazere made with the first cap. And his argument is that, you know, you have wealthy property owners, and they're the ones who are really going to benefit by this cap. Well, that is true, but they are also the ones paying the highest property tax in many instances, so you -- I don't think you can get around that. The estate thing is to just re-couple the estate inheritance tax to what the Federal Government is doing.

MR. NNAMDI: They would increase the amount of money exempt from estate taxes from --

MS. BARRAS: Right.

MR. NNAMDI: -- \$1 million to \$3.5 million. I don't think there is as much objection to that, is there?

MS. BARRAS: There isn't objection to that although Ed Lazere says it's a small amount of people -- we don't need to go there. He has a problem with the property tax. The budget has been computed on the \$0.86 property tax rate, and so what Mr. Evans' committee has done is like approved it -- is proposing to approve it, but there will have to be money to fund that. There will also have to be money to fund the estate inheritance, because that's money that we have to find the money to replace. You know, when you give these tax cuts --

MR. NNAMDI: Hey --

MS. BARRAS: -- you have to also have money to pay for the tax cuts.

MR. NNAMDI: I just got an idea about that, toll booths.

MS. BARRAS: Toll booths, right.

MR. NNAMDI: So that people who are entering the city have to pay tolls. Now, it is clear that that is intended to raise revenue. It is being introduced by two freshmen City councilmembers Kwame Brown and Harry Thomas and a veteran, Marion Barry. However, they've got to know that regardless of whether or not people approve of this, Congress would never let it get by.

MS. BARRAS: Congress would never let it get by. In addition, it's the wrong time to do it. We are hoping for support of the suburban jurisdiction representatives in Congress on the changes to the Home Rule Charter that would give them their takeover of the school to give them their control of the schools. We are also hoping for the support of the suburban jurisdictions when it comes to the D.C. voting rights. This is not the time to create -- to agitate your allies.

MR. NNAMDI: Well, one question, I have District of Columbia plates, license plates on my car. I live in the District of Columbia. Does this also mean that if I go out of town to the suburbs and I'm coming back, I also have to pay the toll?

MS. BARRAS: They were kind of thinking as they were on the run with this one and I think what they've said is that it would also, there would be some kind of exemption for district residents, and that -- then you're really running into problems, so I don't think this is going to go anywhere. I'm certain that Mr. Evans will probably have hearings, but it will probably not go anywhere in his committee. I don't expect that it will have the necessary votes, although it does have a decent number of supporters. I do not think that it will go anywhere with respect to the council action.

MR. NNAMDI: The advantages of having your car registered in several different jurisdictions --

MS. BARRAS: That's right.

(Laughter)

MR. NNAMDI: If you think there should be a cap on real estate taxes, you can call us 800-433-8850, whether you think there should or should not be toll booths coming into the city. You can also call us or send e-mail to kojo@wamu.org. Jonetta, no sprinklers, historic building, overdue renovations, sounds like a recipe for disaster, and while hindsight maybe 20/20, shouldn't the City have felt maybe a little more urgency when it came to renovations at Eastern market?

MS. BARRAS: I think that there was a sense of urgency, but there was also a great amount of politicking going on, and Kojo, I remember, Eastern market and the discussions about renovating Eastern market. I was a reporter for the *Washington Times* -- a daily reporter for the *Washington Times* when they first began, and then I moved over and became a writer for *The City Paper*, and they were still going on, and now, I'm a columnist with *The Examiner* and they're still going on. We might want to thank the fact that there has been a fire, the benefit of the fire is that there will be no more talking about renovations, and the politicking will not be the dynamic that decides whether it gets done or not. I think everybody now is on the same page that we need to do it, and we need to do it fast.

MR. NNAMDI: Well, if you've been around for a while and it's been going on, you should know that Robin Thorner has been living on Capitol Hill for some 29 years -- I'm sorry, what I'm thinking about --

MS. BARRAS: About -- you mean, Ellen Oppen-Weiner, yeah.

MR. NNAMDI: Ellen Oppen-Weiner has been living on the Hill for 29 years, and that she is a member of the Eastern market Community Advisory Committee. She joins us now by telephone. Ellen Oppen-Weiner, thank you very much for joining us.

MS. OPPEN-WEINER: Thank you for having me.

MR. NNAMDI: Well, what is your own take on why the renovations at Eastern Market took so long to happen?

MS. OPPER-WEINER: Well, I think the Eastern Market Community Advisory Committee was formed in 1999, and we did begin to work to -- our role is to advise the Office of Property Management and the management -- and I think that there has been a lot of effort but an awful lot of talk. And we finally did have a plan in place. We do have a plan. That's the irony. So the only good thing -- news, frankly is that we didn't do all these repairs before the fire happened.

MR. NNAMDI: But the fact that you have a plan in place will now be I guess hastened by the fire and the renovation that's necessary. It's my understanding that there was still some bickering going on over the plan before the fire occurred.

