

ORAL HISTORY OF FREDERICK DOUGLAS COOKE JR.
Second Interview
August 30, 2007

This interview is being conducted on behalf of the Oral History Project of the District of Columbia Circuit. The interviewee is Frederick Douglas Cooke Jr. and the interviewer Bart Kempf. The interview took place on August 30, 2007.

TAPE #4, SIDE A

Mr. Kempf: Go ahead and state your full name.

Mr. Cooke: Okay. My name is Frederick Douglas Cooke Jr. It's August 30th, 2007 at about 1:30, 1:40 pm and I'm at my offices at 1155 Connecticut Avenue NW here in the District of Columbia.

Mr. Kempf: This is the interviewer. My name is Bartholomew Joseph Kempf. This is the second interview with Fred. Fred when we left off last time you were discussing your experience in your early days as corporation counsel for the City of Washington, D.C.

Mr. Cooke: Sure.

Mr. Kempf: Could you please tell us again the date (approximately) when you began that job?

Mr. Cooke: Sure. I am not sure of the exact date but it was in January of 1987 when I assumed the duties of Corporation Counsel of the District of Columbia.

Mr. Kempf: Could describe for those who might not be familiar with the title Corporation Counsel, what that is?

Mr. Cooke: Sure. The Corporation Counsel...

Mr. Kempf: (interrupting) or was?

Mr. Cooke: (resuming) yes, because it has changed since but the Corporation Counsel is the chief legal officer for the Government of the District of Columbia for the

municipal corporation known as The District of Columbia. And the title Corporation Counsel is really a sort of contraction of the municipal corporation's counsel. The job title's name has been changed since then to the Attorney General of the District of Columbia, but it's the same function, being responsible for all the law business involving the Government of the District of Columbia and its agencies and instrumentalities.

Mr. Kempf: And will you tell us how you came into that job and who hired you?

Mr. Cooke: Sure. At the, near the end of Marion Barry's second term as mayor, the then Corporation Counsel Inez Smith Reid, who is now an associate judge of the District of Columbia Court of Appeals, took a leave of absence to teach law at the University of West Virginia's Law School. There was an interim Corporation Counsel appointed, a gentleman by the name of John Suda. As things turned out, Inez did not return to the job and John Suda was appointed to the bench of the Superior Court and Mayor Barry needed a new Corporation Counsel to begin his second term (I'm sorry his third term) which was beginning in January of 1987. So he (as I came to understand later) hired an executive search firm to help him find a corporation counsel. A person working for that executive search firm called me and asked me for the names of likely candidates. As he was doing with a number of other people in the city, as he told me. I had a good friend who was a law school classmate who was working at Covington and Burling, guy by the name of Don Golden (who has unfortunately passed on now), a good lawyer, good person. He was interested in the job and he asked me if I would put his name in the hopper, as it were. I told him I sure would. So I called the search

firm person and said “Look this is a guy you ought to talk to, he’s interested, he’s very good, talk to him.” I may have given him some other names of people who I thought might be interested. He called me back in two or three weeks and said that they had talked to my friend (they talked to some other people but other people that they talked to thought that I might be a candidate). I told him I really wasn’t a candidate. I was a partner in a law firm called Dow Lohnes and Albertson here in the city. I was doing communications work and transactional work. I was very happy with it, very comfortable that I was a partner. It was fun. And, so I really wasn’t looking to do anything different, at least not consciously. What happened is that Arnie, the guy who was on the phone, said “Look why don’t you at least talk to the mayor. Give him your idea of what things should be.” That was the beginning of the end because once I talked to Marion he convinced me that I ought to take the job. Ultimately, I did. So I resigned from the partnership, and was kind of in this whirlwind. It happened really quickly. I just looked up one day and I was no longer at my law firm, but I was being sworn in as Acting Corporation Counsel (Laughter). It was a lot of fun. It was cool because my dad got to see me at the announcement. The mayor was there and a lot of my friends were there. My dad was very happy and very proud of that. I was happy that he got a chance to see it. Unfortunately, I was unhappy that my mom who had passed on earlier didn’t get a chance to see that. But, that was the beginning of going to work as the Corporation Counsel.

Mr. Kempf: Did you know Marion Barry when you started?

Mr. Cooke: Not really. I had met him a number of times. I had met him as far back as when I was in undergraduate school and he was the leader of the Student Nonviolent Coordinating Committee. And SNCC had a chapter on Howard's campus where I went to school. They were I think headquartered here for a good part of the time. I would see him on campus along with a lot of other people. I had met him and seen him when he was working with an organization here in the city called Pride Inc. that he started after he left SNCC that was involved with a lot of teenaged unemployed and underemployed youth and giving them things to do to be constructive in the city. So, I knew him, but we really weren't friends or anything like that.

Mr. Kempf: What was your impression of him when you first started as Corporation Counsel? Did you have much interaction with him early on?

Mr. Cooke: Oh yeah, I had a lot of interaction with him. He was, as I like to describe, an excellent client. He did not have a disdain for lawyers. He liked lawyers. He thought they could be useful. He was not willing to be controlled by lawyers, but he would seek out your views and respect the legal input in various decisions that had to be made. One of his personal lawyers, legal counsel to the mayor, was a former law professor of mine Herbert O. Reid (a brilliant constitutional lawyer), and a good friend of mine as it turned out when I was in government. Herb had sort of trained the mayor to rely upon what lawyers had to offer, and that lawyers had something valuable to bring to the equation. I mean, it's sort of a little known fact that when Marion Barry finished his master's degree in chemistry at Fisk University, he applied to enter the PhD program in chemistry at the University of

Tennessee. He also applied to be admitted to law school at the University of Tennessee. He was admitted to the law school at the University of Tennessee. He tells me the reason he did not attend law school at the University of Tennessee was because they didn't offer him any scholarship money. He couldn't afford to go there without a scholarship. And they did offer him scholarship money to work on his PhD in Chemistry so he began and completed all the coursework in for his Chemistry PhD, but he never went to law school. So he likes to think of himself as "almost a lawyer."

Mr. Kempf: (Laughs)

Mr. Cooke: And that sometimes is problematic. I'd say "You can't almost be a lawyer. You didn't even go to law school. If you went to law school and didn't take the bar then maybe you're 'almost a lawyer', but just getting accepted into law school doesn't make you 'almost a lawyer.'" (Laughs) But it was the logical jump for him. But he was a very good client. He would seek out your advice. When he didn't seek it out and you brought it to him, he would listen to your advice. He was not one of those clients who never blamed the lawyers for whatever decision was made. He understood that you gave him advice. He understood it was his decision to make. If he took your advice and made the decision and it didn't work, he saw it as a decision he made not something the lawyers made him do. If he did not take your advice and it didn't turn out the way he thought it would, again, he wouldn't blame the lawyers. And that's why I say he was a great client because he understood that you were giving him advice. He understood that he could take it or not. When he took it

and it worked, he would say “Thank you.” And when he took it and it didn’t work he would say, “Well, yeah, I guess you were right.” So it was a good working relationship and he is a smart, smart man. You wouldn’t have to break it down to very small pieces. You could talk to him the way you would oftentimes talk to a lawyer colleague and he would get what you were talking about. You could have a conversation and he would push back, certainly, he would ask questions. But he never, ever told me, when I was Corporation Counsel, that I had to come to a particular result that he thought was the right result. He would argue with me about my opinion and about where I thought we ought to be. No question about that. But he would never say, “I’m the client and that’s the answer.” He would never do that. He would say “I really don’t like your answer and if you tell me that’s what it’s got to be then I’ll either work with it or I will do what I want to do in spite of it.” Then he would tell you “Find a way to get us out of the jam you say I’m going to get into.” “You tell me if I do this, these things are going to happen and these things are not good.” “Okay. I’m telling you I’m going to do those things. Now you find a way to make my landing as soft as it can be.” I could work with that. He never pressured me to come to a particular result. People oftentimes thought that because Marion was this, you know, kind of very hard-driving politician, very astute and crafty politician, that he would try to make you do something. He never made me, never tried to make me do anything. He and I had lots and lots of arguments. I mean, he used to accuse me of being the most conservative lawyer he ever met. But, you know he would never

tell me I had to do a particular thing or I had to come to a particular result. And that was fine.

Mr. Kempf: Do you recall any incidents – are there any incidents that stand out in your mind from that era? I'm sure there are plenty. But would you mind picking one and talking about it for a minute?

Mr. Cooke: Well, at one point during most of my time as Corporation Counsel the District Department of Corrections was subject to several court orders regarding prison population. It had a huge overcrowding problem at the D.C. Jail and at Lorton Prison. In two or three different pieces of litigation attorneys for prisoners had gotten judges to issue orders that controlled, capped the number of people you could have at that particular institution, principally the D.C. Jail which was the gateway into the Department of Corrections. Back in those days the District of Columbia had these state and city functions with respect to the Department of Corrections. We operated a jail and we also operated a prison. No city in America operates a prison. States operate prisons. Cities operate jails. The difference being that people in jails typically are there for less than a year, prisons for more than a year. But the District operated both and the way to get to our prison was to come through our jail, it was the front door. So you would spend a few days or small amount of time in jail on your way to prison. And, on your way out of prison you would spend a few days in jail. So it was the in and out door. But we had a huge, huge problem with the number of people that were in the jail. Either because they were sentenced for misdemeanors, or they were felons on their way to prison. Judges fixed the maximum number of people that the District

could house at the jail. The jail staff did a prisoner count every day. There was a court monitor who conducted the count. So, we had to work real hard at keeping that number under the count cap. Sometimes we were over it, but we were always working against that cap number. So one day we decided (we being the Director of the Department of Corrections, his deputy and me and my deputy) met with the mayor and said “Mr. Mayor we cannot get any more people into the prison. Both the prison and the jail are beyond capacity. It is unsafe for the people working there. It is unsafe for the people confined there. We can’t take any more people.”

The legalism involved is that misdemeanants or felons in the District of Columbia court system were prosecuted by the Office of the United States Attorney for the District of Columbia. The only federal prosecutor in the country that prosecutes local criminal offenses was here. When a person is sentenced in the Superior Court, they are sentenced to the custody of the Attorney General of the United States who designates their place of confinement. Now, in those days, for District of Columbia criminals (misdemeanants or felons) the Attorney General always designated either the D.C. Jail or Lorton, well almost always. Some cases were because of the safety of so and so and such. So, we took the position that these felons once they were convicted belonged to the Attorney General of the United States, not to us. We believed that the Attorney General of the United States could not force us to violate this court order by sending us people, designating their place of confinement at the D.C. Department of Corrections when we had a court order saying our population was ‘X’ and this prisoner would have made us ‘X +1.’ So, we decided that we would tell the U.S. Attorney General that we

were not going to take anymore felons and that he should send them someplace else, we are full. We would put out a vacancy sign out. The mayor agrees. We all realize that the Department of Justice and the Attorney General are not really going to be happy about this. They had to find some place to put these people, and they really hadn't prepared for it. We hadn't negotiated anything with them. The mayor says "Okay, we are going to do that it's the right thing to do." We had this meeting with him on like Thursday and we decide that we are going to do this, we're going to close the door on Saturday, we going to have a press conference on Saturday. The reason we decide to do it that way is because it would cause maximum grief for the Attorney General because they had the least ability to react to this. (Laughter) Because it was Saturday.

Mr. Kempf: Because they were all home.

Mr. Cooke: They were all home. So we talked to the mayor's press secretary and we work up a press statement from the mayor, press statement from me and a press statement from the Director of Corrections. We decide that we are going to meet and have a press conference at 10:00 on Saturday morning in front of the Wilson Building (well, then it was called the District Building). I come back Saturday morning. I've got my little coat and tie on. The Director of Corrections and the press secretary were there and we're looking for the mayor. The mayor is not there. So we're asking "Where's the mayor. He has helped make this decision." Ten or fifteen minutes after 10:00, the mayor shows up. But the mayor is dressed very casually. He's got on like a jogging suit.

Mr. Kempf: (Laughs)

Mr. Cooke: So we say “Mr. Mayor, we’ve got a press conference today. You can’t go in front of the camera in a jogging suit.” He says, “I’m not going in front of the camera.” We say “Wait a minute but you said we’re going to close the prison and we’re going to have a press conference.” He says, “Oh yeah, we’re going to do that, but that’s bad news, you guys give bad news I don’t give bad news.” (Laughter) He says, “I don’t do bad news.” He says, “You go out there and you give the bad news, we’ll see how it goes.” So, we go out. We give the bad news.

Mr. Kempf: Who is we again?

Mr. Cooke: Me and the Director of Corrections.

Mr. Kempf: Okay.

Mr. Cooke: We go out and we give the bad news that we’re closing the thing. So by noon Monday the Feds had gone to U.S. District Court and gotten some kind of court order to make us take the prisoners back. So we were taking them yet again. It was an interesting time in the government because there was so much going on. It is a truly remarkable law practice. It is the most diverse law practice in the District of Columbia. The Office of the Corporation Counsel -- the Office of the Attorney General now -- does more diverse things than any law firm in this city. Some really good lawyers, some not so good lawyers. Very dedicated, and it is a 24-hour day, 7 days a week business that has 35,000 employees and does all kinds of stuff. You never know what you’re going to get next. And, that was part of the excitement as well as the fact that you knew you were making a difference by virtue of the decisions you made. It did make a difference as to whether we did this or we did that or whether we said “yes” or whether we said “no.” It is a very

humbling kind of experience really. When you realize the people sort of care what you think. They come to you and they ask you. It's not because of me, me but you're at the position. They need you to have input. They need you to take a position. They need you to file a lawsuit. They need you to not file a lawsuit. They need you to do stuff. I mean we, we had a great opportunity to make a profound difference in the lives of citizens. And, that was one of the things you began to recognize sitting behind that desk. So, I really, really enjoyed it. It was the best job I ever had practicing law, by far. And, it was the most taxing. It took the most out of you because it never stopped. It never went away in terms of the demands of your time and your attention. And that was somewhat troubling. But, it was the most fun I ever, ever, ever had practicing law.

Mr. Kempf: What about -- do you have any other anecdotes or stories (you were just talking about you know being able to make a positive difference). Do you have any anecdotes along those lines or really along any other lines that stick out in your mind thinking back?

Mr. Cooke: Well, I mean there are all kinds of crazy stories. We had you know, I mean in the fall of 1987, October 1, 1987 (I remember because that's the beginning of the fiscal year), the District assumed responsibility for St. Elizabeth's Hospital which had been run by the Feds up until that point. It became an agency or part of the Government of the District of Columbia. The St. Elizabeth's Hospital, the federal piece of it, had had an in-house legal staff all of whom became Assistant Corporation Counsel. The woman who ran that division out there was a woman named Ann O'Regan Keary who is now a judge on the Superior Court. She is a

friend of mine. We became friends at the time. And, Ann had been pretty independent you know. She was an agency of the Federal Government that was so far down that nobody knew they were. So, they were really pretty independent -- lacked real supervision. When she became part of my shop and, you know, we sort of wanted to know what was going on. So, there was a little tension at first, but because Ann is such a great lawyer and a good person that pretty quickly went away.

So, one day, I went out to the St. Elizabeth's campus to the Office of the Corporation Counsel on the campus to just kind of meet and greet the people. See what was going on. How they were getting along. What they needed me to help them do to make their lives better. It was a kind of management thing that I believed in. I would go visit the various offices to see what was going on for myself and to get a sense of what I could do to be helpful to the people working there. So we walk around and Ann is showing me, introducing me to the staff people and the other lawyers. And there were a number of patients, St. Elizabeth's patients, working in the legal office. Doing clerical work -- filing, stuff like that. Which had been part of their therapy. The doctors believed this would help them recover. Most of them were people who had been institutionalized with various psychoses. So, I meet some. They're all very pleasant. Whatever issues they had they weren't acting out, you know. They looked relatively normal. So anyway I leave. I call Ann a couple of days later to say thank you. She says, kind of off-handedly, "What do you think of Mr. Hinckley?" I ask "Mr. Hinckley?" [She says] "Yeah, well, he's working here?"

I say “Was that John Hinckley!?” She says, “Yeah, that was John Hinckley.”

And I go, “Oh, wow that John Hinckley.” And I go “Why is he working there?”

[She states] “Well, his doctors think it’s part of his therapy and it’s good for him.”

Well, as a matter of coincidence it seemed, three or four weeks later there’s a newspaper story that John Hinckley is working at the Office of the Corporation Counsel, and basically the story wasn’t so much that he was working there -- the story was that he was able to leave the John Howard Pavilion at his whim. He was not supervised. He could just walk out to go to work and go back. And, because St. Elizabeth’s has no gates he could have walked off campus. Out there they call it ‘eloping.’ Because the facility is not secure. You just -- people just walk on and walk off. So the Office of the U.S. Attorney again became enraged. They were just insane that this man could be allowed to wander around unattended. So they asked me to fire him and send him back to John Howard Pavilion to be locked down. I said I wouldn’t do it. I said his doctors said that was part of his therapy, I’m not going to get in the way of the doctors view of therapy. So they went to court and got a court order. (Laughter) You know they were always getting court orders relating to the District because they (the Feds) oftentimes wanted to treat us like stepchildren or some other kind of inferior beings. I kept saying “We’re a sovereign government, we have rights, we have prerogatives, we can make decisions -- you don’t have to agree with them -- but, you know what, you don’t get to make the decisions we do.” And, so, they would run off to court and slap us around (Laughs). That was sort of one of their favorite tactics, was to run off to court. They would call me up and you know I’m

sure they had the pleading written when they called me because they knew I was going to tell them "Take a walk." So the courtesy was we're going to call you and we're going to ask you but if you don't. Tell you what, you're going to get a call, another call in another five minutes saying, "Judge X wants you in his courtroom because we filed this pleading and the judge wants to know what you think about it." So we had those kind of crazy fights with them all the time about prisoners, about people at St. Elizabeth's, about the almost never ending subpoenas that they were serving on the District Government to investigate what they alleged was criminal activity on the part of Marion Barry and others in the Government (almost none of which they ever uncovered). Because that really wasn't what was going on. They couldn't believe that so they were frequently serve subpoenas.

Mr. Kempf: Did that start after you became Corporation Counsel or had that been done before?

Mr. Cooke: It had been done. It just cranked up. They just ramped it up. It was at light speed they were serving these things all the time. And, I used to call Joe diGenova up and say "Joe"...

Mr. Kempf: (interrupting) And, who is Joe?

Mr. Cooke: Joe diGenova at that point was the U.S. Attorney to the District of Columbia. I would often tell Joe that I represent the Municipal Corporation. The Corporation cannot be a criminal. I am not going to let you treat us like criminals. If you want information from us, you ought to call me up and we can talk about it. Please do not have FBI agents showing up in agencies of this Government

demanding stuff. We can't do that. We're not going to respond to it. I suggested that he ought to be prepared to deal with police officers arresting your agents when they show up on our property uninvited." He did not like that either. But, we sort of worked out a little bit of a truce where they would sort of tell me or serve me with it and we would try to work it out -- their request for information, their desire to seize documents.

Mr. Kempf: Did their investigations ever bear any fruit? Did they ever amount to much?

Mr. Cooke: Not many. I think at the end of the day, clearly, there were people (employees of the District of Columbia Government) who were corrupt. I think that's true in almost any government in any large city across America. But I don't think the experience here was extraordinary or particularly different than you would have found in Baltimore, or New York City or Chicago or Des Moines. But they couldn't believe that. They thought that this was all -- because what they couldn't really believe was that Marion was not a corrupt official.

Marion had a lot of demons, a lot of issues. But they were really personally driven. They aren't about -- he doesn't have any need or desire for wealth.

People might argue that he probably should have focused more on that during his life. But for him it's never about accumulating things. It just wasn't. And, so -- and they found it difficult to believe. I think typically when you look at government corruption you look at people seeking some sort of personal gain. They're stealing money to put in their bank account or whatever, take a vacation or buy a big car. Marion never did that because those things weren't important to him. He did a lot of stupid things -- I believe. But it wasn't corrupt in that sort of

way. There were people around him who seized on the opportunities that being close to him or being in government might have provided. Again, that happens lots of places. But they were on this crusade.

Mr. Kempf: What do you think -- why do you think they were on that crusade? What was the motivation? Motivations can be complicated, I guess. But what's your opinion?

Mr. Cooke: Yeah, I think motivations are complicated. I think that Marion represented in the minds of a lot of people (certainly a lot of reactionary people) a threat. In that he had, he in the entire history of the city, was the only public official who had ever been able to mobilize the lower socio-economic group in the city, groups in the city. He was the only person who has ever been able to do that. That represented, I think, a threat to certain elements of the hierarchy in the city or who dealt with the city. So Marion got to be a problem because he was not controllable. See, they couldn't control Marion in the sort of typical ways that you might control some politicians. You couldn't control Marion because he didn't want things. He didn't want a piece of this real estate development project or that real estate development project. He didn't want to be accepted into their 'club,' if you will. And, so they really couldn't get a handle on him. Because of that, he represented a threat. It's complicated. He represented something that I think they felt they needed to control. They weren't successfully controlling him beforehand so they spent a lot of time and a lot of money investigating him and trying to ultimately corral him. Ultimately, they were obviously successful, in a totally different direction than they had intended. They had intended to establish corruption in this government and he was somehow benefiting. Turned out that he had a substance

abuse problem and that's what they were able to convict him on. Yeah, so that was the problem -- for him.

Mr. Kempf: Did that occur when you were Corporation Counsel or was it later?

Mr. Cooke: That was right after I left.

Mr. Kempf: Right after you left?

Mr. Cooke: Well, part before, part after I left. There was an incident at the so called Vista, not the Vista. An incident at the Ramada Inn which is now a Holiday Inn at 15th & Rhode Island Avenue.

Mr. Kempf: 15th and what?

Mr. Cooke: Rhode Island Avenue it was. Where a gentleman from the Virgin Islands named Charles Taylor, who was allegedly a friend of Marion's, was arrested for possession of cocaine after Marion had just been there. That created a big stir. Then later -- and that happened six months or so before I left -- then right after I left, within a couple of months of my leaving, the Vista Hotel arrest happened when Rasheeda Moore was used as a decoy, a lure. The government had the room all wired for sound and cameras on the inside of two-way mirrors or one-way glass. And they arrested the mayor for possession and use of cocaine. But, you know, again I don't ever apologize for substance abuse man I think it's a horrible thing and I understand how people get caught up in it. I do think you have a choice to make. The first decision as to whether or not you walk down that road. If you watch the videotape, the tape really wasn't about cocaine the tape was about sex. That's why he was there. The cocaine was a way to get to the sex, so that's what happened. It was really quite tragic and unfortunate in terms of

Marion's personal disintegration and what that meant to a large segment of the community. To see one of their heroes, if you will, come to that end. In a less kind of sensational human way, it's obviously a tragedy when any human winds up addicted to a substance and cannot control his or her behavior (because the substance requires them to behave a certain way). That's really what it was. It was a fundamentally human failing as opposed to some larger governmental collapse. Now, his inability to function well adversely affected the government. One of the things that happened was that Marion was, unbeknownst or un -- when it was not clear what was going on, it was clear that something was not happening the way it should, that things were not happening the way they should happen. And, it really fell upon the City Administrator...

Mr. Kempf: (interrupting) And, who is that again?

Mr. Cooke: Well, during this time it was Carol Thompson (who is now known as Carol Thompson Cole because she got married to a guy named Cole). But Carol Thompson, who was the City Administrator and the Deputy Mayor and myself as the senior members of the government, really basically had to run the Government because Marion wasn't able or willing to run the Government. The responsibility just sort of devolved to us. There was no one else to do it. Our supervisor wasn't supervising us so we supervised ourselves. That was important because for all of us the Government was important. It was important that the Government continued to work. It was important that the citizens continue to get the services, the best services we could provide for them. The fact that a key member of the management team was not functioning properly or well didn't

mean things should stop, in our view. I know Carol and I both are natives of the City and it was very, very, very important to both of us that the Government continue to operate, that people not have a sense that (whatever they thought of Marion), that other things weren't going to work. It couldn't come to that. People needed to come to work every day, they needed to do their jobs. People needed to come to work every day, sit at their desks, do whatever it is they're supposed to do. You know, make the trains run on time. Provide fire protection, police protection, fund the schools, pick up the trash -- all that stuff is going to continue to happen. And, we tried to make sure it did. So, while we had some challenges along those lines, we just kept on trucking.

Mr. Kempf: Where there any instances where the mayor's inability to, to, to really be present at all times, where there any instances where that really put you all in a bind or, or a pickle or any anecdotes there?

Mr. Cooke: Well, yes and no. I mean...

Mr. Kempf: Was it more so just the normal sort of...

Mr. Cooke: Well, part of what happened, you know it's really crazy, part of what happened was Marion at a point just wouldn't come to work. You couldn't count on him to be at the office. He wouldn't come to meetings. You never knew if he was going to show up or not. So, we'd have meetings arranged with people internal to the Government. We'd have meetings arranged with people outside the Government and he may or may not show up. So we would just conduct the meeting anyway. "The mayor's late, the mayor's been delayed" [we would say] and we'd just keep on going. That was sort of a problem.

At one point I convinced the mayor to issue a Mayor's Order that (and, it really wasn't a hard convince, I don't want to make it sound like I was, you know, using a jackhammer). I convinced the mayor that he ought to issue a Mayor's Order that gave the City Administrator the authority to act on behalf of the mayor whether the mayor was in the city or not. There had been a Mayor's Order that said that when the mayor is away the City Administrator has all the powers of the mayor and when the mayor and the City Administrator are away the Corporation Counsel has all the powers of the mayor. I convinced him that he ought to issue a Mayor's Order that gave Carol the power to act as mayor, even if he was around, even if he was sitting down the hall, she could do it anyway. So he said "Okay." So that was pretty cool. Now, there were only three things on the D.C. Code that the mayor could not delegate and they really have to do with signing documents that go back to the Congress. For everything else she was mayor. She could make a decision, she could sign a document, sign a contract, sign whatever. Once we had that we just kept on running the government. He could come to a meeting, he could not come to a meeting, we could still make the government work. We did that -- I think.

There were three Deputy Mayors. It was the City Administrator, the Deputy Mayor for Operations, the Deputy Mayor for Economic Development and the Deputy Mayor for Finance. It was those four -- it was the City Administrator, three deputy mayors and me (which was like the senior management team), there were some other people too. So, we would meet and sort of, you know, collectively decide things about what we would do, how we would do it, you

know, who would help who. Well, we were doing this when the mayor wasn't always participating. He would come to the office and he'd look for us because he'd want to know what we were doing. Sometimes we wouldn't tell him because we didn't want him to screw it up.

Mr. Kempf: (Laughs)

Mr. Cooke: So we wouldn't tell him. We would meet in odd places in the building. We wouldn't meet in the City Administrator's office or my office. We'd meet in a place where he wouldn't likely come because he wouldn't know where we were. We wouldn't meet in the obvious places. So, one day we were meeting in, I think, in a conference room, smallish conference room in the Planning Office or the Policy Office because it was available. And, the City Administrator's office or her assistant called and said the mayor's in the building looking for us. She said don't tell him where we are. So we're finishing our meeting up and then all of a sudden the door burst open and it's the mayor! (Laughter) He's like "I caught you."

Mr. Kempf: (Laughs) Red handed.

Mr. Cooke: You know, it was one of Marion's management styles, was management by confusion. He would not tell any of us all of anything. So we couldn't necessarily get the complete picture. We decided we would meet and share what we knew individually so that collectively we then had pretty much the complete picture. He hated that, He didn't want us to get together like that. But, you know, he -- we had just a ton of crazy adventures with him and with the Government. Some because he was not as attentive as he needed to be. And, some because he

was fully engaged. Most of the time, he was really quite on top of all the details he needed to be on. Budget hearings to me were just incredible experiences because he absolutely had complete mastery of budget. He knew all the numbers backwards and forwards. He knew your budget numbers better than you did for your agency. It was unbelievable. I enjoyed that. I enjoyed that intellectual excitement with him when we were wrestling with budget numbers. He really, really got that. He really, really, really understood that. One day we decided we had to fire the Director of the Department of Human Services. When I say 'we' -- the Deputy Mayor for Operations, the City Administrator and myself -- decided that enough bad stuff had happened over at the Agency. We thought we had to fire him. We went to see the mayor. We say to the mayor "We have to fire him. You have to fire him." The Director of the Department of Human Services was a guy named Marion Jerome Woods. Now, the interesting thing, one of the interesting things about that was that Marion Barry hired him. Again, through an executive search he interviewed people and he decided he wanted Marion. Marion Woods was, a pretty experienced human services person, in his 50's mid 60's. He had been known his whole life as Marion Woods, but because the mayor's name was Marion, he had to change his name. He had to change his name to Jerome, his middle name. (Laughter) So, he became Jerome Woods and people knew him over years were like "Who is Jerome Woods?"

Mr. Kempf: (laughing) Right.

Mr. Cooke: It's Marion. The same guy, but we had to change his name because we didn't want confusion. So anyway, so when we decided or recommended to the mayor

that he had to fire Jerome, the mayor was resistant. He didn't want to fire Jerome. He thought it reflected badly on his government, looked like he made a bad decision. We said "Look, this isn't working with Jerome. He's a nice guy, a good guy but there's things that are just not happening and that's going to be a bigger problem for you and the government. You need to fire Jerome Now. let's make this as nice as we can for Jerome. Nobody's looking to push Jerome in front of a bus, but we just need to separate."

So after we recommended that he fire Jerome Woods, he's just not really embracing the firing. But we talk to him and talk to him and talk to him. We have a meeting for a half hour, forty-five minutes trying to wear him down. He finally agrees that he is going to fire Jerome. Now Jerome happens to be at home in California on leave (for some reason, I'm not sure which). We have his number and Carol calls Jerome from the mayor's office. She dials his number up and gives the phone to the mayor as the phone was ringing on the other end. So, we hear the mayor say "Hey Jerome. How you doing? Good. Things good with your family out there? Good, good. Jerome, Carol wants to talk to you." The mayor hands the phone back to Carol (Laughter). So Carol says, "Fine. Jerome you're out!" (Laughter)

Mr. Kempf: (laughing) Ooh, no.

Mr. Cooke: (laughing) The mayor couldn't bring himself to fire Jerome. He just wouldn't say it, he just wouldn't say it. So he says, "Jerome, Carol wants to talk to you." (Laughter) So, anyway, so we gave Jerome the bad news -- or Carol gave Jerome the bad news. We worked it all out. We weren't trying to be vindictive or mean

just trying to make the point. But, Marion was like that. Marion was very unwilling to do bad news. Well, like he said, he doesn't do bad news.

Mr. Kempf: Right.

Mr. Cooke: Only happy news. We would have, we would go on what people in the other government agencies might call 'retreats.' He wouldn't allow us to call them retreats. He called them 'advances.' "We're going on advances." We'd say "What do you mean we're going on advances?" So we'd go on advances and talk about how we could do team building. Talk about how we could develop policy in different areas. How we were going to get the Government to focus in on particular problems. I think those were all well done events. It just always struck me as odd that we were on these advances when everybody sort of knew we were on a retreat. We would go to places in West Virginia or some places that were relatively secluded. The whole point is to kind of get you away from your phone, get you away from your desk. To focus on this for a little bit.' But we had to have advances and that was always funny.

We went to, we would have cabinet meetings at different locations, different agencies around the City. So, that the cabinet members could get a better sense of what the various agencies were actually doing because, you know, if you don't work with Corrections, you may not really know what Corrections does. So we decide one day we were going to have a cabinet meeting at the Department of Corrections at Lorton Reformatory down in Virginia, in Lorton Virginia. We get big buses -- school buses or some kind of buses. We meet up here and we drive down to Lorton so that we don't have to take a bunch of cars or deal with traffic.

So, when you go into Lorton you have to go through the metal detector because you can't have any sort of weapons or contraband in the institution. It makes absolute sense. So, I'm in there in line with some other people in the Cabinet -- going through the metal detector. Everything's, you know, hunky-dory and I hear, after I get through, it sounds like I hear the machine go off. I don't really think a whole lot of it because I thought "well, you know, jewelry or someone's jewelry." Well, it wasn't. It was the fire chief who had a six-inch knife in his boot.

Mr. Kempf: (Laughs)

Mr. Cooke: He was taking it into the institution.

Mr. Kempf: (Laughs) Chief didn't go to jail?

Mr. Cooke: Chief didn't go to jail. But, I thinking "God, all I need is a news story: Fire Chief Arrested at Lorton." (Laughs)

Mr. Kempf: How was --- speaking of news, how was the experience of managing the press and all of the, you know, with Barry and some of the things that you've been talking about in an interested press? How was that?

Mr. Cooke: Well, it was difficult. I mean, because the press was, you know, insatiable in their desire to get information about whatever they thought was important. I remember maybe the second day or third day on the job. The then City Administrator, a guy by the name of Tom Downs, had invited me to participate in a press conference he was going to have to talk about ambulances. Ambulance service in the District. The District, like a lot of jurisdictions, was having problems with the ambulances arriving timely. Drivers didn't appear to be very well trained, didn't know where

they were going. They would get lost and take longer to get where they were supposed to be. Dispatchers weren't dispatching well, it was a bunch of things. Tom, before I came to government, had undertaken to do some sort of analysis of the fundamental problems with ambulance service delivery and give a report to the press and the public about what the problems were and how to fix those problems. Well, as it turned out, the study really hadn't been completed and the fixes hadn't been designed. Tom really didn't have a whole lot to report to the press that was in any way constructive. He invites me to come to the press conference. I am up in his office beforehand and he's very worried. Tom says "What am I going to say? This is going to look stupid? Blah, blah, blah." I asked Tom if the press conference was required by some law. He told me that there was no statute requiring this press conference, right. I suggested that he cancel the press conference and tell the reporters that we'll get back to them when we have the information we need. Simple as that. We cancelled the press conference and Tom liked me after that. He thought I was really great after that. He says, finally, "I didn't have to have that pain of sitting there being called stupid for not having results." My point was, that sometimes the government was its own worst enemy, in terms of communicating with the press. Overpromising and unable to keep up on them. One of the things I thought we needed to focus on was making promises that we could keep. Giving information, I had no problem with the information piece. I had worked, you know, in journalism -- electronic and print. I got what the media thought their job was, to some degree. I wasn't trying to thwart that, but I also believed that we had certain prerogatives

and, actually, obligation to make certain that the information we were giving them was as good as we could make it. We shouldn't be in the business to just, you know, to blab and to blab. If we had something to say, say it. If we don't, then we don't have anything to say.

Tom Sherwood, who worked for (at that point) *The Post* and now works for Channel 4, was sort of the District Beat reporter. Tom was one of the relatively few journalists who got it, who understood, that I had no obligation to speak with him. That I could talk to him and I could not talk to him. He was, I think, respectful of the fact that we weren't, we didn't exist just to provide words for their newspaper. I tried to encourage other council members, [rather] other members of the cabinet to get the fact that just because a reporter calls you doesn't mean you have to talk to him. You can say "I don't have anything to say." You don't have to answer every question you are asked. We tried to work with the mayor's press secretary, a guy by the name of John White, who was trying to coordinate press 'responses,' (I guess is the word to use), across the government because it had been very uneven. People were saying all kinds of stuff.

Mr. Kempf: Was there much national media attention while you were Corporation Counsel or did that happen afterwards?

Mr. Cooke: Well, it certainly happened afterwards, but there was some during because we had a huge number of homicides and that was national and international news. That was a big, big, big problem. That was probably the biggest reason that we got national and international press involved was because of the huge number of

homicides. The crack epidemic was, phew, I'm pretty sure, I won't say that it hadn't seen it, but it was still really, really horrible. We had so many juveniles involved in these offenses. The juvenile violence spiked up dramatically and that was the responsibility of my office to prosecute those juveniles. The U.S. Attorneys Office didn't prosecute juveniles, just adults. We had just a huge number of very violent juveniles in the system. Most of them working for crack dealers because they knew the kids would get a lot less time than they would. So, it was really horrible. That got a lot, a lot of coverage. A lot of interviews, if you will, or inquiries from national media types. "How do you explain this? They're killing people." That's a pretty simple explanation, but that was a big piece of it. I had the good fortune of becoming, probably I was the first (I have to be clear I did not do this I was the beneficiary of it, the groundwork was laid by Judy Rogers and others before), but I happened to be the first Corporation Counsel in the history of the City who was actually a full member of the National Association of Attorneys General, which was kind of cool. So, I could go to the Attorney Generals' meetings and be with all the other attorney generals and watch them call each other 'General' and kind of laugh at that because I really wasn't a general. Although they all referred to themselves as 'General' as though that was like their names. "How are you doing General?" [they would say]. "No, I'm not a General, I'm just a Corporal, okay. Leave me alone." [I would say]. (Laughs) When I first went there I had to sit like at the kid's table because I really wasn't a General. They wouldn't let me sit with the Generals. Then when I got to be a General, I got to sit with the big boys. And, then it's so different. What's his

name, Ken Eikenberry, a very good guy, was the Attorney General of the state of Washington. He did not believe that I should be a member of the National Association of Attorneys General because I wasn't with a state. He was very principled and he was not an unpleasant man at all. He just believed that. He was a good guy. I like Ken. It was odd that he happened to be with the "other Washington," as it were.

Mr. Kempf: (Laughs)

Mr. Cooke: There was a guy named Warren Price who was the Attorney General of Hawaii, who happened to be from the District of Columbia. He was born here, grew up here and went to law school out there and never came back. He got to be Attorney General of Hawaii. I think one of the years I was in the office, they had the annual convention (it moved around among the attorneys general) and it was in Hawaii. So, I went to Hawaii, hung out with Warren who I did not know before. But I got to meet him, found out he was from D.C. and we had a great time, you know. Talking about things in D.C. He hadn't been back for a while. But, that's when a lot of them would call me "General." Skip Humphrey and a lot of them. It's an interesting organization but, like I said, some of the predecessors, my predecessors had pushed and pushed and pushed. By the time I got there, the organization was ready to accept the District as an attorney general. It was really weird because the territories all have attorney generals. They were all generals. So I was [saying] "What do you mean? How come I can't be a general?" (Laughter) "Samoa's a general! I want to be a general!" It was kind of funny.

The reason I brought that up was because we began to move more in some of the national municipal organization circles. The Attorney Generals, the National Conference of Mayors. Marion had been very much involved in the National Conference of Black Mayors, smaller group, much less prestigious in a lot of ways. Dealing with small communities was the main -- many, many, many small cities. But the National Conference of Mayors and the National League of Cities were the big cities. We were in there but we really weren't. But we began to do more of that. The National League of Cities has more of a legislative focus than an executive focus. So, we began to do some of that which I thought was interesting and new and beneficial to the District in terms of making us, letting us be perceived as a real municipal player in the larger scheme of things. Many cities were grappling with some of the same problems were grappling with whether it was the crack epidemic, ambulance, as I mentioned. It was a big problem all over the City -- how do you get the healthcare delivered, the whole healthcare delivery piece. Corrections issues -- overcrowded prisons. Juvenile justice, the whole management of welfare piece in local jurisdictions, public housing issues. Those things were useful to us because it was a source of, it was a resource of different ideas, new ideas, solutions, possible solutions that we were beginning to tap into. That was very helpful to the District in the matter of pure governance. To understand the problems, the significance of different perspectives, to see some different solutions that you might be able to apply here in the District.

But, there were just all these crazy things, I mean, you know, one of the things that the District has that is different from most places is we have, you know, 535 members of Congress in town who all think they're important. And, like most people, they drive cars and they get tickets and they don't want to pay them. Every, whatever, periodically the Sergeant-at-Arms of the House or the Senate would deliver to us this stack of tickets that members of Congress got but they don't want to pay. They wanted us to fix them. "Fix these tickets" [they would say]. So, they usually would send them to the Office of Intergovernmental Affairs, send them to that Director (physically, just drop them off). And, then they would call me up and say, "What are we going to do with these tickets?" So, we could do something with some of them but they didn't like paying them. I remember, I think it was, who was it, it was (from Ohio, Illinois -- Bob, he had been here for a while. What was Bob's name, Bob's last name?) He was a representative from Ohio, a Republican. It is really relevant if I could remember his name. In the District of Columbia (what do you call those things), radar detectors are illegal in the District.

Mr. Kempf: Oh, right.

Mr. Cooke: You can't have them in your car. You can't have them mounted and operable. You can't use them and you can't have them where they could be used. If you have one in your car it has to be in the glove box and out of sight. So, this Congressman's wife with Illinois plates on her car that say "Member of Congress," on there...

Mr. Kempf: Right.

Mr. Cooke: Has this radar device in her, on her dashboard. Now, apparently they're legal in Illinois. Some officer from the Second District sees her. Stops her. Issues her a ticket for having this device and does what the Code allows him to do -- seizes the device. She goes home, tells her husband who gets on the phone, calls Intergov or somebody's office within Intergov and says, "This is really not acceptable. You have to fix this." Our people are, "Pooh, sorry Senator or Congressman." So, they call me up and they say "Look you need to get this organized. You need to get that police officer to give her back her radar detector and we need to get this ticket fixed." [I respond] "Okay, okay, okay." So I call the police chief and say, "Chief, Second District blah blah blah. He says, "Ooh, ooh that's horrible! I'll call you back." He calls me back and says, "Bad news." He tells me that the officer confiscated the device, which we often do, and then he destroyed it because, well, it's contraband. I suggest to the Chief that he look at the Chief's discretionary fund and find enough money to buy that woman a new machine.

Mr. Kempf: (Laughs)

Mr. Cooke: So, they bought her a new device and delivered it to her house with apologies. We would get stuff like that frequently because members of Congress and their staff would just do stuff, but they didn't want to experience the consequences. They didn't think they should experience the consequences because, well, "We're the Congress and you're just the District of Columbia. We tell you what to do." [They felt]. That was frequently a problem. I remember Carl Rowan who was a famous journalist and TV and radio personality had the misfortune of having some young people, teenagers, trespass

on his property and use his pool (backyard, just went in his backyard at night). They decided the house was empty when in fact it was not but they went in his pool, swam around. He goes out and, you know, to find out what's going on. He's obviously, he's an older man, he's obviously not particularly happy about this and he's probably feeling pretty insecure about, you know, 3,4,5 some odd unknown number of relatively robust kids in his backyard. You know, maybe they may mean to hurt him. He has a gun. He fires the gun. He says it was a warning shot. I think it hits the ground and either a bullet or some piece of concrete hits one of the kids in the leg. A very minor thing, kind of. Not much more than a scratch. The police come and at the end of all this the police say "What do you know, this gun he had he had no permit, no registration for it and we think he ought to be charged. If this had happened in Southeast we'd prosecute him so why should someone in Upper Northwest not be prosecuted?" I got a lot of crap about that. People did not think he should have been prosecuted. They thought I was going too far. The mayor called me up and said, "Are you sure you want to do this, I'm taking a lot of political flack about this...they're wondering how come I can't control you." I asked him if he wanted me to drop the prosecution to just tell me. I told him that I would not drop the prosecution, but I wanted to know if that was his pleasure He told me that he was not telling me what to do, that he wanted me to know that I was making it hard for him politically. He left me alone. He never told me what to do. He said, "This is not helping me but okay, you do what you think is right." We prosecute him, and we lost. His son was very unhappy with it. His son was a former FBI agent and his

son -- the gun actually belonged to his son -- that he left at his dad's home. His son was a former FBI agent, but he was no longer an FBI agent and so they had this theory that because the son at one time lawfully had the gun (because he was an FBI agent), the gun was somehow grandfathered for all time. Sometimes, people who had some wherewithal, some notoriety or whatever, thought that they should get different treatment. I didn't always see it that way. That was okay but, you know, I just thought that part of my job was to do the job, to be fair and (as I used to tell people all the time), if it ever got more important to keep the job than to do the job -- I was in trouble. I told the mayor many more times than once, [paraphrasing] "I am prepared to resign if I am a problem for you politically you think you can't handle, tell me and I'll resign. It's no problem. I don't, I don't feel like this is, you know, some birthright thing. You know, I mean I'm entitled to the job as long as you have confidence in me. When you tell me that, you know, I'm more trouble to you than I'm worth then, hey, that's all you have to say and I will resign. That's doesn't mean I'm gonna say 'well, okay I'll compromise a principle just to keep a job. I'm not going to do that but I understand the nature of this beast, and if you think that I am more trouble than I am a benefit to you then it's time for me to go.'" And, you know, that was the way I tried to do the job. Literally. This is really no joke. Literally with a letter of resignation in my desk drawer every day. All I had to do was sign it and date it. It was just, I would handwrite the date and sign it because all the letter said was (it was a one paragraph letter, two paragraph letter). A) I resign the Office of the Corporation

Counsel of the District of Columbia. I appreciate the opportunity to serve you and the citizens of the District of Columbia. Cordially yours, Fred Cooke.

Mr. Kempf: (laughing)

Mr. Cooke: And it was in my desk draw every day, and it was just there and I was ready to sign it at any time I needed to get out of there. But, it never happened that I felt (yeah, at one point I did resign obviously) but not because of that. In fact, I wrote a different letter. A much different letter because I was resigning because I needed to move on and make some more money because I was dealing with tuition for my kids. I think that for me the over-arching principle was that this was an important job and needed to be done right. Needed to be done well and if you weren't going to do that then you need to move out of the way and let someone who could, would do it that way have the job. As I said before, I had a great time.

I thought that one of the things, you know, I tried to bring to the job was a kind of an honesty and a directness about what the answers to questions were going to be. Not try to make it overly lawyered. To be as helpful to my clients as I could. I used to tell them all the time if it was not illegal, immoral, or unethical I will help you do what you want to do. Now, I may disagree with you in the public policy development piece of it but that's not my job. I'm not the public policy guy, I'm a lawyer. But as long as you stay inside the lines of legal, ethical and moral, then okay. You know, I'll help you. My job was not necessarily to say "No." My job was to say "Well, not this way, let's do it this way. You can't do it that way."

I remember one day I was doing this sort of “management by walking around” thing and I was going to different clients at this point that we represented because we represent the whole government. And I would go around and kind of see, you know, how do you like what we’re doing, how can we do better for you, you getting your stuff you need quickly, whatever, whatever. I was there at some agency (I don’t know maybe Department of Employment Services, someplace) and talking to the director and some of their key people, we’re sort of walking around. This person, a woman said to me, she said “You’re the Corporation Counsel.” I said, “Yeah.” She says, “I’ve been working for the government for 18 years. I’ve never seen the Corporation Counsel.” (Laughter) I said, “Well, you know, I’m here to help.”

Mr. Kempf: (laughing) “Here I am!”

Mr. Cooke: That’s right. And I just thought that was kind of odd that you could sort of closet yourself from your client like that. I mean, see I had come from a private sector environment where, you know, you really, it was clear you worked for the clients. They paid you every day or every project and if they were happy with you they kept you and if they weren’t happy with you they got a new lawyer. So, we had, client relationships were really very important to me. In the way I grew up as a lawyer I’d spent 10 or 12 years say before I came to the government. So, that’s just the way my brain worked about how you, you have to make the clients happy. So I would go see them to find out what are we doing that you like and what are we doing that you don’t like, more importantly. Not so much that, because I knew they couldn’t fire me, but at the same time that didn’t seem to make sense.

I mean, they're your client. You want them to be happy. You want to do the best job you can for them. So, I would walk around and talk to them. Try to see what was on their minds and what they liked about what my lawyers were doing or not doing. How we could do better and I think that that was important in terms of a kind of maturation of the government. The government became a bit more sophisticated. I mean, not just me but the management skills that people were bringing to the table.

Oftentimes government organizations channel a cult of personality. They work by the sheer force of whoever is driving it at that particular point and time. That's not all bad, but that's not the way you really institutionalize and sustain an organization. You want to have infrastructure. You want to have organizational principles, organizational integrity and you can only do that by bringing in people who are committed to the organization and sound management principles. We were beginning to do that. It was difficult because, you know I tell people, the first day I went into the government (the first couple days), I went home with a blister on my figure because they had rotary phones. I had not used a rotary phone in so long it just, I had a blister on my finger. It was like "What is this?" dragging it back and forth.

Mr. Kempf: Wow.

Mr. Cooke: It was weird. We didn't have any computers. We didn't have any computers. This was a long time ago. This 1987 and computers were not as prevalent, obviously, as they are now. Nor were they as inexpensive. But...

Mr. Kempf: (interrupting) the rotary phones...(laughing)

Mr. Cooke: Yeah, rotary phones were just unbelievable. I was just stunned by that.

Mr. Kempf: Aww, boy.

Mr. Cooke: But we, the mayor, I was complaining about computers. I said, you know, “We have to get some computers.” We had what they used to call the IBM Selectrics (typewriters with memories). We had some employee letters in there and you could still do that. But, you know, it really wasn’t, but there were 286 and 386 computers (which had to do with the amount of RAM, 236 and 236 KB or RAM). It was so puny compared to what’s out there now. But, anyway, those were sort of like the ‘gold standard.’ And, we didn’t have any. We had secretarial issues -- as many government agencies did. A lot of my lawyers, certainly the younger ones, [who] had some experience with lawyers said, “Look if you get me a computer with a word processing program I can crank out my own product. I don’t necessarily need a legal secretary.” So I said, “Cool.” So I kept trying to pester the mayor to give me \$5 or \$7 million dollars to buy a whole scad of computers and some printers and stuff you need to make a system in a very primitive sense. The mayor kept saying, “Your budget’s tight, I can’t do this, can’t do that.” So I kept bugging him, bugging him. I kept saying to him, “You told me when I took this job you were going to give me this money. You haven’t given it blah, blah, blah.”

So we’re having this meeting one day of the, what did we call it -- we called it the Public Safety Cluster, which was the Police Department, Fire Department, Corrections, Office of Corporation Counsel, Parole Board and some other people. So, we’re having this meeting talking about budget issues and blah, blah, blah.

I'm doing my usual whining, "Where are my computers, I need the computers, I need the computers." So he looks at me and (Police Chief at that time was a guy named Maurice Turner), he turns and he says, "Mo, give Fred \$5 million. Enter it as a transfer" and Mo says, "What?!" (Laughter)

Mr. Kempf: (laughing) Oh ohh, no.

Mr. Cooke: And Mo's got a gun. I was like "What?!" He says, "Give him \$5 million because I want him to stop bothering me, and you guys have some extra money." Mo says, "We don't have any extra money." He [the mayor] says, "You do. Give him the \$5 million." So Mo's budget officer was a guy, a police inspector, a guy named Sammie Morris who's a really good guy. Sammie is glaring at me.

Mr. Kempf: I'm sure.

Mr. Cooke: I have my principal deputy with me (who is now the Chief Judge for the D.C. Court of Appeals), Eric Washington, and I say "Eric talk to Sammie, work this out. I don't want to talk to Sammie." (Laughs). So, anyway, Sammie won't talk to Eric. He calls me up. He cusses me out. I said, "Sammie, all I want is that \$5 million. All I want to know is when are we getting it. I have to issue purchase orders. (Laughter) