

## **ABSTRACT**

### **THE CLASH BETWEEN RACE AND POLITICS: MARION BARRY, THE DISTRICT OF COLUMBIA FINANCIAL CONTROL BOARD, AND THE FIGHT FOR HOME RULE**

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In 1995, the District of Columbia (DC) was insolvent. Marion Barry, who had just been elected mayor of Washington, DC for the fourth time was advised that D.C. faced a \$722 million deficit which DC was unable to finance. In addition, DC residents were not getting adequate public services like police, schools, trash pick-up and street repair. In response, Congress suspended “Home Rule”, the law which granted DC citizens the right to be governed by a mayor and a thirteen-member citizen-elected council. Instead, Congress empaneled the District of Columbia (DC) Financial Responsibility and Management Assistance Authority (Control Board), a five-member board appointed by the President to take control of the District’s governance. The Control Board stayed in place and Home Rule was suspended from 1995-2001. The Control Board rather than the elected officials had the authority to run the District’s government while leaving in place the mayor and the DC Council to implement the Control Board’s directives. The division between the authority to set policy and the executive function to implement that policy created a conflict of governing objectives between Marion Barry and the Control Board. In accordance with his Civil Rights background, Barry believed that the main purpose of DC government should be economic empowerment for DC’s Black citizens. The Control Board’s main objectives were to gain control of DC finances, cut unnecessary municipal costs and improve city services with the ultimate goal of attracting middle class residents to stabilize DC’s tax base. The resulting housing

boom and population growth led to gentrification which priced the less affluent residents, including many Black residents, out of DC. These dueling policy objectives benefitted some to the detriment of others, and vestiges of these competing policies survive today. This thesis, which is largely based upon interviews with key officials in Congress, the Control Board, the Clinton Administration and the DC government, contributes to the scholarly literature by viewing Barry, the Control Board and the fight for Home Rule through the lens of social and racial politics. The thesis concludes that while the Control Board saved Home Rule by putting the DC government back on a sustainable course, it is at best a temporary solution to a broken government. An unelected Control Board does not have either the capacity or the public support to resolve problems that cannot be separated from group identity politics. On the other hand, when Congress determines to intervene in DC governance, DC's citizens have little defense without voting representatives in Congress.

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OF COLUMBIA FINANCIAL CONTROL BOARD AND THE FIGHT FOR HOME  
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by

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Thesis submitted to the Faculty of the Graduate School of the  
University of Maryland, College Park in partial fulfillment  
of the requirements for the degree of  
Master of Arts  
2023

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## Acknowledgments

I owe a deep debt of gratitude to the many people who helped me to earn a master's degree in history. First, I thank my advisor, David Freund, who taught me that important events in history are often unintended consequences of policies and practices that were meant to have completely different outcomes. David Sicilia taught me that a historian stands on the shoulders of other scholars and, as a writer, both he and David Freund encouraged me to write like a historian and not like a lawyer. I also thank Alana Bevan and Katherine Baer, librarians at Holland & Knight and Shundra D. Lane, my assistant at Holland & Knight, who helped immeasurably in my research and oral history interviews. I also thank Dr. Judith Harris, my writing coach, who provided invaluable advice on this thesis. Finally, I thank my family who put up with me while I learned history as I supported the family and practiced law. I particularly thank Jonathan Horn who helped me with his technological skills.

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By Dennis M. Horn, MSc, JD

December 6, 2023

## Introduction

In January of 1995, Marion Barry was inaugurated as mayor of Washington, D.C. (DC), surrounded by over 2,000 supporters. This would be his fourth election as mayor after serving six months in federal prison for a misdemeanor conviction for cocaine possession. Comparing himself to the biblical prophet Nehemiah who faced the task of rebuilding Jerusalem’s ancient walls after the Jews returned from Persian exile in the 5th Century BCE,<sup>2</sup> Barry was eerily foretelling about his messianic mission as mayor. While Barry was not in office when the budget deficit accrued, he now faced a \$722 million budget deficit as a result of which the District defaulted in its bonds and lost its credit rating. The District could no longer borrow money to fund the deficit.<sup>3</sup> In response, Congress passed an amendment to the Home Rule Act, called the “Control Board Act.” This act authorized the creation of the District of Columbia (DC) Financial Responsibility and Management Assistance Authority, a five-member board appointed by the President to take control

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<sup>1</sup> The D.C. Control Board is also known as District of Columbia Financial Responsibility and Management Assistance Authority. “Barry” refers to four-time DC Mayor Marion S. Barry.

<sup>2</sup> Michael A. Fletcher, “Inauguration Caps Comeback for Barry, *Baltimore Sun*, Jan 3, 1995, downloaded Aug, 15, 2023

<sup>3</sup> David A. Vise and Howard Schneider, “District’s Credit Skids to Junk Bond Rating, *Washington Post*, Feb.16,1995

of the District's governance.<sup>4</sup> Congress suspended "Home Rule", the law which granted DC citizens the right to be governed by a mayor and a thirteen-member citizen-elected council pursuant to the Home Rule Law of 1974 (Home Rule Law). This change gave the Control Board rather than the elected officials the responsibility for running the District's government but left in place the mayor and the city council to implement the Control Board's directives.<sup>5</sup>

I argue that the Control Board saved Home Rule by gaining control of DC finances, cutting costs and changing the priority of the DC government from Barry's goal of using government for Black economic empowerment to a policy of improving city services and attracting new middle-class residents to DC. The Control Board, as the agent for Congress, deserves much more credit than it has been accorded by historians.<sup>6</sup> The Control Board utilized its considerable power to revitalize the District's government, while interacting with Congress and the elected DC government. The priorities embraced by Barry and by the Control Board respectively are political choices. As the thesis will discuss, there were inevitably groups of citizens that were advantaged and disadvantaged because of these choices. Black residents gained disproportionately from Barry's policies. Working class and poor Black residents were disadvantaged when the government prioritized attracting new middle-class residents resulting, among other things, in

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<sup>4</sup> The District of Columbia Financial Responsibility and Management Assistance Act of 1995 Public Law 104-8, 109 Stat.97 (April 17, 1995), ("Control Board Act"),

<sup>5</sup> District of Columbia Home Rule Act of 1973, Pub. L. 93-198, 87 Stat. 774 ("Home Rule Act")

<sup>6</sup> While the Control Board is mentioned briefly in scholarly books, it is usually in the context of discussing Marion Barry or Anthony Williams and their relationship to the board. The process that the board followed and the conflicts with the Council and the Mayor are rarely explored. For example, Derek Hyra, *Race, Class, and Politics in the Cappuccino City* devotes only one page to the Control Board and then only as a means of introducing Anthony Williams who started as District's Chief Financial Officer and became what Hydra calls the District's first technocratic mayor. 38, See also Jonetta Rose Barras, *The Last of the Black Emperors*, (Baltimore, Md: Bancroft Press, 1998), who in her first mention of the Control Board, introduced Andrew Brimmer, the first chair of the Control Board, who, like Booker T. Washington but unlike Marian Barry, "advanced through mainstream society through accommodation and negotiation" and "preferred to work outside the public view".180

gentrification that priced out less affluent residents. The dueling policy objectives of helping poor and working class Washingtonians while attracting middle class-residents to DC persist today.

While Marion Barry's strong desire to help Black Americans get ahead may be attributable in part to his strong civil rights background, there were other factors in play when Home Rule was adopted in 1974 that allowed him to make this choice. These factors included the number of Black voters in DC who shared his priorities, the established advocacy groups who turned their attention to local politics when DC residents got the vote, national civil rights legislation, and, for at least part of Barry's time in office, a strong economy that provided the Barry administrations with funds to devote to the Black economic empowerment cause and incentives to developers to convert apartments to condos and other development initiatives that started in the 1970's and continued intermittently over at least the next 30 years.<sup>7</sup> Similarly, the Control Board's priorities were also dictated by the facts on the ground as well as the preferences of the Control Board members and of Congress for whom the Control Board acted as proxy. As we will discuss later in this essay, the Home Rule Law as it existed in 1995 made DC responsible for several state-like functions such as Medicaid, long term prisons, and a court system as well as responsibility for pension liabilities for government workers accrued prior to the advent of Home Rule. DC gained revenue primarily from three sources: federal government grants, called the "federal payment" to compensate DC for services provided to federal buildings and federal workers and loss of tax revenue on the federal buildings, income taxes, but only on workers who lived in the District, not from commuters, real estate taxes, but not on property owned by not for profits, including among other categories government buildings, foreign embassies, museums, and not for profit schools and universities. Consequently, it became the Control Board's priority to reduce operating costs and improve

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<sup>7</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City, a History of Race and Democracy in the Nation's Capital*, (Chapel Hill: University of North Carolina Press, 2017, 384-385

services to stop out migration of tax paying middle-class residents and encourage people who work and pay taxes to move back to DC. Although the structural deficit was reduced in 1998 when the Revitalization Act amending the Home Rule Act was passed, making the federal government responsible for several of these state-like expenses, and for the pre-Home Rule accrued pension liability, the Revitalization Act also rescinded the federal payment and left intact the limitations on DC's ability to raise funds from tax-exempt real estate and from income taxes from commuters. That put a premium on raising public revenue through the government policies of improving public services and subsidizing and promoting amenities to attract more middle-class taxpayers, as well as the development of office buildings in which these taxpayers would want to work, housing in which they would want to live and attractions like sports stadiums for their entertainment. We will also explore these issues in this essay.

My contribution is to re-evaluate the Control Board and its effectiveness within the context of the changing racial and economic demographics in DC and the limitations imposed by the Home Rule Law. The thesis will also probe deeper into the conflicts and challenges that Barry and the Control Board faced. Part of the Control Board's success was its ability to do its job and then gracefully transfer power to Anthony Williams, the duly elected mayor after Barry's last term ended. Understanding how the Control Board accomplished these feats and exploring the politics behind Congress's and the Clinton Administration's revision to the Home Rule Law not only adds to the historical knowledge of the period. It also underscores how Home Rule is vulnerable to negative Congressional interference in the future. The history of Congress's interaction with the District suggests that Congress infrequently shows an interest in DC except when a Congressmen can use DC to grandstand to his or her own constituents as when a Congressmen opposes DC's stand on abortion rights or when something happens in DC that impacts on a Congressmen

personally, such as when DC changes its criminal code or introduces traffic enforcement cameras. DC government is most effective when the citizens who are most effected by government policy are able to elect the government that determines that policy and then vote them out of office when their policies no longer serve those citizens.

The thesis is divided into three sections. I have noticed that there is an intriguing gap in the scholarly assessments of the Control Board era. Due to this dearth of scholarly literature, in addition to the scholarly literature that I could find, I relied for this thesis on newspaper and magazine articles and interviews that I conducted with people who lived through the Control Board era including Control Board members and senior staff, members of Congress, members of the Clinton Administration with responsibility for interfacing with the District of Columbia, Congress and the Control Board and individuals whose lives were affected by the decisions made during the Control Board era .<sup>8</sup>

Part One chronicles Congress's oversight of the District, the District's path to Home Rule, Marion Barry's role in pursuing power in the District (once Home Rule was adopted) and his fall from grace during his last term in office (1995-2000). It is crucial to understand Barry's

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<sup>8</sup> Under the auspices of the District of Columbia Library Oral History Project, I conducted eleven interviews described in the Bibliography to this paper as well as dozens of informal "man on the street" interviews. Among others, I interviewed Vice Chair Stephen D. Harlan, Chief of Staff John W. Hill and General Counsel Daniel Reznick and other employees of and advisors to the Control Board, CFO and later Mayor Anthony Williams, Congressmen Tom Davis and Congresswoman Elanor Holmes Norton, each of whom helped draft the Control Board legislation, Franklin D. Raines, the Director of the Office of Management and Budget who represented the Clinton Administration in connection with the Control Board, Phil Mendelson who was a D.C. Council member during the Control Board period, Bernard Demczuk who served as Barry's Interagency Liaison to the Control Board, Congress and the White House during Barry's fourth term and in other capacities at other times and people who were on Marion Barry's staff or who worked in politics on behalf of other politicians during his service as D.C.'s mayor. Sound recordings as well as transcriptions of the eleven formal interviews are expected to be archived in the DC Library Oral History Archive in the Martin Luthor King main library.

motivations as a public servant and the responses of his Black and white constituents to construct a historical reinterpretation of Home Rule in its early years and to support my argument that Barry's principal objective as mayor was to use government for Black economic empowerment. Chris Myers Asch and George Derek Musgrove point out that Barry and the Black activists that entered government with him after the enactment of Home Rule succeeded in some of their objectives: "They changed the very nature of city government, decoupling it from the federal bureaucracy and making it more representative of the city's diverse population. They also redistributed wealth, building a large Black working and middle class through public jobs and city contracts.<sup>9</sup>The Barry administration's tools of jobs and government contracts disproportionately benefited Black workers with skills or education and better capitalized Black entrepreneurs as opposed to poor and working-class families. When Barry hired more government workers than were required to do their jobs and when many of these workers were not qualified for the jobs or were not supported by necessary equipment, training and management to do their jobs efficiently, the unnecessary costs siphoned funds from other necessary government services and led to the exodus of middle-class citizens of all races. Part Two analyzes the Control Board itself, something that has been overlooked by historical accounts of the period as well as the involvement of Congress and the Clinton Administration in DC governance during the period of Control Board control. This analysis reviews the Control Board's procedures, its relationship with Mayor Barry and with Congress, and the Control Board's concurrent successes and failures. One of the conclusions of the analysis is that while the Control Board saved home rule by putting the District government on a sustainable course, it also showed that a Control Board is at best a temporary

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<sup>9</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City, a History of Race and Democracy in the Nation's Capital*, (Chapel Hill: University of North Carolina Press, 2017), 423

solution to a broken government. An unelected Control Board does not have either the capacity or the public support to resolve problems that are more effectively resolved by elected officials who can be voted out of office when they make poor choices. Part Three discusses the aftermath of the Control Board era, including the transition from Marion Barry's government dedicated to advancing Black pride and Black economic advancement to Barry's successor, Anthony Williams who essentially adopted and expanded upon the Control Board's policy of improving city services with the goal of attracting new middle-class residents to DC.

Overall, the thesis supports the argument that the Control Board and the policies that it, and Barry's successor as mayor Anthony Williams promoted, as well as the amendments to the Home Rule Law that Congress adopted during the Control Board's watch, had a profound effect on the development and ethnic diversity of DC. It is undeniable that DC's demographics changed between 1990 and 2014. In 1990, DC had a population of 606,900 of whom 65.8% were Black, 29.% were white, 5.4% were Hispanic, 1.8% were Asian and 2.7% were "other". In 2014, DC's population stood at 658,893 of whom 49% were Black, 43.6% were white, 10.4% were Hispanic, 4.0% were Asian and 3.4% were "other". DC's population was declining in 1990 as middle-class citizens fled to the suburbs. DC was a richer city in 2014 than it was in 1990 in per capital income and in urban attractions. Forbes Magazine called DC in 2014 the nation's "coolest city" with its "abundant entertainment and recreational options" and "ethnically and culturally diverse population".<sup>10</sup> As the city's demography changed, Black political power declined and with it the sense of Black privilege. I do not argue that DC was a better city in 2014 than it was in 1990. I argue that DC was a different city. Because the Control Board era ended with better fiscal

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<sup>10</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 460

management, better city services and an improved Home Rule Law, DC was better able to meet the challenges of its increasingly diverse population and continuing economic challenges.

## Discussion

### Part I- Path to Home Rule

Washington, DC's struggle for Home Rule is part of the larger struggle for Black rights throughout the U.S. and provides the basis for Marion Barry's rise to power in DC. That struggle is also an important reason that Black Washingtonians were so invested in preserving their rights under Home Rule and in protecting Marion Barry as their champion in that struggle. From DC's origins, Washingtonians have fought for the right to govern themselves. Historian Fred Siegel describes an 1848 petition that Washingtonians submitted for retrocession to Maryland that described Washingtonians as "a disenfranchised people, deprived of all of those political rights and privileges so dear to an American citizen."<sup>11</sup> According to Siegel, until the Civil Rights movement gained force, the District remained a segregated city and a "disenfranchised people". To understand the DC residents' response to Home Rule when it finally came, and Marion Barry's relationship to his Black constituency, it is useful to review the numerous efforts that District residents and their allies in Congress made to secure Home Rule.

These efforts were largely thwarted until the civil rights movement gained momentum in the 1960s. Sociologist Aldon D. Morris, in his article on the civil rights movements, provides a useful description of the circumstances that led to the success of the civil rights movement in the

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<sup>11</sup> Fred Siegel, *The Future Once Happened Here: N.Y., D.C. L.A. and the Fate of American Big Cities*, (New York, The Free Press, a Division of Simon and Shuster, Inc., 1997) 75

late 1960s and 1970s.<sup>12</sup> While Morris did not mention Washington, DC specifically, the Home Rule movement is very much a part of the broader civil rights movement.

Citing a number of other scholars, Morris argues that three things were necessary conditions to the success of the civil rights movement. The first necessary condition was modern communications technologies (including television and communications satellites). The second necessary condition was the politics of the Cold War between the USSR and the U.S. The final condition necessary to success was the Black mass migration from the rural south to both northern and southern cities. The migration gave rise to strong institutions within the Black community including local organizations like Black churches and national organizations such as the Southern Christian Leadership Conference (SCLC), the Congress of Racial Equality (CORE), the National Association of Colored People (NAACP), and the Students Non-violent Coordinating Committee (SNCC) .

Television sets were ubiquitous in households throughout the country simultaneous with social protest, demonstrations for equal rights, and social movements that set the stage for broader acceptance of civil rights for Black citizens. As one example of the increased visibility of significant civil rights events, access to television sets throughout the U.S. gave residents the ability to watch the 1963 March on Washington including Martin Luther King's "I Have a Dream" speech. The whole country also could watch or read in their newspapers how the local authorities responded with police brutality and mass arrests to the 1965 marches from Selma to Montgomery, marches held in the quest for Black voting rights. U.S. citizens could tune in when Washington, DC burned in 1963 in the wake of Reverend Martin Luther King's murder. Satellites meant that these demonstrations of American racism and the sometimes-violent response were broadcast

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<sup>12</sup> Aldon D. Morris, "A Retrospective on the Civil Rights Movement: Political and Intellectual Landmarks", *Annu. Rev. Social*, 1999, 25-517-39

around the world as America competed with the USSR to recruit Third World nations (including the newly independent nations) during the Cold War. These protests, the media coverage that the protests attracted and the attention paid to the protests by middle America gave America's national politicians an important incentive to address civil rights at home.

Strong Black community organizations engaged the entire Black community in Montgomery, Alabama for a yearlong bus boycott to address racial segregation in the bus system. The boycott resulted in an integrated bus system in Montgomery. International press and television gave wide exposure to the evils of discrimination. The success of the Civil Rights movement during the late 1950s and 1960s led to the enactment of the Civil Rights Act of 1964, which outlawed labor discrimination based on race, color, religion, sex, or national origin. It also led to the Voting Rights Act of 1965, which addressed the Jim Crow tools that many states used to deny Black citizens the right to vote. Additionally, the movement gave way to the Fair Housing Act of 1968, which addressed, among other things, discrimination in public and certain private housing.<sup>13</sup>

Despite the absence of Home Rule for much of its history, Washington DC has attracted Black residents for many reasons. The possibility of federal employment under a civil service system, quality education, and a middle-class life attracted numerous Black Americans to the nation's capital. By 1900, DC had the largest Black population of any American city. DC boasted about the founding of Howard University, the largest number of Black homeowners in the country, and numerous Black newspapers. While Black people held city jobs in substantial numbers, the upper-level city jobs, as well as most jobs in the police and fire departments were dominated by white people. While many Black residents achieved a middle-class lifestyle, they were also divided

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<sup>13</sup> Mehruhnisa Wani, "8 Key Laws That Advanced Civil Rights", A&E Television Networks, Jan. 26, 2022, <https://www.history.com/news/civil-rights-legislation>, accessed Aug. 26, 2023

by earnings. For every successful Black business owner or government worker, there were many more Black Americans in the District living in poverty.<sup>14</sup>

Despite the District's growing population of Black and white people, until the Home Rule Law was passed in 1974, the federal government controlled the District government. The US Constitution mandates Congress's preeminent role in governing DC because the federal government has an abiding interest in safeguarding national concerns like public safety and land use issues involving federal or foreign government-owned buildings and public space. In addition to the White House and the Capitol building, the federal presence is everywhere in Washington, DC. Most of the federal buildings are in a defined area which includes the White House, the Capitol Building, and the United States Supreme Court building. The federal executive, legislative and judicial offices are located adjacent to the Mall and the Capital Building.<sup>15</sup> Foreign governments have embassies and chanceries throughout the District. Those buildings rely on the District government in large part for fire protection, police protection, sanitation, and street maintenance in coordination with the GSA Federal Protective Service. In addition, Washington, DC is a symbol for the United States of America throughout the world which gives the federal government an additional reason to support the nation's capital.

Since federal government workers often come from neighboring states and require public transportation (and sometimes bridges) to get to work, protecting access to the District is in the federal interest. Congress also views land use policy as a federal interest. For example, under a

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<sup>14</sup> Kyla Sommers, *When the Smoke Cleared, The 1968 Rebellions and the Unfinished Battle for Civil Rights in the Nation's Capital* (New York, London: The New Press, 2023), 4-5

<sup>15</sup> The National Capital Service Area was defined as a means of distinguishing the area where the federal government has a special interest from the residential and business area within the District of Columbia. The objective in making this designation was to delineate the portion the District of Columbia which would become a state if Congress voted, or the Constitution were amended to make that possible. See Charles Harris, *Congress, and the Governance of the Nation's Capital*, ., Baltimore, and London: The Johns Hopkins University Press, 1995, 25-27

law passed by Congress in 1884 and amended in 1910, Congress dictated that no building in the District of Columbia could be higher than 130 feet (with some exceptions for buildings in certain parts of Pennsylvania Avenue). While the law was initially passed because of limitation in firefighting equipment in 1884 which do not apply in modern times, the law remains in effect today. When the District government tried to change the law, the District’s legislation removing the height limit was overturned by Congress.

While Congressional intervention was premised on the idea that Congress was protecting the federal interests, many of these interventions are not easily explained by that rationale. Political Scientist Charles Wesley Harris recalls a number of Congressional intrusions into District affairs including: a ban on funds for abortion; an amendment to the 1993 DC Appropriations Act that restricted any appropriated funds from being used to implement the so-called “Domestic Partners Act”; a federal law to prevent the District from increasing its revenue by assessing sewage treatment fees for waste originating in Maryland; a tax on unincorporated businesses targeting lawyers who live outside of DC but who practice in DC-based law firms; reinstatement of the death penalty in DC; and on and on. Congress often did not pass these attempted federal intrusions into DC affairs. However, when an “overturn bill” was enacted into law, the actions by the DC Council were overturned.<sup>16</sup>

The House District Subcommittee recommended that only District actions that violate the Constitution or violate the federal interest should be vetoed by Congress. Unfortunately, that recommendation has not been adopted in either House.<sup>17</sup> Indeed, Congress has little incentive to

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<sup>16</sup> Most recently, in March 2023, Congress passed a joint resolution overturning the District’s revision to its Criminal Code. Representative Andrew Clyde (R Ga), who serves on the D.C. Oversight Committee has stated his ultimate intention is to completely end the District Home Rule authority. Ashraf Khalil, “ Biden Signs Measure Nullifying D.C. Criminal Code Revisions”, *AP*, March 20, 2023

<sup>17</sup> Charles Harris, *Congress, and the Governance of the Nation’s Capital*, 117 and 163

do so when Congressmen see criticizing the District as a convenient way to play to their home base; also, Maryland and Virginia Congressmen can use their power to protect their constituencies from District taxes. Despite these obstacles, by 1967 momentum towards Home Rule was building. Siegel notes that “The last four presidents who preceded home rule (Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) had all specifically recommended and urged the restoration of suffrage and self-government to the people of the nation’s capital.”<sup>18</sup> In addition, the Senate was sympathetic to the injustice of denying home rule to the District. As a body, the Senate passed eight bills from 1948 until 1973 granting the District home rule, all of which failed to become law because of opposition in the House of Representatives.

The House Republicans and the Dixie Democrats opposed the movement to Home Rule both because they distrusted the ability of Black Washingtonians to rule themselves and to preserve their patronage power.<sup>19</sup> Congressman John McMillan (D-SC), the chair of the House District Committee, stubbornly blocked Home Rule in any form. McMillan served as chairman for twenty-four years as a “kind of local czar” until he was defeated for reelection in 1972. According to Charles Wesley Harris, McMillan held “ultimate authority over almost every aspect of life in the city, from parking space assignment to public employee payrolls.”<sup>20</sup>

McMillan used every trick at his command to ensure the continued subjugation of the citizens of the local community.<sup>21</sup> Siegel states, Congressman McMillan and the members of the House District Committee “used the District government as a vast patronage pool for their white cronies and campaign workers. McMillan, who once had a load of watermelons dumped on the desk of the de facto mayor Walter Washington, loved pork barrel spending. From 1959 to 1972,

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<sup>18</sup> Charles Wesley Harris, *Congress and the Governance of the Nation’s Capital*, 5

<sup>19</sup> Charles Wesley Harris, *Congress and the Governance of the Nation’s Capital*, 5

<sup>20</sup> Charles Wesley Harris, *Congress and the Governance of the Nation’s Capital*, 6

<sup>21</sup> Charles Wesley Harris, *Congress and the Governance of the Nation’s Capital*, 6

the last thirteen years of his reign over the House District Committee, “the DC payroll roughly doubled to forty thousand workers and spending jumped fourfold.”<sup>22</sup> When commentators chastise Marion Barry for hiring unneeded Black employees to further his political interest, it is useful to note that the art of using the District government as a patronage pool was a legacy of McMillan’s Congressional control of Washington, DC.

McMillan was not alone in opposing Home Rule. He was joined in opposition by seven other Southern Democrats on the House District Committee. The DC Policy Center noted that in 1972, Rep. John Rarick of Louisiana called DC “a sinkhole, rat infested, [and] the laughingstock of the free and Communist world.” He also said that “allowing the District to govern itself could result in a Black Muslim ‘takeover’ of the capital.”<sup>23</sup> The District’s business leaders also joined together in a regional association called the Board of Trade, which strongly opposed Home Rule. In fact, one of Marion Barry’s first actions as the head of the SNCC office in DC was to brand the Board of Trade a bunch of “moneylord merchants” working with Southern segregationists to keep DC in “political slavery.” He, along with other civil rights leaders, established a “Free DC” movement in opposition to the Board of Trade. Free DC asked people to boycott businesses that did not show a sign saying they supported Home Rule.<sup>24</sup> In response, McMillan called hearings before the House District Committee to question whether the boycott had violated federal antiracketeering law by “interfering with business through the threat of violence.”<sup>25</sup>

After Martin Luther King’s murder, the 1968 riots in the U Street/Shaw neighborhood of DC added momentum to the move towards Home Rule. Some people in positions of influence

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<sup>22</sup> Fred Siegel, *The Future Once Happened Here*, 83

<sup>23</sup> Fred Siegel, *The Future Once Happened Here*, 76

<sup>24</sup> Fred Siegel, *The Future Once Happened Here*, 76

<sup>25</sup> Howard Gillette, Jr., *Between Justice and Beauty, Race, Planning and the Failure of Urban Policy in Washington, D.C., (Baltimore, and London: The Johns Hopkins University Press, 1995), 192*

believed that a majority Black city might prevent future riots if the population could elect their own local government. It seems that Congress had to be jolted into action by the spectacle of the looting and destruction of property. This points up the fact that absent a nationwide newsworthy event like an assassination or a riot, the District and its affairs was and is of little interest to most Congressmen. In any case, when Congressman McMillan was defeated for re-election in 1972, his departure from Congress removed the last impediment to passage of the Home Rule Act. The Home Rule Act of 1974 was passed by Congress in 1973 and signed into law by President Richard Nixon in 1974.<sup>26</sup>

With the passage of the embattled Home Rule Law and with Richard Nixon in office, the liberals in Congress were out of power. Newly emboldened conservatives in Congress began using the District to advance their political agendas. According to historians Asch and Musgrove, Congressional Republicans introduced resolutions to disapprove District laws that decriminalized consensual adult sodomy (1981) and laws divesting city funds from firms doing business with white supremacist regimes in South Africa and Namibia (1983).<sup>27</sup> One casualty of the rising conservative tide in the 1970s was the proposed DC Voting Rights Amendment to the U.S. constitution. If the Voting Rights Amendment had it been ratified, it would have given the District of Columbia full representation in the U.S. Congress and in the U.S. Electoral college. The amendment was proposed by Congress in 1978, but within the 7-year window permitted for ratification, the amendment was ratified by only a few of the 38 states necessary for ratification.<sup>28</sup>

The Rise of Marion Barry. Despite these challenges, with the Home Rule Law enacted, Barry had the opportunity to run for office with a platform based on his civil rights background

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<sup>26</sup> See Public Law 93-198; 87 Stat. 774 D.C. Official Code 1-201.01 *et seq.* Approved December 24, 1973

<sup>27</sup>, 397-398

<sup>28</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 397-398

and his promise to bring new ideas to D.C.'s government. Marion Barry had a history of fighting for civil rights while he headed SNCC's DC office. And, in 1967, Barry left SNCC when the new SNCC chairman, Stokely Carmichael, purged whites from the organization and changed the focus from non-violent protests to "Black Power".<sup>29</sup> "The civil rights direction of protest is dead," Barry declared. "Now we must concentrate on and control economic and political power." Speaking for the Free DC Movement in 1966, Marion Barry said: "We want to free DC from our enemies, the people who make it impossible for us to do anything about lousy schools, brutal cops, slumlords, welfare investigators who do midnight raids, employers who discriminate in hiring, and a host of other ills that run rampant through our city."<sup>30</sup> With this comment, Barry describes in detail his objectives if he were running a government. He also aligns himself with the goals of the 1963 March on Washington for Jobs and Freedom by describing what "freedom" would mean to newly enfranchised Black voters. Barry devoted his political career to achieving these objectives, and after 1974, he used the ballot box to gain the power to do so.

While there has been a division among historians as to what motivated Marion Barry as a politician, this thesis maintains that Barry's priority was economic empowerment for his Black constituents, especially his poor Black constituents. Barry's priority was a political choice just as the Control Board's priority of providing basic services, at the expense of satisfying the needs of poor and working-class Black citizens, was a political choice.

Howard Gillette, Jr., for instance, argues that Barry received political support from his Black constituency in large part because he shared their Deep South heritage and believed in the

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<sup>29</sup> Carmichael clarified what he meant by "Black Power" as follows: "It is a call for Black people in this country to unite, to recognize their heritage, to build a sense of community. It is a call for Black people to define their own goals, to lead their own organizations." See Kwame Ture (aka Stokely Carmichael) and Charles V. Hamilton, *Black Power: The Politics of Liberation*, (Vintage Press, 1967).

<sup>30</sup> Howard Gillette Jr., *Between Justice and Beauty, Race, Planning, and the Failure of Urban Policy in Washington, D.C.*, (Baltimore and London: The Johns Hopkins Press, 1995), 190

civil rights mission of Black economic empowerment. Gillette offers a largely positive view of Barry's role in the historical development of the District.<sup>31</sup> Others, such as Jonetta Rose Barras and Derek S. Hyra, have argued that Barry curried the favor of Black constituents as a transaction, a quid pro quo of favors for votes and political support. And Hyra asserts unsympathetically that it was that same transactional quid pro quo motive that turned Barry into a "pragmatic machine boss" who traded city jobs and city contracts for votes and campaign contributions.<sup>32</sup> From my interviews with both Black and white people who lived during Barry's years as mayor, I assert that Washingtonians remember his legacy very differently according to their race. Overall, my research suggests that Black Washingtonians are more sympathetic to him. This conclusion is supported by survey evidence taken after Barry's death. An article in the *Washington Post* in connection with a proposal for a statue of Marion Barry reminds us that just before his death, Marion Barry was viewed favorably by 81% of Black Washingtonians and only 7% of White Washingtonians.<sup>33</sup>

Indeed, while Barry's psychological motivations for power are outside the scope of this study, I also argue that Marion Barry was an imperfect man with excellent political instincts who cared about retaining power but was primarily motivated by his desire to empower DC's Black citizens to advance economically. He cared deeply about helping DC's Black citizens. I maintain that many of these citizens bonded with him because they identified with him as a populist leader who understood their plight. They supported him even when he was not able to help them through the policies he advanced.