MS. OPPER-WEINER: Well, I think -- we had just approved it at our last meeting. The Eastern Market Community Advisory Committee did approve it, and we were getting set to go forward. The City had gotten a plan in place that people agreed to.

MR. NNAMDI: And that's the plan that you think will be going forward now?

MS. OPPER-WEINER: Well, I suspect it has to be changed. We obviously need a whole -- we need a roof, and to also deal with all of the interior damage which is I think a total wipeout in the South Hall from what I understand, and there needs to be questions of whether the structure of the building is sound to go forward in any case.

MS. BARRAS: Now, the South Hall is where -- essentially for people who don't know Eastern Market on Capitol Hill with a historic structure, but the South Hall is where all the vendors were, the food vendors --

MS. OPPER-WEINER: The food merchants, yes.

MS. BARRAS: -- the deli eats and all of that, and the North Hall is where the Market 5 Gallery is.

MS. OPPER-WEINER: That is right.

MS. BARRAS: The thing, though Kojo is despite the fact that this committee has now -- now has a plan, the

question is where the money will come for the plan as you know the Mayor has essentially said we're going to take the surplus, and my understanding is that someone from Dr. Gandhi's office has kind of intimated to councilmembers and to the Mayor that the revenue collection is outpacing the previous projection, and so there will be some money. But there will be a battle over that money because there are some councilmembers who are laying in the cut, who have programs that they want to have funded in their neighborhoods or just general programs, youth programs, that they want to see funded, so there's going to be a fight over that extra revenue that's going to be announced next week, probably as early as Tuesday.

MR. NNAMDI: Ellen Opper-Weiner can you tell us a little bit about what the plan on the table was before the fire occurred?

MS. OPPER-WEINER: Well, it was do the upgrades, the electrical upgrades, the full fire suppression system, to install air conditioning, I believe, to deal with the -- there was a skylight that we've been talking about for an awfully long time, the downspouts and gutters. Really, very basic important things. We only had about \$2.5 million in the capital budget to work with, and so this very carefully worked on plan over many years was finally coming to fruition. So I don't know where the money is going to come from.

Clearly, the Mayor and our councilmember and Congresswoman Norton who is a regular customer and neighbor, all have really worked so hard and are beginning to try to figure out a way that we can get the money we need. You know, this is the center of the neighborhood, Eastern Market, I feel like we are -- I walk by and it's like going to a wake. We're all kind of in shock.

MR. NNAMDI: Well, allow me to say that they may not be the case for long. Here's this e-mail we got from Peter at Eastern Market, who writes "Amidst your discussion of the response, please let everyone know that the Eastern Market family is committed to returning to normal operations as quickly as possible. Several of the vendors will be out this weekend while a temporary solution for space is decided on and market day will take place as usual. I am not a fan of the Mayor since he often mistakes motion for action, but wish to applaud his work in this

case and also cite a new Ward 6 Councilmember Tommy Wells, who was onsite at 2:00 a.m. this past Sunday. Everyone I have spoken with from the market, thanks them for the hard work, supports their efforts to fix this, and calls for them to keep at it until the job is done." My question Ellen Oppen-Weiner is whether the nature of the job is now likely to change? I am hearing all kinds of wild speculation about what people feel that Eastern Market should be looking like in the future, so your plan may not be --

MS. BARRAS: The plan.

MR. NNAMDI: -- the plan.

MS. OPPER-WEINER: Let me say this. The legislation that was passed by the Council in 1998 was to keep the market as it is. The kind of market in structure and in combination, family-owned businesses, to preserve what we have had there, very special, very humane place. Where -- it's a center of our neighborhood. What has to happen actually even first, is to get the South Hall Merchants, the food merchants, the mainstay of the market back in business. And the Mayor's people are working with lightening speed to set up some kind of temporary structure, either at Hine Junior High School or Eastern Market Plaza in order to get them back in business in the very near future.

So that is like a priority. The second will be to figure out the kind of damage that was done and what is needed to bring the market back. And I think the commitment is there. I think that the -- you know, the market also serves as an economic engine for the whole neighborhood. So, it's not just affecting the people that work and live at the market, but it is also affecting all the surrounding business, and so I think, you know, we almost -- the energy -- there was fund raiser for example this week, where I understand over \$30,000 raised from community residents to help assist the businesses working in conjunction with the city to try to help them get through this very difficult time.

We don't want any of them to go out of business. We would like to see the market begin to start to function. This weekend, it will be open -- most of the South Hall merchants will be unable to be in business but anyone who

wanted to go back out on the sidewalk and sell will be given that opportunity. So I think the commitment is to bring it back as quickly as we can in some form and then work on the more important thing in terms of the long-term which is restoring that building.

