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From the Hill, Lessons in High-Stepping Hypocrisy

By Colbert I. King

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Congress, in the form of Rep. Thomas M. Davis III (R-Va.), chairman of the House Government Reform Committee, has ordered the committee and the Government Accountability Office to investigate the District of Columbia because of Post stories that city officials allowed favored contractors to bid on D.C. government business without competition. That, of course, is his prerogative. But while congressional hound dogs are tracking down D.C. officials, they might want to sniff out how House members also work their will on the city. Do that, and it may become apparent that the city's worst spending behavior is only an imitation of lessons learned at the feet of Capitol Hill power brokers.

For a primer, step back in time to 1998 and join me on a visit to the city's Southwest waterfront. There you will find two rather scuzzy facilities on the Potomac River: the Washington Marina and the Maine Avenue Fish Wharf. "More like a junkyard" is the way that Marc Weiss, chairman and chief executive of Global Urban Development on O Street SW and a longtime community activist in Southwest Washington, described the Washington Marina.

Still with me?

A year earlier Weiss and Richard Monteilh had been hired by the D.C. financial control board to work on economic and community development issues in the city. (Monteilh is now the top administrator for Newark and the former director of the D.C. Department of Housing and Community Development.) The two men spent 1997 laying the groundwork for several of the economic and community development initiatives subsequently unveiled in the administration of Mayor Tony Williams.

In 1998 Weiss and Monteilh turned their attention to waterfront development. Both told me in separate accounts that they began working on a plan to make the Southwest waterfront more attractive and consumer-friendly. They had thoughts of changing the fish wharf and the adjoining Washington Marina -- which sit on federal land managed by the D.C. government -- into a version of Baltimore's Inner Harbor.

Weiss said they learned that the owners of the stalls at the fish wharf were Maryland and Virginia residents who paid no D.C. taxes and were charged little rent for their leased space (about \$50 to \$100 a month, according to a former city official), and that they were grossing millions annually. He said they also learned that the lease on the Washington Marina was held by a family that had operated the business since 1951.

Given the deterioration of the two facilities and the lack of owner-initiated improvements at that prime location, Weiss and Monteilh decided to put the Washington Marina space up for competitive bidding. The existing owner could compete, of course, but would not be guaranteed to win. They also initiated discussions with the fish wharf occupants whose leases had expired. Weiss and Monteilh proposed to put them on a one-year lease, during which time the city would work with them to remodel while seeking more local and minority businesses to participate in the fish business.

And with that, up popped the devil and the District's introduction to Congress's special way of doing business in and with the nation's capital. Without asking, city officials found an extra \$3 million in federal funds tucked into the D.C. fiscal 1999 appropriation. The money was a special congressional earmark to spruce up the Washington Marina and the Maine Avenue Fish Wharf. It came with a catch, however.

The \$3 million could not be spent by the District on upgrading the marina and fish market areas, the law said, "unless the District executes a 30-year lease with the existing lessees of the marina." Thus endeth the notion of putting prime

waterfront property out for competitive bids. It was stopped dead in its tracks by the hand of Congress. The message could not have been clearer: D.C. would get the money only if the current wharf and marina occupants stayed in place and were the only beneficiaries.

And who was the mover and shaker in Congress who took care of the boys down on the dock while cutting off the District at the knees? He happened to have been living on the river at that time, on a yacht berthed only a short stroll from the Washington Marina and the fish wharf.

Until a few days ago, the sponsor of the competition-killing earmark was a congressman representing the 50th District in California. He was also vice chairman of the House appropriations subcommittee on the District of Columbia when he attached that string to the city's budget. Today he is a felon, guilty of receiving \$2.4 million in bribes: Randy "Duke" Cunningham.

The ex-congressman's tub-thumping for folks on the waterfront isn't news. That story was reported in The Post and in Cunningham's hometown paper in 1998. What wasn't publicly known is that Cunningham's special-interest legislation sabotaged the city's laudable attempt to give businesses a fair chance to compete.

Here's the kicker: Cunningham could not have done it without the complicity of his fellow appropriators and the members of the House and Senate who voted for the D.C. budget bill. They knew or should have known that:

The District did not ask for the \$3 million, a sum that was increased by \$2.7 million two years later.

Cunningham was steering federal funds to his own adopted neighborhood.

The District, as manager of the property, had other, more cost-effective plans for the marina and fish wharf.

None of that mattered. The "favor for a favor" culture that grips Capitol Hill made Cunningham's D.C. earmark possible. Truth is, beneath all of the high-profile partisan wrangling that goes on in Congress, the glue holding Capitol Hill together is behind-the-scenes mutual back-scratching.

Congressional earmarks are no secret. They're found in the District's and most federal appropriations bills. Most have stories behind them -- many banal but others strictly opportunistic and benefiting narrow interests. Rep. Tom Davis knows that, too.

But because they can, Davis, his committee and the GAO will ride roughshod over the District on the issue of no-bid contracts -- even as they high-step it over the big stinking mess in their own corral.

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