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<sup>31</sup> Howard Gillette Jr., "Marion Barry of Washington, D.C., David Colburn, and Jeffrey Adler, *African-American Mayors: Race, Politics, and the American City*" (Urbana, Ill and Chicago, University of Illinois Press 2001), 216

<sup>32</sup> Derek Hyra, *Race, Class, and Politics in the Cappuccino City*, Chicago: University of Chicago Press, 2017; p. 35; See also Jonetta Rose Barras, *The Last of the Black Emperors: The Hollow Comeback of Marion Barry in the New Age of Black Leader*, (Baltimore, Md. Bancroft Press 1998), 159

<sup>33</sup> Steve Hendrix, "Memorializing Marion Barry in a city still divided over his legacy – or oblivious to it", , *Washington Post*, March 11, 2017

The historical account of Barry's rise, fall, and resurrection as a leader is therefore mixed. Critics often note that when Barry first took office in 1979, his intention was to make the DC agencies "unabashedly Black." His goal was to galvanize Black leaders in those agencies and the Black constituency that he believed should benefit from their long-delayed access to Home Rule.<sup>34</sup> My assessment is, perhaps, more nuanced when it comes to understanding Barry as a historical figure. The middle-class Black population reaped more of the benefit than the lower-income classes by taking advantage of city jobs and city contracts. While the lower-income people who supported him gained fewer tangible rewards from his policies, they based their devotion to him less on the concrete rewards he provided and more on the belief that he was one of them and on the agency he afforded them. Barry enjoyed support for his deep commitment to the Civil Rights movement, his genuine passion for bringing economic prosperity to Black DC residents and for giving to Black citizens, who had been denied the right to govern themselves, a sense of agency in their governance.

In Barry's pursuit of political power, he joined dozens of other Black politicians who vied for political office following the Black migration away from the deep South that started in the late 19<sup>th</sup> century and turned into a flood of people during and after World War II. During that time, millions of Blacks migrated from the rural South to the central cities in the North and South. At the same time, whites migrated out of those cities to the suburbs. The Voting Rights Act of 1965 was passed during this period. The first two Black politicians to become mayors of large cities after the Voting Rights Act was passed were Richard G. Hatcher in Gary, Indiana and Carl Stokes

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<sup>34</sup> Historians Chris Myers Asch and George Derek Musgrove observe that when Barry first became mayor in 1979, he made the mayor's office "unabashedly Black"... He wanted it to work for people-particularly low-income Black residents-who had been locked out of decision making since Reconstruction". Chris Myers Asch and George Derek Musgrove, *Chocolate City, a History of Race and Democracy in the Nation's Capital*, (Chapel Hill: University of North Carolina Press, 2017), 394

in Cleveland, Ohio (both in 1968). They were followed by a total of forty-eight Black mayors in center cities by 1973, which grew to over three hundred mayors by 1990.<sup>35</sup>

Historian David R. Colburn credits civil rights leader Bayard Rustin with noting that Black activism was transitioning from “the streets to the halls of government.” That insight describes well Barry’s move from SNCC street protests to political power: first, as a DC Councilman in 1974 and then as mayor of Washington, DC in 1979. Barry was elected to an additional three mayoral terms thereafter.<sup>36</sup> As Asch and Musgrove put it, “For three decades, Barry seemed to defy political gravity, rising from an unknown street protester to become the most dominant elected official in the city’s history. He displayed an uncanny ability to take advantage of shifting political winds: moving deftly from Black Power militant (1960s) to inclusive coalition builder (1970s), to pinstriped power broker (1980s), to reformed sinner in the (1990s).”<sup>37</sup>

Barry had the physical presence and the charisma that seemed to be made for politics. Bernard Demczuk, who worked for various Barry campaigns and in his administration, recalls that “[Barry] was tall. He was handsome. He was a chameleon; he could wear a coat and tie and meet with [white lawyers]...and could take off the coat and tie and put on his dashiki and black sunglasses and talk *shit* among the people in the streets....He was also kind and gentle and soft-spoken....The softer he spoke, the more we learned in to listen.”<sup>38</sup>

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<sup>35</sup> David R. Colburn, “Running for Office: African-American Mayors from 1967 to 1996”, David Colburn, and Jeffrey Adler, *African-American Mayors: Race, Politics, and the American City* Urbana and Chicago, University of Illinois Press, 2001, p.24

<sup>36</sup> Marion Barry for was elected to city council from 1974-1978, 1992-1994 and 2005-2014. He served as mayor for four terms from 1979-1991 and from 1995-1999 for a total approximately 30 years in public office.

<sup>37</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 434

<sup>38</sup> Bernard Demczuk, Dennis Horn interview, March 20, 2021. Bernard Demczuk has a long history of work in civil rights, labor organizing and work for Marian Barry. He belonged to SNCC in the 1960’s, was a labor organizer in the 1970’s, worked on Barry’s various campaigns for mayor and served as the principal liaison between the Barry Administration and the Control Board and White House during Barry’s last term as mayor. Demczuk also holds a doctorate in American History and African American studies. .

Marion Barry relished being the mayor of Washington, DC. According to Demczuk, he “really, really loved being Black. That’s not just the color of his skin. That’s the color of [his] politics and culture.” Demczuk recalled that when Barry travelled someplace in the city, he had to “have a police car in the front, a police car in the back—the lights are going to be on and [he is] going to be in a big motherfucking black limousine....That is the joy of power. So when he walked into a room people know that he was like ‘I am the mayor of the nation’s capital, not of Clarksdale, Mississippi.’”<sup>39</sup> Demczuk maintains that Barry’s Black constituency celebrated over their representative displaying his power. “He knew Black folk, and Black folk wanted charisma. Black folk came up in the church, and the church is built on the charismatic Black preacher.”<sup>40</sup> Like the Black preacher, Barry knew how to motivate his supporters, especially with the promise to undo the discrimination that had held them back for many years.

As previously mentioned, Barry’s charisma may be part of the reason that his Black constituents supported him, but the fact that Barry shared their experiences is a more persuasive reason. Shared experiences may also explain why Barry was devoted to these constituents. As the son of a Mississippi sharecropper, Barry could relate to his constituents. Johnny Allem, who was Barry’s friend and a member of Barry’s cabinet, said “He never forgot where he is from....He remembered his time in Mississippi. He remembered his time in Memphis. It always stuck with him.”<sup>41</sup> Hyra’s observation explained it further stating, “[Barry] touched the southern core of many DC residents, who desired deep kin-like connection to their political leader. As one Black mother put it: ‘I felt Marion could have been my son.’”<sup>42</sup>

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<sup>39</sup> Bernard Demczuk, Dennis Horn interview on March 20, 2021, 31

<sup>40</sup> Bernard Demczuk, Dennis Horn interview on March 20, 2021,16

<sup>41</sup> Johnny Allem Dennis Horn interview, April 21, 2021

<sup>42</sup> Derek S. Hyra, *Race, Class and Politics in the Cappuccino City*, 37

The sense of power by proxy that Barry’s Black constituents enjoyed may be another factor in their support. Barry’s Black constituents and their ancestors endured a history of discrimination at the hands of the white governments. They viewed Barry as their savior who could right these historic wrongs on their behalf. Jonetta Rose Barras noted that “Sections of the District’s Black population, previously feeling powerless, became empowered, connecting to the political system for the first time in their history. And the Black business community began to flourish.”<sup>43</sup>

Barry’s poor and working-class constituents had a lot of ground to make up if they were to recover from the stain of past discriminatory public policies and federal laws. For instance, many Black residents of Washington, DC had less family wealth than their white neighbors—the home being the biggest source of measured wealth in many families. This can be partially attributed to the Federal Housing Administration (“FHA”) making it much easier for white borrowers to be approved for home mortgages than Black borrowers. In a process known as “redlining”, parts of the city where residents were predominantly Black were made ineligible for FHA mortgages. This process was based on the theory that areas where Black people lived were inherently less desirable than other parts of the city or suburbs. Because of deed restriction, restrictive zoning, and action for homeowners’ associations and real estate agents to restrict Black access to suburban homes, suburbs were also often off limits to Black people. This “legacy of racial inequality” persists to this day.<sup>44</sup>

While these federal policies impacted the balance sheets of Barry’s constituents, it also led to the breakup of Black neighborhoods. The Redevelopment Land Agency (“RLA”) was a D.C. agency created in 1947 to clear and redevelop slums in Washington, DC. The RLA redeveloped

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<sup>43</sup> Jonetta Rose Barras, *The Last of the Black Emperors*, 157

<sup>44</sup> Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past”, *Journal of American History*, vol. 91, issue 4, March 1, 2005

the Southeast quadrant of Washington, DC in the late 1950s and early 1960s, displacing many Black residents. The Southeast quadrant was a majority Black area characterized as a slum by the RLA and located south of East Capital St. and east of South Capital St. It included the Capitol Hill and Anacostia neighborhoods. According to historian Kyla Sommers, “76% of the displaced residents were Black and most were considered low income. Yet of the 5,900 new housing built, only 310 qualified as moderate-income housing.” N.D.B. Connolly quoted a displaced resident of the Overtown neighborhood in South Florida who said: The highway “destroyed the cultural and spiritual, the educational concept of the entire community. We lost our neighbors. We lost our friends. We lost our relatives. It was like death.”<sup>45</sup>

Not only did the Southeast quadrant urban renewal destroy the Black community centered in the Anacostia neighborhood, but it also exacerbated the problem further because the developers and government authorities who redeveloped the area practiced housing discrimination after the slums were cleared and new housing was built. Sommers notes that “only eight of 211 apartment complexes in the District would rent to Black people.” Also, because of redlining actions by the FHA and private lenders (along with homeowners’ association covenants, agreements not to sell to Black people, and racial deed covenants), Rock Creek Park acted as a “white noose around the Black core, with Negroes heavily in the center of the city and the white noose of suburban American around this core.” In the late 1960s, planners even contemplated building a highway through DC’s inner city which would force many more Black people out of their homes.<sup>46</sup>

It is easy to characterize the Redevelopment Land Agency as a racist effort to victimize the Black population and of course a policy that benefits welcoming new people to a transformed

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<sup>45</sup> N.D.B. Connolly, *A World Made More Concrete, Real Estate and the Remaking of Jim Crow South Florida*, (Chicago and London: The University of Chicago Press), 282

<sup>46</sup> Kyla Sommers, *When the Smoke Cleared*, 20-23

neighborhood at the expense of long-term residents is by its nature discriminatory, I maintain that for many public officials, urban renewal was a sincere effort to improve the physical fabric of the city. Sommers observes that “the city government heralded urban renewal as a triumph of modernity and beauty over blight and despair....A 1967 RLA guide to the neighborhood proclaimed that “the old Southwest died” with the bulldozer and the “radical change” of urban renewal resurrected a vibrant, modern community.”<sup>47</sup> The sacrifice of traditional Black neighborhoods to the bulldozer in DC may be one of the many regrettable consequences of the urban renewal policies of the ‘50s and ‘60s. The breakup of traditional Black neighborhoods undoubtedly made poor Black residents feel less secure in their city and more open to Marion Barry’s Black empowerment policies.

Were Black residents justified in looking to Barry as the means to redress this historic discrimination and the threat to their neighborhoods? Bernard Demczuk maintains that Barry told him (in so many words): “I’m going to make Black people rich. I’m going to make Black businesses, and those Black businesses are going to support me, and they’re gonna give me big donations. And I’m gonna make....every employee in this city a union member—everyone.” Demczuk went on to say, “And that’s what he did. He built a political base that could not be stopped. It was made up of the Black Church. It was made up of his presence. It was made up of the union movement, and it was made up of Black businesses contributing, hiring Black people, and living in Washington, DC....The irony is that he made them so wealthy that they left and went to Prince George’s County....and they could no longer vote for him.”<sup>48</sup>

What were Marion Barry’s motivations in becoming mayor of Washington, DC? Can we construe that Barry was motivated by a thirst for power or was he motivated by more altruistic

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<sup>47</sup> Kyla Sommers, *When the Smoke Cleared*, 20-21

<sup>48</sup> Bernard Demczuk, Dennis Horn interview, March 20, 2021, p. 18

motives to help Washingtonians, or at least Black Washingtonians, to get ahead in the world? According to local people who knew and worked with Barry throughout his political career, Hyra gives Barry too much credit for creating a Black political machine as the basis for his power. Actually, it took years for the “political machine” to emerge. While Washingtonians advocated successfully for their political rights over many years, culminating in the Home Rule Law, Washingtonians had little experience in exercising the direct political power inherent in their right to vote for the local government. Under the Home Rule Law and under the District’s charter, they exercise this power not only to elect a mayor, but also to elect ward based and city-wide DC Council members, Advisory Neighborhood Commissioners and recently, an Attorney General.<sup>49</sup> While Barry eventually developed a political system that worked for him and had the vision for the organization he wanted to create, it took time for DC voters to use their vote to fully exercise their political power. At least in the beginning, to call Barry’s organization a “Black political machine” overstates the breadth and reach of Barry’s organization.

While Barry enjoyed the power, his ultimate objective was to raise up the Black population economically by providing them with jobs and the opportunity to create wealth. While Black DC employees may have helped in Barry’s campaigns, Barry provided tangible benefits to his Black constituents whether or not they were active in politics. He created jobs for Black residents through his summer job program and minority set-aside program. These programs required DC construction contractors to hire minority subcontractors to do at least 30% of the work. Additionally, they required DC developers to permit minorities to own at least 30% of the equity interest in the entity that acquires the property from the District. Robert J. Contee III, who served

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<sup>49</sup> The Home Rule Act, as amended from time to time is codified under DC law as the “District Charter”, Code of the District of Columbia, Title 1, Government Organization, Chapter 2, District of Columbia Home Rule, Subchapter IV, the District Charter. When the federal Home Rule Act is amended, the DC Council enacts a parallel amendment to the District Charter.

as DC's chief of police, remembers Barry's summer job program and his Youth Leadership Institute as Contee's path out of a rough neighborhood and into a career as a policeman. Contee expressed gratitude to Marion Barry for giving him his start.<sup>50</sup> Bernard Demczuk goes further when he notes that Marion Barry had four primary goals as mayor: Instilling Black pride, political empowerment to build a Black middle class, building a strong Black business community, and providing real support for young people and seniors. Demczuk believes that Barry believed deeply in these goals. He notes that during Barry's first mayoral term, "people really felt good about being part of a chocolate city that could really run the trains on time, balance the budget, put [Black] people to work, and then put them in high-level, visible positions."<sup>51</sup>

Did Barry's attention to Black DC residents come at the expense of providing routine city services to white residents, such as snow and trash removal and road maintenance? If so, that might explain why Black and white people who lived through the Barry era view Barry's legacy so differently. Many of the white people whom I interviewed remember Barry as a drug user. They recall his tagline, "The bitch set me up"—which Barry said after getting caught using cocaine in a combined FBI-Metro police sting operation on January 19, 1990.<sup>52</sup> The arrest led to a misdemeanor conviction for the use of cocaine.<sup>53</sup> Other white Washingtonians whose recollections are more finessed remember his term of office, not for his conviction, but as a time that city services stopped working and the streets were unsafe. Many of the Black men and women whom I interviewed

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<sup>50</sup> Robert J. Contee III Interview by Dennis M. Horn of at the National Press Club in 2022

<sup>51</sup> Interview by Dennis M. Horn of Bernard Demczuk, March 20, 2021, p. 35

<sup>52</sup> Note that few of these people remembered Barry's quote accurately. The quote was actually "bitch set me up" .... "Goddamn bitch".

<sup>53</sup> And yet a number of news articles label Barry's conviction a conviction for "crack", what I think of as a poor person's drug, rather than for cocaine, which was actually the basis of his arrest, and which is thought of as a more upscale drug in popular culture. See . Steve Hendrix, "Memorializing Marion **Barry in a city still divided over his legacy – or oblivious to it**", *Washington Post*, March 11, 2017 citing a TMZ headline of "Crack Mayor Dead at 78".

remember that Barry got them or a family member a job, helped their business, or set them on the road to an education and a middle-class life.<sup>54</sup>

Chris Myers Asch and George Derek Musgrove succinctly summarized the success of Barry's crusade to advance Black economic empowerment in DC saying, "the city's population was approximately 70 percent Black (in 1978), but minority-owned businesses held only 7 percent of city contracts....By 1985, 35 percent of city contracts worth nearly \$160 million were going to minority businesses." To achieve his goal of uplifting Black constituents, Barry provided developers with interest-free loans to jump-start housing for middle-class and working-class families. He appointed Black residents to city boards and commissions and, for the first time, gave Black residents a direct stake in their government.<sup>55</sup>

The question of whether Marion Barry was a corrupt politician is more ambiguous. There is plenty of anecdotal evidence of Barry's drug use, although the misdemeanor conviction in the "Bitch Set Me Up" episode in 1990 is the only incident on which he was convicted. During the 1980s, U.S. attorney Joseph diGenova strongly suspected that Barry was guilty of both drug use and corruption in office. While Barry was never charged with corruption in office, diGenova's investigations resulted in Barry's ex-wife, Mary Treadwell, pleading guilty to stealing money from a Pride, Inc. owned public housing project.<sup>56</sup> In addition, Barry's top aides, Ivanhoe Donaldson and Al Hill, were convicted respectively of skimming money from a public account and steering city contracts to friends in return for bribes. None of these crimes directly implicated Barry.<sup>57</sup> The FBI found no evidence that Barry corruptly took money from the District for his own

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<sup>54</sup> Numerous "man on the street" interviews by Dennis M. Horn during the years 2021-2022.

<sup>55</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, p. 395

<sup>56</sup> Pride, Inc was a program that Barry and Treadwell created to teach young Black people job skills and to give them an opportunity to work. The program was financed by grants from the U.S.

<sup>57</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, p. 407

benefit. On the contrary, Bernard Demczuk strongly denies that Barry took public money. He said “I absolutely do not ever think that happened. I think it’s [a] no because he did not need money. He ate for free everywhere; people would give him free cocaine. He had free [sex]. He just didn’t need it.”<sup>58</sup> Johnny Allem, emphatically agreed. “Barry was the poorest politician I ever worked for. He might make you rich, but he did not benefit financially from his work, which I think his estate showed at the end of his life... He wasn’t blind to working to get money for the campaign or for other causes, but at the core, [he] was a guy who just did not seem to have an interest in getting rich.”<sup>59</sup> Stephen Harlan and Daniel Rezneck from the Control Board agreed that Barry did not care about money. He cared about “power, drugs and women.”<sup>60</sup> While the testimony of Barry’s colleagues and even from the Control Board members cannot be dispositive, if the FBI could not catch him in corruption, he deserves the benefit of the doubt.

Marion Barry faced a host of problems during the many years he served as mayor of DC. To balance the budget in 1979, Barry cut jobs and services. The business community was pleased but his base of labor leaders, youth groups, and community advocates felt alienated. In December 1980, only 31% of Black residents approved of Barry’s job performance.<sup>61</sup> In contrast, by the end of his first term, Barry had pivoted to a program that supported more city jobs for Black residents and more contracts to friends and supporters. That formula became the basis of his Black political machine and garnered more support from Black residents.

Not only did more residents approve of him, but the District’s economy also had improved considerably so he was able to fund this pivot in direction. The metro in the District had expanded, the regional economy had improved, downtown development was booming and property values

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<sup>58</sup> Dennis Horn interview with Bernard Demczuk, March 20, 2021, p.42

<sup>59</sup> Dennis Horn Interview with Bernard Allem, April 21, 1921, p. 7

<sup>60</sup> Interview by Dennis Horn of Stephen Harlan and Daniel Rezneck, September 6, 2019, p. 6-7

<sup>61</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, p. 396

and related real estate tax revenues to the city were increasing. In fact, Barry was partly responsible for the construction boom in downtown DC that generated some of this economic growth. He made it very easy for developers to expand by giving them good deals on city property and cutting red tape on permit—so long as they respected the 30% set aside for minority contractors. Barry used these funds to expand city services and to continue hiring more, mostly Black, District residents to work for the city.

After the construction boom, the good times did not last. In 1989, DC earned the dubious title, “Murder Capital of the Country,” when it passed Detroit in the number of annual homicides.<sup>62</sup> Mayor Barry attempted to stop the drug trade with his “Operation Clean Sweep” that consisted of substantial police focus on arresting people suspected of selling drugs. Nearly all the people arrested were Black men, which resulted in a lot of Black men with drug convictions, prison time, and difficulty reentering the workforce. The police arrested almost 30,000 people. Despite these arrests, Operation Clean Sweep failed to stop the spread of drugs in DC<sup>63</sup>

Partly as a response to crime in the cities, Black and white middle-class families moved en masse from the District to the suburbs. That middle-class flight left a deficit in the District’s tax base. While these demographic trends may have been out of the District’s control, Gillette attributes the flight of the Black middle class to Barry’s failure to improve schools, provide affordable housing, and ensure personal safety to city residents. As a result, the District population was starkly divided between the rich and the poor, with fewer middle-class residents represented.<sup>64</sup> With 13% of the region’s population, the District housed 44% of the region’s poor in 1995.<sup>65</sup> That

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<sup>62</sup> Debbie M. Price, “ ‘Murder Capital’ Label Has Long Stalked D.C.,” (*Washington Post*, April 4, 1989) <https://www.washingtonpost.com/archive/politics/1989/04/04/murder-capital-label-has-long-stalked-dc/06a3c715-5888-4c26-b6c7-64ef290b305d/#>, (October 30, 2022)

<sup>63</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 404-405

<sup>64</sup> Howard Gillette, *Between Justice and Beauty*, 206

<sup>65</sup> Carol O’Cleireacain, *The Orphaned Capital*, 2

meant lower tax revenues, higher per capita taxes, and even more residents and businesses lost to the suburbs.<sup>66</sup> From 1990 to 1997, DC lost 63,000 jobs (9.1% of total jobs) and 75,000 in population (about 15% of total population).<sup>67</sup>

Not only did these demographic challenges strain DC's ability to pay its bills, but the structural deficiency in the original Home Rule Law placed substantial restrictions on the District's ability to collect enough tax revenue to stay solvent. This deficit, known as the "structural deficit," was caused by the gap between the District's limitations on its ability to collect taxes and the expenses for which the District is responsible.<sup>68</sup> One significant issue was that the District could not tax income earned in the District from workers residing outside of the District.<sup>69</sup> Nor could the District assess either income taxes or property taxes on not-for-profit corporations, government entities, embassies, universities, or foundations. Because DC is the nation's capital, it has more than its share of these tax-exempt entities. Forty-two percent of the assessed value of all land and improvements in the District is tax exempt.<sup>70</sup> In addition, because the federal government set a height limit on buildings in the District, (unlike New York City or Philadelphia) the District's downtown density is limited in ways that constrain potential real estate tax revenue.

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<sup>66</sup> Carol O'Cleireacain, *The Orphaned Capital*, 5

<sup>67</sup> Yesim Sayin, "Twenty Years After the Revitalization Act, the District of Columbia is a Different City", (*D.C. Policy Center*, December 19, 2017) <https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAMQw7AJahcKEwjo0MrVo4j7AhUAAAAAHQAAAAAQAg&url=https%3A%2F%2Fwww.dcpolicycenter.org%2Fpublications%2Ftwenty-years-revitalization-act-district-columbia-different-city%2F&psig=AOvVaw3ZWrPI4yKHD9spOe3S58kW&ust=1667230473788569>, (October 30, 2022)

<sup>68</sup> O'Cleireacain, *The Orphaned Capital*, 1,4

<sup>69</sup> New York Times reporters Steven A. Holmes and Michael Janofsky reported in 1996 that the District was unable to collect taxes on \$18.5 billion in wages earned in the District. That resulted in a loss to the District from the Congressional ban against the District imposing a commuter tax of \$1.25 billion per year. In addition, they note that the pension liability that the District inherited when the Home Rule Act was adopted in 1974 of \$1.9 billion ballooned to \$5.1 billion by 1996. Medicaid costs expanded from \$17 million in 1973 to \$844 million in 1996. The growth of these liabilities suggests that one of the main benefits of the Revitalization Act may have been to remove unpredictable costs increases from the District budget calculations.

See: Steven A. Holmes and Michael Janofsky, "Trying to Fix Capital Where 'Everything is Broken'", (*The New York Times*, July 25, 1996, Late Edition, Section A, p1, column 1)

[https://www.google.com/url?sa=t&rct=i&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi9hMqShP\\_7AhWxEmlAHYCWd8oQFnOECA4QAQ&url=https%3A%2F%2Fwww.nytimes.com%2F1996%2F07%2F25%2Fus%2Ftrying-to-fix-capital-where-everything-is-broken.html&usg=AOvVaw2fKaiX764aGF-FXHpxlz7](https://www.google.com/url?sa=t&rct=i&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi9hMqShP_7AhWxEmlAHYCWd8oQFnOECA4QAQ&url=https%3A%2F%2Fwww.nytimes.com%2F1996%2F07%2F25%2Fus%2Ftrying-to-fix-capital-where-everything-is-broken.html&usg=AOvVaw2fKaiX764aGF-FXHpxlz7)

<sup>70</sup> Jon Bouker, "The D.C. Revitalization Act; History, Provisions and Promises", (*Brookings Institute*, (Appendix One to Brookings Report ,86) <https://www.google.com/url?sa=t&rct=i&q=&esrc=s&source=web&cd=&ved=2ahUKEwiA4K2Dmlv7AhXOD1kFHxItAYQQFnOECAGQAQ&url=https%3A%2F%2Fwww.brookings.edu%2Fwp-content%2Fuploads%2F2016%2F07%2Fappendix-1.pdf&usg=AOvVaw1oWP4ykr2HswAgOhDaQseP9November>

Despite the limitation on its ability to raise tax revenue, the District still had an obligation to fulfill state functions, including providing its citizens access to Medicaid, courts, mental health resources, long term prisons, and higher education. The state typically provides these services to the citizens of most cities and pays for them from state revenues. The District was also responsible for paying pensions for teachers, judges, police, and firefighters who worked for the federal government before Home Rule was implemented in 1975. This unfunded pension liability stood at approximately \$5 Billion in 1995. Many of the state-like costs such as Medicaid, road replacement and repair, court systems and prisons, as well as the inherited pension liability were likely to escalate in unpredictable ways and become an increasing burden on District budgets.

To compensate for services rendered to the federal government and lost tax revenue from federal buildings, the federal government made annual payments to the District (known as the “federal payments”). In 1995, DC’s federal payment was \$650 million, for instance. However, the federal payments never kept up with the cost of fulfilling the District’s state-like functions or even the cost of the services that the District supplied to the federal buildings and employees. The gap between revenue and costs could be covered in boom years with borrowing, potential increases in the federal payment and increased tax revenue. By 1995, when the financial crisis occurred, the District had a cumulative deficit of almost 10% of its total budget, and its citizens paid taxes at the highest marginal tax rate in the region.

While other U.S. cities had financial problems in the 1990s, the District’s problems resulted, at least partly, from Barry’s decision to hire more Black workers than were needed to provide city services and the inefficiency of the District’s bureaucracy. When journalist Reginald Stuart assessed the causes for the District’s problems, he concluded that Barry ran a “bloated government that was inept at delivering or managing hardly any city services.” He noted that in

1994, “the city employed more than 45,000 people to serve slightly more than 600,000 residents. Boston, with a population of 574,283, has about 18,000 city workers.”<sup>71</sup>

Even with this large workforce, the District government failed to deliver services to its residents. When the Control Board took office in 1995, they found that the District’s operations were in disarray. The police had to bring their own toilet paper to work because the police stations had no toilet paper. The sanitation people could not sweep the streets because there were no brushes for the street sweepers; and the machines that had brushes were missing repair parts.<sup>72</sup> In 1996, the District could not clear the snow from the streets or the garbage from the alleys. Director of the Office of Management and Budget (OMB) Alice Rivlin who reported to Congress regarding the District (and who later joined the Control Board), said that “On any given day, the tap water is likely to be pronounced unfit to drink; thirty percent of the police vehicles are in the shop for repairs; twenty percent of the school busses are inoperable; and firefighters say they can respond to no more than two two-alarm blazes at one time (because of shortages of spare parts).” In addition, the Departments of Public and Assisted Housing, Human Services, and Corrections were under court ordered receiverships.<sup>73</sup>

Throughout Barry’s four administrations, his efforts to provide economic opportunities to his constituents were often thwarted by the District’s bureaucracy that was “woefully inefficient, terribly expensive, and at times astonishingly rude.”<sup>74</sup> Still, Barry was true to his aim of providing economic opportunity to Black DC residents through jobs and city contracts. While historians are still analyzing the racial complexities of Home Rule, it is fair to say that his motives were both

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<sup>71</sup> <sup>71</sup> Reginald Stuart, “A Capital CRISIS: The District of Columbia is sick, and Black people are divided over the remedy”, *Emerge Magazine*, vol 9, No. 1, October 31, 1997),48

<sup>72</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn, Dec. 6, 2019, p. 3

<sup>73</sup> Carol O’Cleireacain, *The Orphaned Capital*, 1-3

<sup>74</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, p. 395

political and personal. Indeed, his motives certainly went far beyond the transactional motivation that Hyra argues was the basis of his “political machine”.

Barry’s political base was also loyal to him even when his policies did not deliver the improvements in their lives that his populist rhetoric promised. His lack of success in delivering reliable city services, no doubt, hurt his popularity among both his white and Black constituents. The fact that the city bureaucracy was inept at record keeping also affected his popularity. The record keeping missteps resulted in periodic and unanticipated budget shortfalls. Other social forces also plagued DC including a rise in drug use and crime, the AIDs epidemic—which exploded in DC in the 1990s, an increase in homelessness, and middle-class flight to the suburbs. These problems ushered in the 1995 financial collapse mentioned previously. That collapse led to the DC Control Board which abrogated Home Rule for the balance of the decade. The Control Board, its successes and failures, and the implications for Home Rule in the District is Part II of this thesis.

## Part II The DC Control Board and Home Rule

This section will address the argument that the Control Board’s unpaid and underappreciated volunteers deserve much more credit than historians have given. To support this, Barras provides a useful description of the personalities of some of the members of the Control Board as well as the different approaches that Chairman Brimmer, Vice Chair Harlan, and Chairwoman Rivlin brought to their tasks. Carol O’Cleireacain also provides a useful analysis of the problems that beset the District before the Control Board came on the scene. Any description of internal Control Board operations came primarily from interviews with Control Board members and staff. And contemporaneous news articles were invaluable in describing the Control Board’s actions, including the unforeseen budget deficit that prompted the need for the Control Board.

The District's financial difficulties in 1995 caught both the Barry government and Congress unawares. Furthermore, Congress had little confidence that the Barry government could deal with the District's financial problems. One thing Congress could have done was grant the District a loan to paper over the budget shortfall. After all, when Barry's immediate predecessor Sharon Pratt Kelly was the District's mayor, Congress granted the District a \$300 million loan and a \$100 million grant to address the Kelly administration's budget shortfall.<sup>75</sup> Instead, Representative William F. Clinger Jr. (R-PA) opined that "[s]ome members {of the House} have simply called for the District government to be placed into receivership—in effect, totally eliminate Home Rule." Faced with Marion Barry's prediction about the FY95 deficit, Representative James T. Walsh (Rep.-NY), who chaired the subcommittee that oversaw DC's fiscal affairs, anticipated that a federal takeover of city finances was inevitable.<sup>76</sup> That year (1995), with Barry still in office, Congress established the Control Board to manage the District's financial affairs.<sup>77</sup>

The first step in addressing DC's financial problems was passing legislation that formalized Congress's increased control of District affairs. Newt Gingrich, the newly installed Republican Speaker of the House of Representatives, offered to work with Mayor Barry to resolve the crisis.<sup>78</sup> John Hill, who at that point worked for the Government Accountability Office (GAO) on District affairs, met with Newt Gingrich and Bob Livingston, who he saw as the two most powerful leaders in the Republican-controlled House of Representatives. They confirmed to him that they were committed to resolving the fiscal crisis and improving government services in the District but were

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<sup>75</sup> Blaine Harden, "A City in Transition", *Washington Post*, June 18, 1995

<sup>76</sup> Howard Schneider, David A. Vise, "Barry Says D.C. Deficit Now \$722 Million" ( *Washington Post*, February 2, 1995)

<sup>77</sup> The District of Columbia Financial Responsibility and Management Assistance Act of 1995 Public Law 104-8, 109 Stat.97 (April 17, 1995)

<sup>78</sup> David Vise and Howard Schneider, "Who's In Charge? Marion Barry and Newt Gingrich Promised a Revolution They've Delivered A City That Still Can't Pay Its Bills. The Reasons Are as Old as Washington." (*The Washington Post*, Lifestyle Magazine, December 17, 1995) (Part 2 of 2). (November 15, 2022)

concerned that Marion Barry was not up to the job.<sup>79</sup> Because of this, they turned the matter over to Congressman Tom Davis’s committee to find a legislative path forward.<sup>80</sup> Davis was a freshman Congressman who was elected as part of the 1994 Republican wave that put the Republicans in power. According to Davis, Gingrich called him into a meeting, closed the door, and told him, “Tom, you know a lot more about this than any of these other people [because you ran Fairfax County for three years]; and I am going to back you up.”<sup>81</sup>

Davis made some strategic decisions that allowed his committee to formulate a plan. Congress would ultimately approve this plan, and the District population would grudgingly accept it. He asked Connie Morella (D-MD) and Eleanor Holmes Norton (D-DC) to join the committee. Davis considered Connie Morella an important member because she could speak for Maryland (as he could speak for Virginia) on the importance of supporting DC in the interest of regional economic growth. He considered Norton an important member because, as a Black woman representing DC, she could “run interference” on racial matters. Davis said that many Republican Congressmen “wanted to punish the city.” With Norton and Morella, he had partners who wanted a constructive solution to the District’s problems.<sup>82</sup>

Davis’s committee drafted the Control Board Act which amended the Home Rule Law and created a five-person Control Board, appointed by the President, to run DC. In fact, there were two Control Boards as each board served a three-year term, although the membership in the two boards overlapped. Andrew Brimmer chaired the first Control Board, and Alice Rivlin chaired the second

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<sup>79</sup> Interview of Former Executive Director of Control Board John Hill by Dennis M. Horn 1/22/20

<sup>80</sup> Tom Davis chaired the subcommittee on Government Reform and Oversight of the House Committee on Government Reform and Oversight (105<sup>th</sup> Congress).

<sup>81</sup> Interview by Dennis M. Horn of Former Congressman Tom Davis, 5/3/19

<sup>82</sup> Interview by Dennis M. Horn of Former Congressman Tom Davis, 5/3/19

Control Board.<sup>83</sup> Each chair had a very different approach. Brimmer and Rivlin had different ideas about the Control Board's responsibility. According to Stephen Harlan, "Brimmer's primary view of his responsibility was to straighten the city out: get it straight, get the services straight, get the finances straight. Alice's view was: okay, we've got it pretty straight [by September 1998, when she became chair], we need to get it back into the people's hands. In other words, we need to make sure that we've got a balanced budget and get the power back to the people."<sup>84</sup> Brimmer's approach was to understand the problem, formulate a solution, and then implement the solution. Rivlin's approach was to coordinate the Board's actions with Anthony Williams, the mayor who succeeded Barry.

In both cases, the Control Board's main objective was to get the government operating efficiently within its means and then have the Control Board go out of business. The Control Board members were not interested in replacing the elected government except to the extent they had to override that government to do their job. With the advent of the Control Board, a new cast of characters came to dominate the District scene. President Clinton asked OMB Director Alice Rivlin and later, OMB Director Franklin D. Raines to liaise with Congress and with the Control Board on behalf of his administration to address DC's problems. Clinton subsequently asked Rivlin to chair the Control Board.

The most significant actors in Congress were Speaker of the House Newt Gingrich (R-GA), DC Oversight Committee Chair Tom Davis (R-VA), Senate Appropriations District

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<sup>83</sup> President Clinton appointed the Brimmer Board (or the First Board) on June 1, 1995 and the Rivlin Board (or the Second Board) as of September 31, 1998. Both the Brimmer Board and the Rivlin Board operated under authority of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Publ. L 104-8 (1995) ("Control Board Act"), as amended by the Capital Revitalization and Self Government Improvement Act of 1997, Publ. L 105-33 (1997) (the "Revitalization Act"). Both the Control Board Act and the Revitalization Act amended the Home Rule Act.

<sup>84</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn, Dec. 6, 2019, 18

Subcommittee Chair, Senator Lauch Faircloth and D.C. Oversight Committee member Eleanor Holmes Norton (D-DC). Eleanor Holmes Norton approved of the Control Board and acted as a bridge to the Black community in DC. She also fiercely defended the city's interest when she thought it was threatened by Control Board actions.

Except for Stephen Harlan and Alice Rivlin (both white), all members of the Control Board were Black and, according to Stephen Harlan, all lived in Washington, DC. Two of the members, Harlan and Newman, were Republicans. The rest were Democrats.<sup>85</sup> Alice Rivlin vetted the members on behalf of the Clinton Administration with input from Eleanor Holmes Norton and Tom Davis. Norton insisted that the members live in the District, although the criteria was expanded to allow members to serve who worked in the District. The criteria change was made to attract former high level government workers who might live in the suburbs although it is unclear that the expanded criteria was required in practice.

Each member served without pay, and each had unique credentials for their positions. For example, Chairman Brimmer, who was the son of a cotton farmer from Louisiana, received his doctorate in economics from Harvard and served for 14 years as a member of the Federal Reserve Board. He also served as chairman of the board of trustees of Tuskegee University in Alabama. In 1976, he opened his own economic and financial consulting firm. Vice Chair Harlan was an accountant who retired as the Vice Chair of KPMG, one of the "Big Four" accounting firms. He started his own real estate firm in DC. He was a leader in the DC Board of Trade and the Federal City Council; he was also a founding member of the DC Economics Club which attracted the leaders of many of the District's businesses. Harlan was outspoken in his advocacy for investment

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<sup>85</sup> The members of the Control Board included Andrew Brimmer, Chair (1995-98), Stephen Harlan, Vice Chair (1995-98) and ex officio (1998-2001), Constance Berry Newman, (1995-2001), Joyce Ladner, (1995-98), Edward Singletary (1995-98), Alice M. Rivlin, chair, (1998-2001), Robert P. Watkins III, (1998-2001), Carius Mans, (1998-2001).

in police and public works. “Unofficially, he became the assuager of white and Black middle-class fears, reiterating the Board’s intention to change the political and management culture of the city”.

<sup>86</sup>Joyce Ladner, a former member of SNCC and a civil rights activist, held a doctorate in sociology and worked on making improvements to DC’s education system. She was a professor at Howard University and served as Howard University’s interim president from 1994-1995. Constance Berry Newman was the undersecretary of the Smithsonian Institution when she was appointed to the Control Board, and Edward Singletary was the former vice president of Bell Atlantic Corporation.<sup>87</sup>

While both Brimmer and Rivlin were strong leaders and set the direction of the Control Board when each led the organization, the Control Board worked by consensus. They would hold meetings to gather information on the problems they faced and to discuss solutions. Some of these meetings were public to solicit input from citizens, and others were private meetings with consultants and other groups or individuals who had information that the Control Board needed. Formal votes had to be taken in a public meeting after certain notice requirements were met. However, the Board itself developed its plans and voted to adopt a plan in a private meeting before holding the public meeting to formally adopt the plan. They negotiated with each other until the members of the Control Board reached consensus during those private meetings.<sup>88</sup>

Jonetta Rose Barras notes that within months of the Control Board’s creation, it retreated to upscale offices with a tight security system and a locked front door. Barras said the Control Board had, “along with a public meeting format that restricted public input, severely hampered residents’ ability to influence any control board decisions.” Real decision making usually occurred

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<sup>86</sup> Jonetta Rose Barras, *The Last of the Black Emperors*, 181

<sup>87</sup> Jonetta Rose Barras, *The Last of the Black Emperors*, 179-183.

See also Colbert I. King, “Control Board Blues”, *The Washington Post*, June 8, 1996

<sup>88</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn, Dec. 6, 2019, 16

in private which was in line with Chairman Brimmer’s inclination to “work outside of public view.”<sup>89</sup>

The Control Board was served by a staff of between 20 and 30 people at a time over the course of its six years of active service. Most of the staff were former GAO personnel. Members set policy and Executive Director John Hill (or his successor) implemented policy. Hill was also a former GAO official who led a study of District finances in 1994 at the direction of Congress. Additionally, he participated in drafting the law creating the Control Board. Hill was supported by Daniel Rezneck as General Counsel. As a young lawyer, Rezneck served as the clerk to Supreme Court Justice William J. Brennan and later, worked as an assistant U.S. attorney before going into private practice. Rezneck retired as a partner from a large DC law firm to take the job at the Control Board. Rezneck’s job was to defend the Control Board against lawsuits, advise the Board on legal matters, supervise contracts between the Control Board and consultants, and review all contracts for compliance with laws and policy before approval. In practice, the Control Board disapproved millions of dollars of contracts on various grounds, including contracts to Barry’s cronies.<sup>90</sup>

The Control Board’s first order of business was to address the District’s broken accounting system and to repair the finances—which the *Washington Post* characterized as “fiscal chaos.”<sup>91</sup> To accomplish that objective, Mayor Barry hired Anthony Williams as the District’s Chief Financial Officer (CFO). Under the Control Board Act, Barry could hire the CFO but could not fire him without the consent of the Control Board. The CFO reported to the Control Board. The Control Board tasked Williams to formulate a plan to produce balanced budgets for the District

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<sup>89</sup> Jonetta Rose Barras notes that he preferred to “work outside of public view. ...He was from the old school where his word was his bond, and where an honorable respectable image was coveted more than gold.” Jonetta Rose Barras, *The Last of the Black Emperors*, 184

<sup>90</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn, Dec. 6, 2019,12

<sup>91</sup> Former Mayor Anthony Williams, Interview by Dennis M. Horn 9/10/1, 10 citing a *Washington Post* article characterizing the District’s finances as “fiscal chaos”.

and to secure a clean audit for the 1997 fiscal year.<sup>92</sup> The most immediate problem was that the District's books were in disarray. The District officials were also burdened by an outdated computer system and an inefficient accounting process.<sup>93</sup> When Natwar Gandhi started his job as Deputy CFO for the District in 1997, he found a storage room filled with years of unreviewed income tax returns, many with uncashed checks attached for taxes due. The Control Board ordered up to date equipment and replaced much of the accounting staff.<sup>94</sup>

The Control Board worked hard to get information about the sources of the financial problems and potential solutions before it made decisions. They ordered a poll of District residents and learned that the citizens were most concerned about public safety and schools. They or their staff held numerous meetings with citizen groups, District public officials, and consultants to figure out what to do about these problem areas. The Control Board or their staff interviewed representatives from other cities that faced similar problems to DC's, including in particular New York City, Philadelphia, and Detroit. They also hired consultants to formulate specific action plans in response to the Control Board's problems. In many cases, the Control Board acted to address the problems it identified.

For example, the research suggested that DC was a more expensive place to do business than neighboring Maryland and Virginia and imposed more onerous regulatory requirements on its citizens. Not only were taxes and rent higher in the District, but the District made it much harder to operate a business because of regulatory hurdles and inefficient regulatory administration.<sup>95</sup> In fact, the Control Board hired my firm, Holland & Knight, to recommend regulatory reforms to

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<sup>92</sup> The D.C. fiscal year ran from Oct. 1 of one calendar year to September 30 of the following calendar year. Williams recalls that

<sup>93</sup>*The Orphaned Capital*,10

<sup>94</sup> Interview of former DC Mayor Anthony Williams by Dennis M. Horn on 7/10/19

<sup>95</sup> See Carol O'Cleireacain, *The Orphaned Capital, Adopting the Right Revenues for the District of Columbia*, Washington, DC: The Brookings Institution, 1997, Chapter 2

make the District more competitive with Maryland and Virginia in attracting business and in making it easier for DC residents to obtain necessary government services. The results provoked some recommended changes in the law to address these competitive disadvantages. In one instance, we researched why the District hospitals did not have enough nurses. We concluded that part of the problem was that the District declined to offer license reciprocity to nurses that were licensed in Maryland and Virginia. Based on Holland & Knight's study, the Control Board recommended that the District grant reciprocity to licensed Maryland and Virginia nurses. In turn, the DC Council passed a law to that effect which significantly helped address the nurse shortage in the District.

Some of the public meetings that the Control Board held were quite contentious. In particular, the Control Board faced serious opposition on its decision to take over the DC Public Schools while Brimmer was chair, its decision to close DC General Hospital while Rivlin was chair and its decision to address the University of the District of Columbia's (UDC) cost structure. According to Stephen Harlan, the meeting on DC General Hospital, for example, "was attended by many opponents who disrupted the meeting and shouted us [the Control Board members] down." The police escorted us to another building, and it took a half an hour and we voted to close DC General. And when we left, we were surrounded by these shouting demonstrators."<sup>96</sup> Bernard Demczuk recalls that there were student protests in front of the Control Board offices and in front of UDC that lasted periodically over about a year and then fizzled out. The leaders of the protestors called the Control Board members "Uncle Toms" and "Handkerchief Heads," which was another term for "Uncle Tom."

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<sup>96</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn, Dec. 6, 2019, p. 16

The protests were not always quixotic stands, especially at the UDC. The Control Board questioned whether DC could afford an excellent state university or if UDC should be downgraded in some way, perhaps to a community college. While that did not happen, the board attempted to set aside existing contracts, including contracts with the faculty on tenure, retirement, and pensions. Consequently, some of the faculty sued to protect their contractual rights, and they won in court. The board responded by getting the law changed; and they were able to make some of the money saving changes that they wanted anyway. However, the Control Board was not able to significantly change the mission or structure of UDC.<sup>97</sup>

Barry, the Control Board, and Racial Politics. Initially, the Control Board sought Barry's cooperation in implementing its policies. After all, Mayor Barry supported the creation of the Control Board and initially, his office had day to day responsibility for running the government. This was still true even though the Control Board had the ultimate authority to set policy and to direct the government's actions. According to Executive Director John Hill, the board members believed that power was most effective when it was available but was not used. They believed that the fear of how it could be used was more powerful than the use itself.<sup>98</sup>

The policy of cooperation worked admirably in the case of the MCI Center (now the Capital One Arena) that was ultimately built near the Gallery Place metro stop. Soon after Barry's election, Abe Pollin made a deal with Barry to build an indoor sports arena in DC's Chinatown district. The deal conditions included bringing Pollin's Bullets basketball team and his Capitals hockey team to play there. General Counsel Daniel Rezneck recalls being invited to a meeting at Abe Pollin's home, which was located at the Colonnade in DC. The meeting was held to address some impolitic statements that one of Barry's campaign workers made during his campaign for mayor. Barry came

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<sup>97</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn, Dec. 6, 2019, 35

<sup>98</sup> John Hill, Interview by Dennis Horn, January 15, 2020, p. 2

to the meeting, but instead of bringing up the impolitic remarks, Pollin took Barry and Rezneck aside and told them that he was willing to go ahead with the MCI Center deal as long as both the mayor and the Control Board approved it. So, both approved the deal. Mayor Barry took the lead in settling the details and took credit for bringing sports to DC. The MCI Center opened two years later in December 1997.<sup>99</sup>

That policy of cooperation stalled when the Control Board voted to cut 5,000 government positions, including 3,600 that were already vacant. While Barry ultimately acceded to this mandate, he fought it in public. The policy of cooperation also slowed even further when Barry balked at implementing Control Board directives to improve services by replacing underperforming managers of troubled city agencies. The Control Board conducted exhaustive studies of these agencies and, in many cases, were determined to fire Black managers who had been hired by Barry and replace them with individuals, regardless of their race, that the Control Board believed could turn around these agencies. That policy reversed Barry's policy of hiring Black managers in his "Black government" to promote economic progress in the Black community.<sup>100</sup>

According to Liaison Bernard Demczuk, "we had to fight them because we had to preserve our Black base." Barry portrayed the Control Board to his base as "Black drivers," where white people used Black persons as "drivers" to "crack the whip" and drive the Black population. While it was not clear to Demczuk that Barry believed that characterization of the Control Board, Barry

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<sup>99</sup> Stephen Harlan and Daniel Rezneck, D Interview by Dennis Horn, Dec. 6, 2019, 34; see also Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 433

<sup>100</sup> Vernon Hawkins was an example of a Black administrator who Barry refused to fire. According to Asch and Musgrove, Hawkins was a "Barry loyalist" who served as director of the Department of Human Services and was a poor manager. Barry claimed that the Control Board was not authorized to make "day to day" management decisions which were his purview as mayor. The Control Board prevailed in firing Howkins but only after a public fight. see Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 432

thought it was necessary to demonize the Control Board to preserve his base.<sup>101</sup> When Barry recognized that a decision was necessary, he told the Control Board that they could take the action, but that he would have no part of it. When a *Washington Post* reporter asked Stephen Harlan what he thought about passing the buck to the Control Board, Harlan said when the mayor refuses to take action, he becomes irrelevant.<sup>102</sup> Irrelevance must have been a painful epitaph to a man who Jonetta Rose Barras called “the Last of the Black Emperors.”<sup>103</sup>

Opposition to the Control Board was politically advantageous for Barry. Barry believed that he could always count on 30% of the vote in the Democratic primary. If he could add 5% or 10% more votes, he would usually win when there were 3 or 4 people running for mayor, dividing the vote. Since the Democratic primary winner was always the winner in the general election in (majority Democratic) DC, a plurality was enough to win the election. Because the Control Board was deeply unpopular among Barry’s Black constituency, running against the Control Board was good politics. In the 1994 election, Barry won with 47.18% of the vote in the Democratic primary. His five opponents collectively received more than 50% of the vote.<sup>104</sup> On the other hand, Barry could have expanded his base and his legacy by embracing at least some of the actions that led to better public services, taken credit when they succeeded, and blamed the Control Board when they failed. The Control Board was willing, even eager, to let Barry claim credit for successful actions as they did with the MCI Center project. As his successor, Tony Williams put it: “[Barry] could have [been] a Nixon goes to China leader and been a great leader. Because ...people in the southeast would have still supported him, because he was Marion Barry and the rest of the city would have thought he was a hero. To this day, I still don’t understand why he [did not apply

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<sup>101</sup> Bernard Demczuk, March 20,2021, Interview by Dennis Horn ,64

<sup>102</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn,Dec. 6, 2019,38

<sup>103</sup> Jonetta Rose Barras, *The Last of the Black Emperors*, boot title

<sup>104</sup> Bernard Demczuk, Interview by Dennis Horn, March 20, 2021, 54

himself to solving the District’s problems]”.<sup>105</sup> Barry traded continuing control over his political base for a legacy that might have had historians praising him for becoming the Comeback Mayor rather than the “tragic hero,” which is how Asch and Musgrove styled him.<sup>106</sup>

Whatever legacy Barry could have had, there is no doubt he understood his constituency. Barry ran for mayor in 1994 on a theme of redemption. Many poor and working-class Black families had someone in the criminal justice system. The idea that Marion Barry could go to prison and come back to power resonated with those families. The Black church is a forgiving church. Barry’s redemption could be their kin folk’s redemption. In addition, many Black Washingtonians have viewed Congress with suspicion. Black workers in unions and Black individuals with city jobs stood to lose benefits from Control Board action.

Some saw the Control Board as a Congressional ploy to take back white control of the District. Soon after the Control Board idea was raised as a possible response to the financial crisis, DC Council Member Kevin P. Chavous (D-Ward 7) summarized the reaction of his constituents like this: “There is also this overwhelming feeling among mainline Black Washingtonians that they don’t want to be told what to do. That is why they voted for Marion Barry. There is some built-in paranoia and distrust of Congress. It is the result of generations of congressional colonialism. While the feeling of conspiracy (by Congress against Black people) is not held by a majority in this city, it is [a] real suspicion.”<sup>107</sup>

The distrust of Congress and the Control Board (as an instrument of Congress) may well be rooted in more than paranoia. For much of American history, advances in Black rights have

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<sup>105</sup> Anthony Williams interview by Dennis Horn, July 10, 2019, 6

<sup>106</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City, 434*

<sup>107</sup> Blaine Harden and David A. Vice, “Race and the Bottom Line in D.C.” *Washington Post*, March 19, 1995

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiohtr17b7AhV0kWoFHcl0CJEQFnoECA4QAQ&url=https%3A%2F%2Fwww.washingtonpost.com%2Farchive%2Fpolitics%2F1995%2F03%2F19%2Frace-and-the-bottom-line-in-dc%2F86564231-50f1-4b73-bb42-fbee7e62b89c%2F&usg=AOvVaw2LA1CHVmW5dOu5-zwzaQ8C> (November 16, 2022)

been followed by reversals of those rights. The rights Black Americans gained with emancipation after the Civil War were compromised by the “Black laws” (also known as the “Jim Crow laws” which state legislators passed in many Southern states. These laws were passed to make sure Black people remained enslaved economically, if not by law. The federal Reconstruction Act of 1867, which allowed Black individuals to be elected to state legislatures and Congress, and to enjoy more economic rights, was met by violence from the Ku Klux Klan and similar racist organizations.

The freedom from slavery guaranteed in the 14<sup>th</sup> Amendment and the voting rights granted by the 15<sup>th</sup> Amendment to the Constitution were challenged by Jim Crow Laws in many Southern states. These Jim Crow Laws, when put into practice, denied Black people these rights. In modern times, Black families sometimes found it difficult to move into predominantly white suburbs, despite the legal protections offered by the various civil rights statutes passed during the Johnson administration. Neo-Conservative historians argued that American institutions were “basically fair.” As Jacquelyn Dowd Hall put it: In the view of these neo-conservatives, African Americans were “free to compete in a market-driven society... If stark group inequalities persisted, Black attitudes, behavior and family structures were to blame.”<sup>108</sup> Is it any wonder that Black Washingtonians would be suspicious that Congress could take away both their right to vote under the Home Rule Law and the economic advances that they had made during Mayor Barry’s time in office? Barry stood up for these people and they responded by supporting him politically.

Perhaps with an eye to his Black constituency, Barry did not support the Control Board’s plan to reform the police department even though violent crime continued to be a problem in the District. He wanted direct control of the police but the man the Control Board wanted to hire,

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<sup>108</sup> Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past”, *Journal of American History*, vol. 91, issue 4, March 2005, pp1233-1265, [hhttps://doi-org.proxy-um.researchport.umd.edu/10.2307/3660172](https://doi-org.proxy-um.researchport.umd.edu/10.2307/3660172)

Charles Ramsey, was not willing to report to Mayor Barry. Stephen Harlan had to go to Senator Lauch Faircloth to get a bill through Congress to give the Chair of the Control Board or his designee authority to hire all police personnel, including the Chief of Police.

People did not feel safe in the city while their neighbors were being murdered in the streets. The Control Board hired Booz Allen Hamilton to formulate a plan to address the District's homicides. They also consulted the FBI and police forces in other cities that had well-run homicide departments. The consultants came up with several ideas. These ideas were broadly implemented. For example, the Control Board instructed the police and asked the prosecutors not to arrest juveniles for smoking weed or congregating in a non-violent manner. However, if a youth was caught with a gun or even a bullet, they would put the juvenile in jail. The message was that the system would work with the youths, but if they were violent the system was "coming down on you big time. And it worked. Youth homicides went way down." Stephen Harlan considers the reform of the police department to be the Control Board's second biggest success story, right after getting the District's finances under control.

In addition to new policing tactics and new leadership, the Control Board made sure that the police got new, state of the art equipment.<sup>109</sup> The reorganization of the department and investment in equipment was successful. In 1990, DC suffered 474 murders. There were 242 murders in 2000, a decrease of nearly fifty percent. In addition, the police arrested Rayful Edmond III in 1989. He was alleged to be the kingpin of cocaine distribution in the District in the 1980s. At its peak, his crew was alleged to have distributed 330 pounds of crack and cocaine in DC

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<sup>109</sup> Stephen Harlan, Interview by Dennis Horn, Sept. 9, 2019, 16, 39

between 1987 and 1989 generating sales of \$2 million a week.<sup>110</sup> These successes in decreasing the murder rate made people feel safer on their streets as the decade progressed.

On the other hand, Stephen Harlan and Daniel Rezneck believed that schools were the Control Board's biggest failure. No issue rated more public hearings or more push back from the public. The school system certainly needed to be reformed. A Control Board report concluded that the school system was "long on violence and short on learning, and at a pretty price. The school superintendent's office in DC cost \$5.9 million a year, as much as two nearby large suburban counties and the city of Baltimore combined."<sup>111</sup> School policy may be one of those issues where an unelected Control Board does not have either the capacity or the public support to resolve problems that simply cannot be separated from group identity politics. However, in 1996, the Control Board disbanded the elected School Board and established an appointed board of trustees for the schools. They fired the former superintendent of schools and hired Lt. General Julius W. Beckton, the former head of the Army's education system. He came in with his military system and staff and, according to Harlan, "it just did not work....He replaced one bureaucracy with another."<sup>112</sup>

Clinton and Congress Take Control. In December 1996, the Control Board issued its strategic plan, which called for the federal government to pick up the tab for various District programs which were typically paid for by the states. The Control Board members also recommended that the federal government assume responsibility for the DC pension obligation of about \$5 billion (and growing) and provide for larger federal payments to the District. All parties were frustrated by the slow progress in restoring public services. Andrew Brimmer wanted the

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<sup>110</sup> Elsa Walsh, "Edmond Convicted on All Counts in Drug Conspiracy Case", (*Washington Post*, December 7, 1989) A-1

<sup>111</sup> Fred Siegel, *The Future Once Happened Here*, 106

<sup>112</sup> Stephen Harlan, Interview by Dennis Horn, Sept.9, 2019, 27

Control Board to have more power so that Mayor Barry could not thwart its directions through inaction as had been his pattern during the first two years of the Control Board's existence. The plan, at least as far as the request for more money was concerned, was not well received by either the White House or Congress. President Clinton promised "a more disciplined, organized effort" to help the city, but did not agree to provide more funding.<sup>113</sup> In fact, according to Frank Raines, who at that time was an advisor to the President on DC affairs and later served as the OMB Director, Clinton said that the District had to cut spending, manage the city better, and improve public services before more money would be forthcoming.<sup>114</sup>

Shortly thereafter, Congressmen Livingston and Gingrich called the Control Board to a meeting in the House Office Building. They believed that the Control Board was not moving fast enough to address the District government's inability to deliver appropriate government services to the public. Control Board members (other than Brimmer) countered by stating that they were working with Barry to ensure the local government's commitment to policies that the Control Board wanted to adopt, so those policies would continue to be implemented after the Control Board was gone. Policy differences between working with the elected officials versus giving the Control Board the power to go ahead with the changes would have ramifications later, especially when the Control Board tried to change the District's school system and close DC General Hospital. Gingrich and Livingston were not convinced that the "get along" policy was working. Although Gingrich had initially offered to work with Barry and to allow the Control Board to do so as well,

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<sup>113</sup> Initially, President Clinton was not convinced as to how the District should be assisted. First Lady Hillary Clinton was a significant supporter of the District of Columbia, and she convinced the President to help D.C. See David A. Vise, "Hillary Clinton Steps Up Effort to Help D.C.," *Washington Post*, Dec. 18, 1997, A-1.

<sup>114</sup> David A. Vise and Peter Baker, "Clinton Wary of Increasing Funds for D.C.; Barry Lauds Control Board as It Requests More Money" (*Washington Post*, December 13, 1996) Section A, pg. A01; President Clinton's reaction may also have been a response to his administration's initiative to balance the budget which was going on at the same time.

he had come to believe that Barry was obstructing progress in improving government services.<sup>115</sup> Eventually, they instructed the House District Subcommittee Chair Tom Davis to draft new legislation giving the Control Board additional tools to move things along.

Despite these concerns, many in Congress continued to support revising the Home Rule Law to address the District's structural problems. After all, Congressmen wanted a safe place to live and provide good schools for their kids. Raines confirms that in 1997, as part of the "Balanced Budget" negotiation between the Clinton Administration and Congress, Speaker Gingrich took him aside and told him "let's fix the city. I just do not want any credit for it." Raines theorizes that Gingrich thought the original Home Rule Law was a "raw deal" for the city, but that "the politics of doing something positive for this overwhelmingly Democratic city was not good, so he wanted the right thing to happen but did not want his fingerprints on it."<sup>116</sup> Gingrich told the Control Board members that if anything got in their way, they should come to him and he would take care of it.<sup>117</sup>

Being tough on the District was good politics for virtually every Republican Congressmen with whom John Hill worked but when Gingrich decided something should happen, it happened. Historian Fred Siegel had a different take on Gingrich's motives. He notes that Gingrich hoped to "redeem" the Republicans for their past failures to support civil rights and aid to the inner city." When Gingrich was first elected Speaker in 1995, he "began to speak of Barry as 'the only person who can ... create a bridge of trust between the poorest Black neighborhoods and the outsiders who sincerely want to help.'" While Gingrich's opinion of Barry's willingness to create the bridge

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<sup>115</sup> Historian Fred Siegel notes that Gingrich hoped to "redeem" the Republicans for their past failures to support civil rights and aid to the inner city." In 1995 when Gingrich first became Speaker, Gingrich "began to speak of Barry as "the only person who can ... create a bridge of trust between the poorest Black neighborhoods and the outsiders who sincerely want to help." Fred Siegel, *The Future Once Happened Here*, 107

<sup>116</sup> Former OMB Director Frank Raines, Interview by Dennis Horn, 12/4/19

<sup>117</sup> John Hill, Interview by Dennis Horn, Jan. 15, 2020, p. 3

probably changed by 1997, Gingrich may still have been interested in burnishing the Republican image on civil rights.<sup>118</sup>

Senator Lauch Faircloth gave Stephen Harlan the same commitment to get the Control Board whatever it needed to fix the District's problems.<sup>119</sup> While the Clinton Administration had still not finalized its rescue plan, President Clinton held a press conference in March 1997 in which he directed all federal agencies to cooperate with the Control Board to help the District get back on its feet.<sup>120</sup> As a result, the FBI allowed the District's police to use its crime lab to fast track some their investigations. The IRS also agreed to collect District taxes on behalf of the District. Additionally, OMB staff, under Frank Raines' direction, crafted what became the Revitalization Act. In doing so, OMB identified those state-like cost categories that were likely to increase unpredictably in the future and designated them for the federal government to assume.<sup>121</sup> Still, President Clinton had the same political sense as Speaker Gingrich to keep his distance from Barry. One of Clinton's staff told Control Board and White House Liaison Bernard Demczuk that Barry had to stay away. "President Clinton was not going to allow his picture to be taken with Marion Barry in a Republican ad, showing Clinton smiling next to a crack head."<sup>122</sup>

To address Congressional concern that the federal government should not give the District more money or even continue the federal payment, Frank Raines recalls negotiating a compromise with the District Council to get Congress to pass the Revitalization Act. Despite support at the

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<sup>118</sup> Fred Siegel, *The Future Once Happened Here*, 107

<sup>119</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn, Dec. 6, 2019, p19

<sup>120</sup> President Bill Clinton, "Remarks Announcing the Economic Plan for the District of Columbia" (Public Papers of the Presidents, 33 Weekly Comp. Pres Doc 335, March 11, 1997); John Hill, who by that time was the Executive Director to the Control Board, found the federal agencies very helpful. In addition to the assistance cited above, GSA helped D.C. structure their procurement system. The Office of Personnel Management helped D.C. restructure its personnel rules. See Interview by Dennis M. Horn of Former Executive Director of Control Board John Hill, 1/22/20

<sup>121</sup> John Hill, Interview by Dennis Horn, Jan. 15, 2020, p.12

<sup>122</sup> Bernard Demczuk, Interview by Dennis Horn, March 20, 2021, 60

leadership level, Raines said there was very little support in Congress for federal assumption of District obligations and debt that he valued collectively at about \$10 billion over ten years. To address that concern, he recommended that the District give up the federal payment which had been included in the original Home Rule Law and was also recommended for continuation in the Control Board's recommendations. That concession would allow Congress to "score" the Revitalization Act as revenue neutral since giving up the federal payment compensated for the federal government's assumption of the District's state-like liabilities. The District Council reluctantly agreed.<sup>123</sup> Congress retained in the Home Rule Law as amended by the Revitalization Act, virtually all its control over issues that mattered to the federal government including the right to veto DC law and to reinstate the Control Board if the District failed to maintain its balanced budgets. Neither did the District get any new revenue sources under the Revitalization Act. Presumably in deference to the Virginia and Maryland delegations in Congress, even after the Revitalization Act was passed, the District was still not able to tax wages earned in DC by non-residents. Since the federal payment had been eliminated, that left property taxes and income taxes on residents as the main sources for DC's revenue.

Various politicians were able to get their pet ideas incorporated into the legislative package that was passed along with the Revitalization Act. Tom Davis and Eleanor Holmes Norton promoted legislation that set up enterprise zones, first-time home buyer tax credits, charter schools in the District, and a DC college access bill that allowed DC children to go to any state school in the country and pay in-state tuition for that school.<sup>124</sup> Private contributions subsidized the college access bill. By the early 2000s, these laws became increasingly important in attracting educated

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<sup>123</sup> Former OMB Director Frank Raines, 12/4/19. Mr. Raines noted that Congress required the District Council to sign off on a memorandum of understanding outlining the main points in what became the Revitalization Act before the Act itself could be voted on in Congress

<sup>124</sup> Former Congressman Tom Davis, Interview by Dennis Horn, 5/3/19

young workers to the District as its economy became more vibrant; and these same laws remain in effect today. The charter schools and the DC college access bill may also have been in recognition of the fact that neither the public schools nor UDC were providing the excellent educational opportunities to which DC residents aspired. During the same period, new businesses were started in DC, such as America Online (AOL) and Sirius XM which over time provided private sector jobs. Tom Davis succeeded in getting Lorton Prison closed and the land given back to Fairfax County, VA, which was in Davis's constituency. Davis enjoyed the political catnip when Lorton was closed and redeveloped.

In getting the Republican Congress to pass the legislation, Frank Raines had to overcome many hurdles. For one, Control Board Executive Director John Hill noted that "the District was seen in many [Congressional] districts as the root of all evil....The Republican Congressmen that we worked with....said that it is politically good for them to run against the District, and [being] tough on the District was a given."<sup>125</sup> In view of that opposition, approval required strong leadership from Newt Gingrich and strong support from President Clinton's administration. To get around this opposition, the bill was packaged as part of the Balanced Budget Act of 1997.<sup>126</sup> The Balanced Budget Act was a collaboration between President Clinton and the Republican Congress to balance the federal budget and reduce taxes.<sup>127</sup> The federal budget involved trillions of dollars,

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<sup>125</sup> John Hill, Interview by Dennis M. Horn, 1/22/20

<sup>126</sup> Balanced Budget Act of 1997 (Pub.L 105-33), 111 Stat. 251 (1997)

<sup>127</sup> Except for passing the Balanced Budget Act, the 105<sup>th</sup> Congress was a mess of infighting and little legislative achievement. Newt Gingrich was sanctioned for breaking the House rules and President Clinton was impeached by the 105<sup>th</sup> Congress. See Sarah A. Binder and Thomas E. Mann, "The 105<sup>th</sup>: It could have been a contender", (Brookings.edu, Oct. 18, 1998) <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiJoZj49637AhUBkWoFHV65BHMqFnoECEYQAQ&url=https%3A%2F%2Fwww.brookings.edu%2Fopinions%2Fthe-105th-it-couldve-been-a-contender%2F&usg=AOvVaw2xhJwd8Dc8CyJPryW-Ghlv> (Nov. 15, 2022)

whereas the approximately \$10 billion to the District that Raines estimated the Revitalization Act would cost was lost in the noise of the massive federal budget.<sup>128</sup>

Once the House was on board, the next step was getting the Senate to agree to the terms of the Revitalization Act. The first impediment was procedural since the Balanced Budget Act, of which the Revitalization Act was a part, was a reconciliation and tax bill. However, under a Senate rule called the Byrd Amendment, a reconciliation and tax bill could not include any additional spending. Senator Robert Byrd (D-WV) could have tanked the Revitalization Act if he determined that the assumption of the \$5 billion pension liability was “additional spending.” However, Byrd was partial to prisons that supplied jobs in his state. Raines told Byrd that the government would close Lorton Prison under the Revitalization Act, ensuring its 12,000 prisoners would be housed in a new federal prison near the District so DC families could visit incarcerated family members. According to Raines, once Byrd was reminded of the West Virginia jobs that could result from the proposed law, he made no objection to the Revitalization Act.<sup>129</sup> This anecdote is another example of how a Senator’s own interest can be critically important to the District’s success in passing or rejecting legislation that benefits the District.

The other obstacle in the Senate was Senator Lauch Faircloth (R-NC), a first term Senator and successful pig farmer from North Carolina. He chaired the DC Appropriations Subcommittee of the Senate Appropriations Committee that had jurisdiction over the District legislation from the Senate side. He was not convinced that the Barry government could run the District and was a strong advocate for a powerful Control Board. Faircloth insisted that the Revitalization Act give the Control Board direct authority over the most important of the District’s agencies, including schools and police. Faircloth opined that the Control Board should be “a permanent feature of city

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<sup>128</sup> Interview by Dennis M. Horn of Former OMB Director Frank Raines, 12/4/19

<sup>129</sup> Interview by Dennis M. Horn of Former OMB Director Frank Raines, 12/4/19

government....the mayor would be ceremonial; and we could keep the city council in an advisory capacity.”

The legislation provided that the Control Board would sunset when the District had four consecutive balanced budgets and had repaid its debt to the federal government. While Faircloth did not get his way completely, the Revitalization Act provided that the Control Board would return automatically if the District defaulted on its bond obligations, failed to make payroll, or transgressed in other defined ways. If reinstated, the Control Board’s new members would be appointed by the U.S. President. In addition, the Act requires the District to maintain an independent CFO as a perpetual watch dog over the DC Council and Mayor in fiscal matters. If the DC government allows the 1995 financial crisis to arise again, the Control Board will spring back with new Board members to be appointed by the President. Under the Revitalization Act, the President must nominate DC judges; then Congress must confirm these judges, taking control of the District’s judiciary out of the hands of the District’s elected officials.

Ultimately, the Revitalization Act, which passed in 1997, made fundamental changes in the Home Rule Law. It addressed the District’s structural deficit by giving the federal government financial responsibility for many of the District’s state-like functions including the \$5 billion pension liability and operations cost for the District’s courts, prisons, bridges, highways, metro maintenance and expansion. In addition to the Lorton penitentiary closure mentioned, other benefits of the bill included an increase of seventy percent to the federal share of Medicaid costs. In return, the District was required to give up their annual federal payment, which was \$165 million in 1995. This points up the significant advantage that DC has as a dependency of the federal government. The federal government’s ability to assist DC is limited only by its political will to do so. In this instance, the federal government’s FY 1997 Budget was \$7,805 billions of which the

\$10 billion which Revitalization Act was estimated to cost the federal government over ten years was a trivial amount and this amount was zeroed out in the scoring by the annual federal payment that DC gave up.<sup>130</sup> The people who wrote the Revitalization Act also believed that the categories of expenses that were federalized were also likely to grow in an unpredictable manner. Eliminating these expense categories allowed DC to better predict and plan for its anticipated costs.

In the Revitalization Act that was adopted, the Control Board was given responsibility for directing day to day operations of the DC government including appointing the leaders of the respective DC agencies. Each Control Board members took responsibility for one DC Agency, attempting to reform that agency.<sup>131</sup> For example, Stephen Harlan took responsibility for public safety and public works. Joyce Ladner had responsibility for schools. Connie Newman handled welfare. Mayor Barry was left with parks, recreation, and libraries.

Congressional Cooperation with The Control Board. Personal relationships between members of the Control Board and members of Congress were important in allowing the Control Board to achieve its objectives. Stephen Harlan became very close to Senator Faircloth just as Chairman Brimmer became close to Speaker of the House Newt Gingrich. Brimmer was on the board of Tuskegee University and Gingrich's seat was in Georgia. Because of this, they used to fly back and forth together to go to meetings. According to Harlan, Gingrich and Brimmer became confidants. Anthony Williams also developed close ties to the Congressmen that handled the relevant committees that were responsible for vetting the District's budget. Those alliances created suspicions among DC citizens that the Control Board served Congress and not DC. In their minds, it also raised the possibility that the Control Board was another attempt by the largely white Congress to take over the majority Black District.

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<sup>130</sup> The Budget for the Fiscal Year 1997, Executive Office of the President, US government Printing Office, 1996

<sup>131</sup> Stephen Harlan and Daniel Rezneck, Interview by Dennis Horn. Dec. 6, 2019, 2-3

When Brimmer complained to Gingrich that the Control Board needed more direct power to counteract Barry's recalcitrance in following the Control Board's directives, Congresswoman Norton asked President Clinton to remove Brimmer as Chair of the Control Board. Clinton responded by removing Brimmer at the end of his three-year term in September 1998 and replaced him with Alice Rivlin.<sup>132</sup> Anthony Williams was also elected as mayor at about the same time (November 1998), taking office the following January. Alice Rivlin's policy as chair was to work closely with Mayor-Elect and the Mayor Williams to address District problems, and indeed Williams cooperated with the Control Board in doing so.

A survey conducted by the *Washington Post* in May 1998 found that whites and Blacks in the District overwhelmingly opposed having the Control Board on a permanent basis.<sup>133</sup> People acknowledged that the Control Board was useful to cut through the political headwinds to solve problems. However, they also believed that the Control Board was a temporary expedient and should not be allowed to remain on a permanent basis. The second (Rivlin) Control Board addressed this criticism when it voluntarily turned over control of the District's agencies to the Williams government before it had to do so. To its credit, the Control Board under Rivlin relinquished its power before it was required to disband to enable the elected government to run the District's affairs.

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<sup>132</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*

<sup>133</sup> 66% of white people and 38 % of Black people thought the Control Board should have authority to overrule local officials while it was in existence and 75 % of Black people and 72% of white people were optimistic that the city was headed in the right direction. Vernon Loeb and Claudia Deane, "Ire over Control Board Bridges A Gap", (*Washington Post*, May 28, 1998) A-1,

### Part III. The Control Board Legacy and the Aftermath

In 2001, at the end of the Control Board's six-year reign, the District had a working accounting system with four straight years of balanced budgets and clean audits. The Control Board earned Congress's respect by cutting costs and by acting as the "bad cop" to challenge sacred cows, like the school system and DC General Hospital. The police department was operating much more effectively. Perhaps most important, the District's economy was doing much better than it was doing in 1995. The MCI Center opened in December 1997 and resulting development revitalized downtown DC. In addition, the District no longer had to contend with a structural deficit in its cost sharing with the federal government.

One of the main flaws in the Control Board model was that the Control Board had very little support from the people that it governed. When hard issues and disagreements (like school governance) came up because the Control Board was faced with so many urgent problems at once, their incentive was to pick a solution and move on. Phil Mendelson, who was elected to the DC Council in 1998 and who chairs the Council today, remembers that the first Control Board was "arrogant and dictatorial." Mendelson believes that while it is possible to achieve reform with a fair amount of public acceptance, if you just push something through as he believes was the first (Brimmer) Control Board's method, you antagonize people and there is a lot of resistance. You may get more dramatic reform when you push something through, but "the residue will be very unpleasant".<sup>134</sup>

When Marion Barry announced in 1998 that he would not run for re-election, Williams joined Black councilmen Harold Brazil and Kevin Chavous and white Councilman Jack Evans as a candidate for mayor. Williams, who had secured a balanced budget and a clean audit for FY97

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<sup>134</sup> Phil Mendelson, Interview by Dennis Horn, November 1, 2019

in his capacity as the Chief Financial Officer under the Control Board, promised a competent government that would cut costs, replace underperforming workers, and close or privatize dysfunctional agencies. He was elected as mayor with a term that started in January 1999 and he served as mayor for two terms, essentially extending the Control Board's policy of investing in city services and amenities to attract middle class residents and jobs to the city.

Anthony Williams was first introduced to DC politics in 1996 when he was hired by Marion Barry as the District's first "independent" Chief Financial Officer ("CFO") under the authority of the Control Board Act. Barry accepted Williams because he did not view him as a political rival. After all, Williams did not look like a politician in the Barry mold. The *Washington Post* described him as "a number-crunching, bow-tie-wearing bookworm".<sup>135</sup> Barry, whose political experience and charismatic persona could not have been more different than Williams' image, underestimated Williams' ambition and his political instincts. Barry also did not account for the fact that Williams' role as the "independent" Chief Financial Officer (CFO) allowed him to gain more familiarity with the political landscape in Washington, DC. As the CFO, Williams had authority over the city's funds and budget and required that the financial officers in each DC agency report to him. The Control Board encouraged Williams to reach out to the public while Control Board Chair Andrew Brimmer, who could also have played this public role, preferred to stay behind the scenes.

Williams used his access to secure his own constituency by attending over 100 public forums where he reassured District residents that the Control Board was working hard to improve public services and the budget. He would also deliver his own vision for a new and improved city at these forums. His message was that DC was "a badly driven, overloaded and underpowered car on a really bad road." He told them that "every one of your social service agencies is in

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<sup>135</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 435

receivership. That's not just lack of money, its bad management [and overpromising]. We promise everything to everybody without any recognition that we have a limited balance sheet as a city. ... Because of our history of civil rights and lack of voting representation, we're underpowered in that we don't have full access to our taxing authority."<sup>136</sup> When I asked Williams what his biggest challenges were when he became mayor, he said "Number one was restore public trust, accountability, transparency, full faith and credit ... And then, start rebuilding the agencies of government and the critical services of government.... Start providing basic customer service again, like, new unique things like, answering the phone, having people go to the counter when people show up at an agency."<sup>137</sup> That message telegraphed how Williams would eventually govern DC once he was elected mayor. Williams focused on the nuts and bolts of managing a government to produce better services during his two mayoral terms.

One of the dysfunctional services that Williams determined to replace was DC General Hospital, the District's only public hospital. Williams's plan called for the District to create a network of private care providers that would feed into another hospital east of the Anacostia River called Greater Southeast Community Hospital. As discussed earlier, many members of the community strongly protested this plan. According to Asch and Musgrove, DC General, which was established by Congress in 1806 as a hospital for the indigent, was underfunded, mismanaged, and delivered poor health care services from the outset. However, DC General provided care to the poor and uninsured, even when the public hospitals turned them away. Many Washingtonians had an emotional attachment to DC General. They also questioned whether Williams' plan to create a network of private care providers with Greater Southeast Community Hospital as an anchor, would work. The Control Board recommended closing DC General in 1995, but Barry

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<sup>136</sup> Anthony Williams, interview with Dennis Horn on July 10, 2019, 4

<sup>137</sup> Anthony Williams, interview with Dennis Horn on July 10, 2019,16

refused to cooperate because he considered the move “politically perilous”. In 2001 when Williams decided to close DC General, the DC Council agreed with Barry that DC General should remain open and they too unanimously “rejected the initiative”.<sup>138</sup> At Mayor Williams request and despite widespread popular opposition, the second Control Board, now with Alice Rivlin as chair, used its plenary powers to close DC General and create a statewide health plan for DC. This action was one of the last major actions that the Control Board took before the Control Board ended its activities in September 2021.

In the views of Asch and Musgrove, Mayor Williams decision to close DC General is an example of why many Black Washingtonians, especially poor and working-class voters, were deeply suspicious of Williams. They “expected the racially targeted, redistributive policies characteristic of the Black Power era” and they got a mayor who had pledged a “race-neutral delivery of city services.”<sup>139</sup> Anthony Williams, on the other hand, told me that closing D.C. General and creating “one of the first statewide health plans in D.C. ... was important because ... we [the DC government] needed to create a plan and we needed to get out of the hospital business”. He also said that “I supported the closing of the hospital even though I did not have to because there was an election coming up, but I know politics better than most people think I know them, and I knew that I could support it and still get elected. And the message that sent to the world that the mayor did this and got reelected ... [was the message that] it’s not the [old] DC, no, that’s a different DC., and I think that had a huge effect on investment in DC.”<sup>140</sup> Frank Raines, who led the Office of Management and Budget and helped draft the Revitalization Act, agreed that Williams’ actions spurred investment in DC. He said: “I think Tony was the

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<sup>138</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 436-437

<sup>139</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 435

<sup>140</sup> Anthony Williams Interview with Dennis Horn July 10, 2019, 13

inspiration for the recovery [of DC]. Tony made it safe for people to try one more time in the city, even people who tried to ...get things done and had given up. Tony was so open and so genuine that people were willing to try again. So developers who had given up on doing development, you know, because they couldn't get it through the bureaucracy, you know, tried again.”<sup>141</sup>

Williams' plan for his first term in office was to build on the work that the Control Board started but with a working DC Council. His priority was (in his words) to “restore public trust, accountability, transparency, and full faith and credit” to the DC government. His second priority was to rebuild “the agencies of government and the critical services of government,” such as the police department, parks department, and human services agencies.<sup>142</sup> We can question whether Williams was successful in restoring public trust among all of his constituents. Asch and Musgrove argue that “Williams and his allies ignored growing discontent, particularly within the low-income black community, about who benefitted and who suffered from his administration's pro-development agenda.”<sup>143</sup>

Williams' objective for his second term was to increase the tax base by attracting middle-class residents to the District announcing his goal to bring 100,000 new residents to the District over the next ten years and stating: “We have brought the government to where we are capable of doing basic things....And now we want to aspire to do some great things.” He sought to bring middle-class Black families back to the District from Prince George's County by improving the schools and creating new housing opportunities.<sup>144</sup> He encouraged the Department of Housing to seize abandoned buildings and sell them to developers and looked to the federal government to transfer to the District federal land located throughout the District that could be used for housing

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<sup>141</sup> Frank Raines interview with Dennis Horn, December 4, 2019, 24

<sup>142</sup> Anthony Williams Interview with Dennis Horn July 10, 2019,16

<sup>143</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*,438

<sup>144</sup> Craig Timberg, “Williams Aims to Be Mayor of a Bigger D.C.,” *Washington Post*, Jan. 2, 2003, A1

and urban development. Williams looked to the private sector to develop the housing and to develop downtown. His government emphasized revitalizing neighborhoods and locating development around public transportation. The Williams government also tried to preserve historic structures, even in upscale Georgetown. For example, one developer integrated an abandoned 1932 landmarked city owned incinerator into the Ritz-Carlton Georgetown Hotel, 28 condominium residences and a multiplex theatre.<sup>145</sup> By making city owned land available to developers on favorable terms and in some instances, providing low cost financing, infrastructure improvements and other incentives to these developers, the market responded by initiating a real estate boom in DC which attracted a diverse mixture of young and older residents and in some instances, resulted in displacement of existing residents. .

This rapid growth in population which responded to the Williams government policies resulted in a rapid increase in housing prices. The average house in Washington increased in price by an average of seventy-five percent from 2002 and 2007 and rental costs increased considerably.<sup>146</sup> Asch and Musgrove faulted Williams for ignoring the displacement of people that resulted from the improvement in housing stock, competition for houses, rising house prices and other instances of gentrification. In practice, gentrification affected different classes of Blacks differently. Black property owners made out well and poor Black renters often left DC when they could not afford the higher rents that resulted from the higher property values. The revitalized neighborhoods attracted new residents, people of all ethnicities and races that could afford to live in an expensive city. As they did in connection with the DC General Hospital decision, long time Black residents who were displaced by the more expensive housing resented these newcomers, and they challenged Williams to take care of their needs as Barry would have done.

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<sup>145</sup> “Barbara Murray, “Another Ritz-Carlton Rises Up in Washington, *ALM Globest.com*, April 09, 2003

<sup>146</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 442

I maintain that Williams understood the adverse consequences of gentrification and pursued his objectives of attracting newcomers and encouraging urban improvements anyway. Just as he closed DC General with the knowledge that it would hurt him in the 2002 election because he considered it “good policy,” he was prepared to accept gentrification as an unwelcome but necessary consequence of his urban development policies. He wanted to attract 100,000 new middle-class residents who paid income tax and could support a growing city with its increased expenses. He certainly attempted to address those adverse effects by advocating for more affordable housing, but he accepted that the response to his pro-development policies would create winners and losers beyond the government’s ability to redress all the unfavorable outcomes. The winners were the developers and their investors, the new residents and the District’s tax collections. The people who were displaced , especially poor Black renters, were hurt by these policies.

Similarly, Williams believed that bringing baseball to DC was good policy, even though he understood that many Washingtonians thought that the public money could be better spent on other things. As Williams stated at his second inauguration, it was time to “do some great things.” Williams understood that the District’s demographics were changing. While Black people constituted about sixty-six percent of the population in 1990, they represented only sixty percent in 2000 and about fifty-one percent in 2010. Whites, Asians, and Hispanics increased their numbers considerably during those periods.<sup>147</sup> Also, the Black vote was divided, as middle-class Black voters continued to support Williams’s policy objectives. The political power of poor and working-class Blacks was just not as strong in the 2000s as it was during Barry’s terms in office.

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<sup>147</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 461 citing U.S. census population figures.

Finally, Mayor Williams could take political risks because he had the economy at his back. Throughout his second term in office, the District's economy boomed. That led to more jobs and higher tax collections which allowed Williams to undertake more public initiatives which in turn enhanced his popularity. In his interview, Williams opined that "the foundation [of the District's economic vitality] is always going to be the federal government" as well as "opportunities in science and tech and particularly health". He notes that the National Geographic is located in DC because at the turn of the century, "Washington was the major science center in North America". While the terrorist attacks on 9/11 may have impacted tourism in DC in the early 2000's, it also led to a robust increase in the federal government, much of which was based in Washington, DC. The federal government created the Department of Homeland Security and significantly increased the personnel head count in the defense, intelligence, and information technology industries. According to Asch and Musgrove, "Between 2000 and 2010, the amount spent on lobbying, defense, and federal contracting more than doubled, annually pumping hundreds of millions more dollars into the regional economy. All of this money drew legions of young tech workers, lobbyists, office staffers, military bureaucrats, lawyers, and contractors in the Washington region."<sup>148</sup>

When asked what Williams saw as the greatest accomplishment in his career, he responded by saying: "[I] carved the way and led D.C.'s recovery. ... I personified in people's minds what people in Congress and the White House and the Control Board and my own people [needed], but you know, that's what leaders are. ... I am out in the ocean and the wave went by. Catching the wave is hard. And I figured out a way to catch a really good wave."<sup>149</sup>

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<sup>148</sup> Chris Myers Asch and George Derek Musgrove, *Chocolate City*, 441

<sup>149</sup> Anthony Williams Interview with Dennis Horn July 10, 2019, 27

# Conclusion

My objective in writing this thesis was twofold. First, I endeavored to provide an account of the shift from a Home Rule model in DC that prioritized economic empowerment for Black city residents under Mayor Marion Barry to rule by Congressional mandate under the Control Board and later under Mayor Anthony Williams that prioritized a development model that improved city services to attract new middle-class residents and jobs. All these shifts in DC governance occurred during a complex national political climate of Civil Rights and Black political activism. When Barry was first elected mayor, he found himself in a perfect storm of Black empowerment, peaceful (and sometimes violent) demonstrations for Civil Rights that resulted in a national push for voting rights and for the dignity of disenfranchised Black minorities. It remains to be seen whether historians will salute Barry: standing proud against perceived white encroachment on Black rights and devoted to the poor Blacks who had suffered from systemic racism or if they will view him as the “tragic hero,” which is how Asch and Musgrove styled him.

The Control Board delivered a working city, although admittedly, the city worked better for its more affluent residents than it did for the poor and working-class people who were displaced by the gentrification that resulted from the Control Board’s policies. Williams continued and expanded upon those policies with similar results. A government makes political choices, and those choices can result in winners and losers. The city’s real estate boom, that started in the late ‘90s, continued through the early 21<sup>st</sup> century and was encouraged and subsidized by government

policy, caused gentrification, which priced Barry's poor and working-class constituency out of the housing market. Those citizens were hit from two sides when Barry left office and developers were invited to remake the city. They were no longer part of the Black power structure in DC and, understandably they were deeply suspicious about the Control Board's and Williams motives which did not prioritize their interests. These Black citizens lost more than their special privileges when Mayor Barry retired. They also lost the pride that their Black voices counted in District government, just as Black people have been promised rights throughout U.S. history that have subsequently been denied. Mayor Williams, with the support of the Control Board, believed that sometimes you couldn't do "big things" without someone losing out. He did his best to create new housing options for the displaced Black renters and instituted or continued rent control, but it was not enough to take care of all of the displaced Black citizens.

I argue that however righteous their cause, the Black poor and working-class constituency in DC did not have the political power in the early 21st century to reverse the Williams political priorities that had left them behind. Historians will probably laud Williams for his efforts to transform the District into a modern, diverse city. While simultaneously, these same historians will fault him for the significant disruption to poor residents, Black and white, created by Williams' public policies and the significant expansion of federal employment that resulted from 9-11 as well as the jobs created by the increased use of computer-based technology, all of which led to the city's gentrification.

Secondly, I argue that the Control Board, as the agent for Congress, deserves much more credit for saving Home Rule than it has been accorded by historians. Understanding the Control Board's inner workings, (including its interactions with Congress, the two mayors and the CFO), its procedures, and its power over the District's government helps to better explain the extent to

which Home Rule is vulnerable to a Congressional takeover in the future. It also adds to the historical knowledge of that period because it is based largely on interviews with the people who were directly involved in orchestrating or contributing to those events during that period.

It is factually uncontested that the Control Board straightened the District's finances. As a result, the District has enjoyed a balanced budget from 1997 to date. Part of the Control Board's success in doing so came from its ability to act as the "bad cop" to terminate popular but costly programs (eg , DC General Hospital, the only public hospital in DC) and to change the leadership and orientation of poorly run departments—such as the police department. The Control Board succeeded because the city was run so inefficiently in 1995 that the District's citizens were willing to put aside Home Rule to let the Control Board do its job. On the other hand, the fact that the Control Board was not elected made its decisions in complicated matters such as school reform even more open to controversy. In recognition of this limitation, the Control Board attempted to work through the elected government when that option was available.

The historical knowledge covered in this thesis demonstrates how the Revitalization Act, which amended the Home Rule Law, federalized many of the District's state-like services and its pre-Home Rule pension liabilities. This amendment helped the District considerably by making the federal government responsible for significant, uncontrollable expenses. At the same time, Congress strengthened its oversight role and removed the annual federal payment to the District, forcing it to find other funding sources to pay its bills. The Act did nothing to allow the District to raise more revenue by taxing out of state workers and tax-exempt buildings. Instead, the Act retained the Congressional right to approve the DC budget and legislation. The constraints of the Home Rule Law left the Control Board and subsequently Mayor Williams little choice but to prioritize expansion of the DC's tax base by attracting more middle-class residents.

The story of how the Control Board saved Home Rule is a story about people, all of whom wanted to see a District of Columbia that works. They each had somewhat different visions of what a “working DC” meant. Marion Barry, who grew up in the Civil Rights movement, believed that the purpose of the DC government was Black economic empowerment. By contrast, Control Board Chairman Andrew Brimmer and Vice Chairman Stephen Harlan were singularly focused on making the District’s agencies work efficiently, reducing unnecessary expenses and getting DC’s public services and finances straight, even at the expense of some of the District’s citizens who were disadvantaged by these policies. Speaker Gingrich also wanted DC services to work, but Gingrich may also have wanted to use the District to show the nation that Republicans cared about civil rights for its Black citizens.

Mayor Williams believed that the DC government had to do “big things” to attract the young, educated population that DC needed to thrive in the 21<sup>st</sup> century. The Control Board was the catalyst for Williams’ “big things” to happen. As the Board’s agenda evolved and coalesced with Williams’s agenda, the city government’s objectives changed from helping Black people economically to helping everyone’s kids into good schools, efficient public transportation, and repairing potholes in the roads. Once conditions improved by 2001, DC residents of all races and economic classes wanted the Control Board gone. In any case, the Control Board members were happy to retire to their day jobs and turn the city back to its elected officials under Home Rule.

One of the Control Board’s biggest achievements was to fix the District’s most critical problems, especially its financial problems, and then turn over control of the city to the District’s elected government. One of my key points, based on a thorough review of the policies and facts supported in this thesis, is that Congress cannot successfully use a Control Board structure to replace Home Rule for the long term. This is because an unelected Control Board does not have

either the capacity or the public support to resolve problems that simply cannot be separated from group identity politics. The Control Board saved Home Rule by putting the District government back on a sustainable course while also showing that the Control Board is at best a temporary solution to a broken government.

This thesis contributes to the scholarly literature viewing Barry, the Control Board, and the fight for Home Rule through the lens of social and racial politics. These events date far back and are of particular importance, because Washington, DC is both an important city in its own right and the capital of the United States. The fact that Congress cannot effectively replace Home Rule by a Control Board structure does not mean that Congress will not try to do so. In August 2023 for example, three Republican Congressmen submitted a bill to eliminate Home Rule, ostensibly to “reduce crime in the District.”<sup>150</sup> The Control Board era shows how little power DC’s citizens have on Capitol Hill without a voting member in the House of Representatives and with no representation in the Senate. When Congress chooses to act, as it did in 2023, to rescind the District’s revised Criminal Code<sup>151</sup> or revise Home Rule altogether, the District has little defense. These lessons are important in the battle for statehood, which I predict will be the next chapter in the saga of Home Rule.

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<sup>150</sup> Meagan Flynn, “Republicans introduce bill to repeal D.C. Home Rule Act”, *Washington Post*, Aug. 15, 2023, A-9

<sup>151</sup> Jenna Portnoy, Ellie Silverman and Meagan Flynn, “Senate Votes to reject D.C. Criminal Code Bill”, *Washington Post*, March 8, 2023 updated at 9:06 pm

# Appendix A

Photos

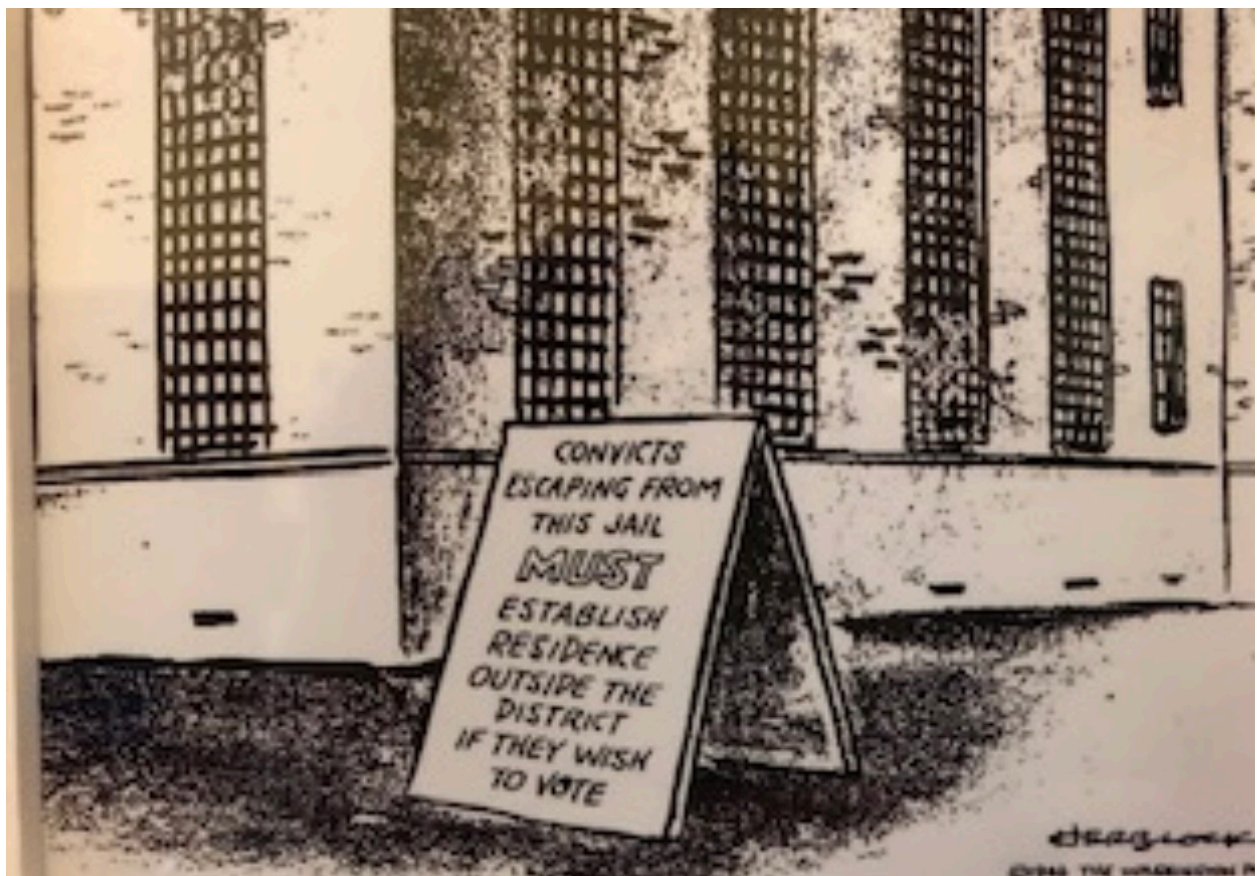


Figure 1 Cartoon pre-Home Rule in DC Council Chair Conference Room

Think I'm Against Democracy — It's Just  
That You Have So Many Negroes"



Figure 2 Cartoon Pre-Home Rule located in DC Council Chair Conference Room



*Figure 3 Mayor Marion Barry 1990 AP Photo by Dennis Cook*

# Newt Gingrich



*Figure 4 Newt Gingrich -Speaker of the House 1995 (Shutterstock Stock Photos)*

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# President Bill Clinton 1996



*Figure 5 President William Clinton – 1996 (Clinton Presidential Archives)*

## **Andrew Brimmer**



**Chair of the District of Columbia Financial Control Board**

**In office**

June 1, 1995 – September 1, 1998

<https://images.app.goo.gl/Wdnme32onn6RG58h6> Getty Images, Creator: The Washington Post



Alice M. Rivlin is the incoming chairman of the D.C. financial control board. (AP File Photo)

*Figure 6 Alice M. Rivlin DC Financial Control Board Chair 9\98-9\2001 (AP File Photo)*



*Figure 7 Mayor Anthony Williams (getty images)*

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- Interview on March 20, 2021 between Bernard Demczuk and Dennis Horn.. Bernard Demszuk has a long history of work in civil rights, labor organizing and work for Marian Barry. He belonged to SNCC in the 1960's, was a labor organizer in the 1970's, worked on Barry's various campaigns for mayor and served as the principal liaison between the Barry Administration and the Control Board and White House and Congress during Barry's fourth term as mayor. Demczuk also holds a PhD in American History and African American studies and taught at George Washington University.
  
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