MR. NNAMDI: If you have a question or comment about Eastern Market or for that matter the Georgetown Library, you can call us 800-433-8850.

MS. BARRAS: One other things, Kojo, is that when you asked Ms. Opper-Weiner about the plan, if you reopened this, which may very well happen as you look at well, we need to adjust the plan and that adjustment then will engage the people who actually have operated -- the merchants there and aspects of the community you are likely to bring together the same political dynamic that prevented the plan from being developed all this time and being approved all this time. And so there is a danger in how the adjustments to that plan are handled by the Fenty Administration and by the Eastern Market community group.

MR. NNAMDI: Ellen Opper-Weiner, thank you very much for joining us.

MS. OPPER-WEINER: Well, thank you so much.

MR. NNAMDI: Ellen Opper-Weiner is a member of the Eastern Market Community Advisory Committee. This is the D.C. Politics Hour with Kojo and Jonetta, our resident political analyst and columnist for *The Examiner* newspaper is Jonetta Rose Barras. We take your calls at 1-800-433-8850. Your e-mail you can send to kojo@wamu.org. Just quickly before we get off of Eastern Market, there's an e-mail from San in Washington who says "Both fires occurred not because of arson or an accident, but because both buildings failed to meet current safety codes and have basic sprinkler systems. This is such a no-brainer. How many more public buildings fail to meet the fire code?" The answer of course is we don't know.

MS. BARRAS: No, we don't know, and they are likely many. There was a reason though that was given by the head of the library Jenny Coopers that you want to be careful about having sprinkler systems in a historic library where you have documents that can be damaged by water, so a sprinkler system goes off at the slightest bit

of smoke or fire and you have damaged historical documents that are priceless and irreplaceable. And clearly, there has to be a balance that you seek -- that we seek. The question is do we have the money to -- we were renovating the -- the City was renovating the Georgetown library. Obviously, that renovation will now be much more expensive because you will have to deal with restoration of materials.

It would seem to me that as they begin to move that way, Kojo, they will have to think about how to protect those particular items that are irreplaceable. Those historic documents, maybe they shouldn't be stored here. I will tell you one thing, this is done is to make the City, everyone, not just the leadership, but make everyone keenly aware of the rich treasures there are in this city, and our need to begin to really focus on a preservation -- historic preservation program for our materials, for the District's materials.

MR. NNAMDI: And I think the first rich treasures they should start on preserving is you and me. Let's go to Sophia in Washington, D.C. You're on the air, go ahead please.

SOPHIA: Hi, I just wanted to share some information with you. Some friends and I have started a website. We live in the area, and it's called rebuildeasternmarket.com, and we all don't want to take any money from anyone, but we want to be able to get people who are interested in donating a way to find the different organizations that are collecting money.

MR. NNAMDI: Okay, well, thank you very much for sharing that information. It is called rebuildeasternmarket.com. We will check it out, and if it meets our approval, then we will have a link to your website for people who come to this broadcast. Thank you very much for sharing that with us.

This e-mail we got from Lisa who said "I love the idea of the toll to get into the City. Do not let Jonetta get timid now. Let the advertising campaigns begin, start the campaign right away. The mechanism of a toll -- a per use fee is elegant. No tracking down unpaid tickets or scofflaws who challenge the photographic evidence. Let the suburbs build the parking lots on their side of the border

for shuttle buses who left their wallets at home. I can smell the cleaner air now. Do I have finally have a reason to cheer Marion Barry?" I don't think so because Congress is not going to let them win this one.

MS. BARRAS: That's a fallacy. I think it's a fallacy to think that a toll booth will stop congestion. I mean, you look at New York. There are tolls to get into the City and right now, the Mayor is talking about a congestion fee similar to what was imposed in London. I think the better thing is to increase the parking fees for parking in downtown and certain areas of the City and to increase the tax -- to increase the amount of money people have to pay for tickets -- for parking tickets and that might be a better way to get at.

It's the same body of people that you would be impacting which is the -- you would impact the same body of people which is the commuters who come downtown, come for work and that kind of thing, and maybe it might keep cars off the street, but I'm not sure that it would do that.

MR. NNAMDI: On to David in Arlington, Virginia. David, you're on the air, go ahead please.

DAVID: First thing is that I'm -- I grew up on Capitol Hill even though I live in Wallington now, and I'm a regular -- like regular, I mean, like every Saturday, visitor to Eastern Market and I'm going to be there this Saturday just like I'm always there, and I want to do whatever I can to help the folks that I buy from every week to rebuild the businesses and keep on going, because I think it is a treasure for the whole -- not just the city but the for the whole region.

MR. NNAMDI: Would you still be coming every Saturday, if you had to pay a toll to get there?

MS. BARRAS: I was about to ask that Kojo.

DAVID: It would probably depend on how much the toll was.

MR. NNAMDI: This is true.

DAVID: There would be options for example if they did it cleverly and they allowed you -- one of the

transponders that you put on your windshield and where you could buy maybe -- a deal where you can buy like 10 trips, whatever amount --

MR. NNAMDI: Okay.

DAVID: -- as discount, that would be even better.

MR. NNAMDI: I see this is a serious Eastern Market fan.

MS. BARRAS: This sounds like David Kahn.

DAVID: I'm sorry.

MS. BARRAS: I said, you just sound David Kahn.

MR. NNAMDI: But it is not David Kahn. This David also wants to talk about a certain lawsuit against a certain dry cleaner, don't you?

DAVID: Yes, I do.

MR. NNAMDI: Please, please.

DAVID: I'm surprised, I'm surprised, you're not all over this.

MR. NNAMDI: Well, we actually were all over --

DAVID: This is outrageous.

MR. NNAMDI: We were all over it in the elevator on the way to the show --

MS. BARRAS: Exactly.

MR. NNAMDI: -- but we decided not to clog up the airwaves. I thought we'd be happy to let you do that.

DAVID: Well, for anyone who doesn't know, this Administrative Law Judge by the name of Mr. Roy Peterson who I guess -- what's not clear to me is that if he is actually a district employee or not, I couldn't discern that from the articles I read about this. Or if he's, you know, if he's part of another judicial system that gives --

that pays him --

MR. NNAMDI: A *Washington Post* editorial says he gets paid a \$100,000 a year.

DAVID: By somebody, I'm not sure exactly from the City or not, but he is --

MR. NNAMDI: Me either.

DAVID: -- suing this dry cleaner for having lost his pants for \$65 million, even though per the dry cleaner, apparently the contention is they've found the pants and that they've offered to settle numerous times with him, I think the last thing I heard was \$12,000, which is -- I don't know the whole thing -- and this is an administrative law judge, he's a judge.

MR. NNAMDI: I am thinking --

DAVID: I guess, this makes D.C. look like this complete laughing stock.

MR. NNAMDI: Will -- a couple of it --

DAVID: On the BBC, the people talking in Germany about this.

MR. NNAMDI: I don't think necessarily it makes D.C. look like a laughing stock.

MS. BARRAS: It makes him look like a laughing stock.

MR. NNAMDI: As a matter of fact, my response to the story was, now I know where to take my pants.

DAVID: If he's a D.C. employee, how on earth is he -- a judge in the District of Columbia, how is he still -- how does he --

MS. BARRAS: The judicial system actually comes under the federal government; that happened when we were bailed out in the 1990s, the federal government took over the judicial system and so that -- technically he's an employee of the federal government. But I will say this that he must really have been in love with those pants, Kojo. I mean, sometimes, you have an item of clothing that just -- you just feel its irreplaceable, you love it so

much and somebody just loses it or something happens to it, and you -- you just get enraged and can't --

MR. NNAMDI: He got to the point where the dry cleaner was willing to pay \$12,000 for the pants; that would have been it for me, that's going to be my new dry cleaner for that matter; \$12,000 every time they lose a pair of my pants, I'll be a millionaire. But I think, David, the notion that it makes the entire city look like a laughing stock is one that is invoked all too often, because ridiculous things happen and there are people who are, shall we say, idiosyncratic or nuts all over the place, and it doesn't seem to reflect on the cities that they happen to live in. Why the District --

DAVID: If he's not -- it needs to be very clear to people that if he's not a D.C. employee, you need to make clear to people that he's not, because the expectation is that if he is a D.C. employee, and he's an administrative law judge, and he's using this legal system this way, then somebody in the district government should come down on him.

MR. NNAMDI: Well, the *Washington Post* editorializes that his position as an administrative law judge should be scrutinized a lot more carefully in the wake of these apparently frivolous lawsuits that he has been filing and upping the ante on his dry cleaners, but David, thank you very much for your call.

This is the D.C. Politics Hour with Kojo and Jonetta. (800)433-8850 is the number to call. Here is Krystal in Washington, D.C., Krystal, you're on the air, go ahead please.

KRYSTAL: Hi, I wanted just a comment about the Eastern Market and Georgetown Library fires, and while I'm completely in support of renovating them and the city spending money to fix them, I just think it's kind of interesting that Fenty rushed to both fires and has promised to spend countless millions of dollars to renovate them, and there are libraries that have been closed for years waiting for renovation, other public buildings that are waiting for renovation. And it just seems to be an opportunity, not to question Fenty's motives, but it really seems like a opportunistic way for him to say we're going to throw all this money on these two buildings, when there's countless other buildings that people need in all parts of the city --

MR. NNAMDI: Well, Jonetta will respond, but we had the head of the City's library system on just a few weeks ago talking --

MS. BARRAS: Ginnie Cooper.

MR. NNAMDI: Ginnie Cooper talking about all of the plans for renovating all of the libraries that need renovation, and those plans, like the plan for Eastern Market are firmly in place.

MS. BARRAS: Well, let's just separate them. There is money for these libraries. Their -- the process has already begun for the libraries in terms of the renovations of some of these libraries that have been closed for several years. Many of the libraries now are open in temporary facilities, so we can forget that. The money was there, is there, the money was also there for the Georgetown renovation, which was already under way and now there will have to be more money applied for that.

There was -- as you heard, Ms. Opper-Weiner talk with us earlier about that, there was money for the Eastern Market renovation. So it's not as though the City is ignoring its facility and its infrastructure. These fires have caused the mayor to decide that he needs to add more money to the renovation of these, and I think that if you look at the capital budget which few people do, but if you go online and look at the capital budget you will find that the city is spending an enormous amount of money to replace and restore many of its facilities.

MR. NNAMDI: The city, you know, has a long track record of negligence toward vulnerable residents, at least according to the court records that we have access to. We talked last week about plans to reform the agency that serves disabled people today. We look at the city's hospital for people with mental illnesses; St. Elizabeths Hospital. Some of you may remember the University Legal Services filed suit against the District, back in 2005 over conditions at St. Elizabeth. Jonetta, for some people it would seem it has always been thus, at St. Elizabeths.

MS. BARRAS: St. Elizabeths was initially a federal hospital transferred to the district without any money to upgrade, without any money to even operate, okay, and so the city for many years had to kind of do this. I don't think the city has ever been made whole by the

federal government with respect to this transfer of a facility. So that's one thing.

The second thing is that there was never enough money to hire sufficient staff, experts, because it costs a lot of money to hire people who really know what the hell they're doing. We've been hiring people who seem to be good workers, but may be not so expert in this field. Now, the City has put in money under the Mayor Fenty. They've put in operational money. Previous to that, they put in money to build a new hospital, a new St. Elizabeth. I'm interesting in talking to your guests Kojo, because I believe that it's not even just about St. Elizabeth, but it's about a community wide network that is not there.

MR. NNAMDI: Guest, we have a guest?

MS. BARRAS: Yeah.

MR. NNAMDI: They keep sneaking people into the studio when I'm not looking, indeed. Robin Thorner is here, she is co-managing attorney with University Legal Services. We mentioned the suit that University Legal Services filed against the District over conditions at St. Elizabeth, so Robin Thorner, thank you very much for joining us.

MS. THORNER: Thank you for having me.

MR. NNAMDI: Has the city been moving post-haste on resolving this?

MS. THORNER: It certainly doesn't appear that way. Well, we have seen some minor improvements at the hospital over time. Unfortunately, conditions at the hospital remain essentially where they were more than two years ago when we filed this lawsuit, and it seems as if it's business as usual at the hospital.

MS. BARRAS: Well, you know, I'm in the odd position here of speaking on behalf of the administration. I do believe that Patrick Canavan, who was at the DCRA, is now the operations -- Director of Operations at St. Elizabeth, is -- really has said that he intends to make changes. He certainly submitted a letter to the *Washington Post* --

MR. NNAMDI: -- letter to the Washington Post last week.

MS. BARRAS: -- and I have to believe that the reason Patrick Canavan, who is a psychiatrist by training, I have to believe that he is actually interested, concerned, cares about this stuff, and will use the nearly \$9 million of new money that has been promised by the Fenty Administration to make some of the repairs that Ms. Thorner is talking about.

MR. NNAMDI: Well, let's talk about some of the things we have to -- they have to be doing, problems with staffing that Jonetta mentioned earlier. How would you evaluate the recruitment efforts so far, and what do they need to do?

MS. THORNER: Well, we haven't received all that much information about the hospital's recruitment efforts. But what we do know is that there's a very difficult challenge facing the district because the conditions of working at the hospital are so unfavorable that people simply don't want to work there, and from what I understand, from what experts have informed us, is that the pay isn't high enough to retain people to work in an environment where not only are patients in danger, but the staff are in danger as well. We complain a lot about patient on patient violence at the hospital, but the patient on staff violence is also a significant problem. This is an issue --

MR. NNAMDI: Well, the District makes the argument that University Legal Services, depending on anecdotal and largely unauthenticated evidence, how do you respond?

MS. THORNER: That's really a procedural dispute and nothing more. The District's response, rather than addressing the merits of our most recent filing, which was asking the court to finally make a ruling on the merits, on whether individuals' constitutional rights have been violated at the hospital. The District's response was to come back and make some procedural arguments, because frankly, it's going to be very difficult for them to respond to all of our claims and the evidence that supports the fact that the hospital remains unsafe and that the conditions are dangerous.

MS. BARRAS: And Kojo, let's be honest about this. The mental health administration, or the mental health programs administered by the government have all

been in disarray, poorly managed, and without sufficient funds. That's been going on for more than two decades. We can remember the lawsuit that was filed on the commission against the Commission of Mental health, the Commission of Mental Health went actually into receivership; the hospital was part of that whole system.

And so, you know, I take the lawyers, the legal point that lawyers try to make to keep the hospital out of receivership which is one of the issues right now is trying to maintain control over that piece of government's property or portfolio. But the fact is, Ms. Thorner is right, that there are serious problems here. One of the things that we forget Kojo is that Washington is both a city, a county and a state. There are no cities charged with running a state mental health hospital. We are charged, the district is running a state mental health hospital with city money, which is why you have Marion Barry and the CFO and a number of other people constantly going to the point of an imbalance in the financial structure, and that the fact is that the city doesn't have money to do the kinds of things that Ms. Thorner is talking about and that the City needs to do, but there is a question about how much money the federal government will kick in. The federal government has never carried its fair share of this particular service.

MR. NNAMDI: Is that a concern of yours at University Legal Services?

MS. THORNER: Actually, with all due respect, I think that the city does have a fair bit of money for mental health services, but we are very concerned about the way it has used those resources. There is a very large administrative budget for the Department of Mental Health. And I'm not sure that it's a question that the pot isn't smaller -- isn't big enough rather, but that the money isn't being used wisely, that there isn't long term planning and so what we see happen, particularly at the hospital is very crisis driven reactions to very unfortunate events, like the death that occurred in January of this year. We've seen some -- we think some positive changes, but they seem to be of course driven by what has been ruled a homicide by the medical examiner.

MR. NNAMDI: In deed, we have to look at that because if you think we're simply talking here about people not getting adequate care, we're talking about life and death because the most serious charge, as you pointed out

was that a staffer improperly restrained a patient in January, that patient later died of asphyxiation. You say that another patient has died under the hospital -- at the hospital recently, and you are still trying to determine whether that death was from natural causes or not, what happened?

MS. THORNER: That is correct, we have begun an investigation. Two weeks ago another patient died. From several sources, we have heard that there was some -- either misuse of medication or simply the negligent administration of medication which lead to the patient's death. And again, we are requesting records, we're trying to conduct an investigation and hope that we'll get that information shortly.

MS. BARRAS: You know, when you're in a situation like, I think the city is in, I think Ms. Thorner is right, there are -- there is money for mental health services. There isn't enough money, there isn't enough money to hire the kind of professionals that Ms. Thorner and others who have been engaged in mental health would like to see involved. There isn't enough money to quickly upgrade the facilities of the hospital the way she would like and others would like to have done, they've got to wait till 2009. And so while I think that there is an -- there is a recognition of the problem, the resolution of the problem isn't going to come quickly enough and it will have to come with sufficiently more money than the City currently has.

MR. NNAMDI: So it's clear that Patrick Canavan has a very difficult job ahead of him. What are you hoping that he will do, Robin Thorner?

MS. THORNER: Well, a number of things. I hope that he cannot only recruit very highly qualified staff to come and work at all levels, because as you may know, the hospital is understaffed across all disciplines, the psychiatrists, psychologists, nurses, social workers, I could go on. So there isn't just a question of hiring more bodies, but people who really understand what it means to provide active individualized psychiatric care.

We haven't really talked about the treatment that people go to St. Elizabeths to receive. And what we are not seeing is individualized treatment plans, behavior interventions for people who have problem behaviors, ways of addressing the actual underlying mental illness.

MR. NNAMDI: What are we seeing, in terms of treatment?

MS. THORNER: You see a lot of people sitting around. The hospital utilizes something called a treatment mall, where patients who are able to can go to a separate location and participate in various group activities. What the evidence from the District shows is that a lot of those group activities don't occur. They are led by people who do not have appropriate training to lead group therapy sessions, and they're again, not tailored. So a whole group of patients from one ward may go over to the treatment mall and sit in, in a series of group therapy sessions that really have no bearing on their particular issues and their needs in order to return to the community. Because --

MR. NNAMDI: What -- please go ahead.

MS. THORNER: That's ultimately, really what we want to see. We want to see people with mental illness, given the opportunities to recover, so that they can return to the community and live in the community with their friends and their families.

MS. BARRAS: You know, I hate to do this, because you know, when I go back, I was writing for the *Washington City* paper at the time when Elizabeth Jones --

MR. NNAMDI: You know a (inaudible).

MS. BARRAS: No, I get fired very quick, I get fired. But Elizabeth Jones was the court receiver for the commission on mental health at the time, I believe, and -- was not the receiver, but was one of the consultants that was brought in. St. Elizabeths was part of that package. They reportedly had brought in all these reforms and had a system and was focused, but the focus was Kojo, on getting people out into the community, okay, and so that's what they did. And now we have people like Ms. Thorner who are saying, okay, you got people in the community, but what about the people at St. Elizabeth, you know, so it's like you can't do wrong right, or you can't do right wrong, or whatever it is, and anyway, so the point is that you know, the city has attempted to respond, I think, to the mental health advocates, and each time it has been brought to you're not doing what you're supposed to do --

MR. NNAMDI: Well, is there a time line this time

around, Robin Thorner?

MS. THORNER: Well, it's all -- at the moment, it's up to the --

MR. NNAMDI: Do you feel the situation is in crisis, do you feel the situation --

MS. THORNER: The situation is in crisis, the situation has been in crisis since 2004, and 2005, when we filed the law suit. And people, if we continue to see people who are injured on a very routine basis, or people who die at the hands of the professional staff at the hospital, obviously, that is a crisis, but if I may, Jonetta, I just want to respond to that point --

MS. BARRAS: Please.

MS. THORNER: Because I think what the District has not done successfully is focused on the fact that the mental hospital and the community mental health system are not supposed to be treated as if they're in silos, they are part of a larger mental health system, and the way that the district has responded historically is to focus only on the institution or only on the community and that's simply an inappropriate way of looking at it.

People with mental illness should be in the community if they are able, but when they have psychiatric crisis, and they need more acute stabilization, they should be able to go to a hospital where they can get quality treatment in a quick manner, so that they can return quickly.

MS. BARRAS: I agree with you.

MR. NNAMDI: And finally this e-mail from Dale, who says, "The mental health delivery system has been a slow, sometimes fast train wreck since the Community Mental Health Act of 1976. We need to take responsibility for the mental health services and reform the ability to make involuntary commitments. Funding should be done on a regional basis, and the additional money needed to fully fund and managed St. Es, this is part of an unseen disinvestment in certain classes of populations including the mentally ill youth offenders and orphans," and I think everyone sitting around this table would --

MS. BARRAS: Would agree with that, yeah.

MR. NNAMDI: -- agree with this point, at this -- and hope that we can see some rapid movement on the part of Patrick Canavan, who by the way is a psychologist, who is now the head of St. Es, who's now in charge of St. Es.

MS. BARRAS: I said he was a psychiatrist and he's a psychologist.

MR. NNAMDI: Yeah, he's a psychologist. Robin Thorner, thank you very much for joining us.

MS. THORNER: Thank you so much for having me.

MR. NNAMDI: Robin Thorner is co-managing attorney with University Legal Services; you're listening to the D.C. Politics Hour with Kojo and Jonetta. Jonetta Rose Barras is our resident political analyst and columnist for *The Examiner* newspaper. Jonetta, what if they gave an election and nobody came, try as we may. We can't find a lot of big surprises to come out of Tuesday's elections. There are two issues I want to discuss here.

One of them is the -- in a way, this election being a test of wills between the Mayor and the Chairman of the City Council. The other is why is there such a low turnout in special elections? As a resident of Ward 4, I can say, I have never seen this many posters and yard signs for any election, ever in Ward 4, and yet we had a very low turnout, simply because there was -- there was not a citywide election or a presidential election taking place.

MS. BARRAS: Yeah, and I -- I mean it's been historically that way. People just don't get --

MR. NNAMDI: People spend more money this time?

MS. BARRAS: People just don't get excited about special elections, and I guess the reason is that, because next year, they're going to have to decide upon the same office of Ms. Muriel Bowser who won the Ward 4 council race will have to run again next year, as will Yvette Alexander who won the Ward 7 race, they are basically completing the unexpired term of Gray, of council chairman Vincent Gray, and of the Mayor Adrian Fenty. And so no one gets excited about that because they're going to see these people again next year, they're going to see candidates, opposition for the candidates next year.

MR. NNAMDI: Look here you voters out there, these 50 people or so who ran for these council seats and these school board seats participated in at least 10,000 forums, spent 25 gazillion dollars and only four of you show up at the polls, let this not happen again.

MS. BARRAS: No, Kojo, I think the more cogent argument here is that there were many people who died to give us the voting rights, to give us the right to vote. Many people who picketed in the street to give the city the right to vote for its own government, and that alone should be inspiration enough to get out and go to the poll every time there is an election, I think.

MR. NNAMDI: Well, the other issue that we raised here was that in Ward 4 the Mayor threw his support and his machine behind candidate Muriel Bower, she won. In ward 7, the chairman of the City Council, threw his support, and I don't know if he has a machine, but whatever, there is that he has --

MS. BARRAS: There is a machine.

MR. NNAMDI: He threw behind his candidate Yvette Alexander, and she won, what does this say?

MS. BARRAS: I think this says that they're -- right now its like what is it, I don't know chess, is it check or is it checkmate But the point is -- is that they're kind of even, it's a draw, between the two machines. They -- obviously Council Chairman Vincent Gray has a machine. He not only has a ward machine, he has a city wide machine, the same is Adrian Fenty. There has been talk, as you know, that Mr. Gray is interested in running for mayor; there is talk that Adrian Fenty will likely seek a second term, although he just got in the office.

MR. NNAMDI: Well, even though both of their candidates won, there was some suspicion in Ward 7 that Mayor Fenty was actually supporting a candidate in that ward, but that he was doing so surreptitiously.

MS. BARRAS: There was that conversation and I know that the Council Chairman was pretty annoyed that there was some support coming from the Fenty machine, but I will say once again, that Mr. Fenty did not publicly endorse Mr. Vandell for his position; the *Washington Post* did, but the Mayor did not. And so -- and to me, that is

the statement. I think Adrian Fenty has shown himself to speak up for what he believes in and what he doesn't believe in and who he's going to support and who he's not going to support.

And so while there were elements of his machine, that were -- because of relations, that worked with Mr. Vandell, I do not think he took his whole machine, certainly didn't take his key operatives to work for Mr. Vandell, and he could have done that obviously.

MR. NNAMDI: Round one, a draw.

MS. BARRAS: Round one, a draw.

MR. NNAMDI: Next year, round two, when the elections come around next year.

MS. BARRAS: Exactly.

MR. NNAMDI: -- we'll have to see how the mayor and the city council chairman position themselves. You know, it was Christmas in April for Jonetta on Monday with city officials saying, "You're fired," her favorite words, well, she's heard them so many times herself.

MS. BARRAS: Right.

MR. NNAMDI: You're fired, you're fired to the chief --

MS. BARRAS: I have only heard them twice in my life, thank you very much.

MR. NNAMDI: You're about to hear it again, not that I have that authority. But they said you're fired to the chief EMS and the death of *New York Times* reporter, David Rosenbaum, Fire Chief Dennis Rubin, holding a press conference, to announce that the ruling by the trial board in this case was too lenient, and I suspect that there would be a lot of public support for the fire chiefs on this, but --

MS. BARRAS: Oh, there certainly is public support. The mayor has supported him. I think probably a lot of people who have watched the fire and EMS service not provide the kind of quality care that they -- that they should be providing too to residents were happy to see that there is someone who came in, take charge and actually is

probably taking on the unions with his decision to fire one of the persons, the -- another person was put on suspension for a month and then there were three people who were found not guilty and so nothing will happen to them. But the one person who was actually fired was the prime responder, the key responder --

MR. NNAMDI: And actually, the fire chief increased the suspension of a second order from 84 hours to a 192 hours.

MS. BARRAS: True, that's about a month.

MR. NNAMDI: Is that a thorny problem legally, is it a thorny problem because of union involvement or is that a thorny problem because anybody who gets fired from the city poses a thorny problem?

MS. BARRAS: It's a thorny problem because, well, both of them really, but in this case, it's the union, the trial board. There is an agreement that the trial board -- I've been told by sources at the fire department that the agreement is that the trial board's decisions are final. And so in this case, the chief has asked and the mayor has agreed to overwrite those decisions, and Kojo, you're right. I am happy to see that people are now being held accountable for their failure to provide the service that taxpayers pay their hard earned money for.

MR. NNAMDI: Well, in deed we try to keep our elected officials and leaders accountable here on the D.C. Politics Hour with Kojo and Jonetta. The least they can do is to make city workers also accountable.

MS. BARRAS: Here, here.

MR. NNAMDI: Here's Jim in Washington, D.C., who might be answering a question that was raised earlier, Jim, you're on the air, go ahead please.

JIM: Yeah, Kojo, Jonetta, hi, Jim. If you're talking about that pant law suit --

MR. NNAMDI: Yes.

JIM: Jonetta made the comment that the administrative law judge would not be a D.C. employee.

MR. NNAMDI: Yes.

JIM: He is, he's not part of the court system; Jonetta said the court system is under the fed, she's absolutely right. But the administrative law system in town is not under the feds, it's a separate system that's in the administrative apparatus of the city and so he is a city employee, but you're right, Kojo, it should have no impact on this city, there are some jerks everywhere, right?

MS. BARRAS: Right.

MR. NNAMDI: I would think so Jim, thank you very much for your call.

MS. BARRAS: Thanks for correcting.

MR. NNAMDI: And I'm afraid that's about all the time we have. We can of course mentioned that Mayor Fenty has chosen Clark Ray as the new head of the Office of Community Relations and Services. He served as neighborhood services coordinator in the Office of Neighborhood Services from 2000 to 2004. He became director of External Affairs at the D.C. sports and entertainment commission in 2004. Of course he replaces Merrit Drucker, Fenty's former go to guy for constituent services.

MS. BARRAS: Mr. Ratts.

MR. NNAMDI: Well, Jonetta Rose Barras, thank you very much for joining us.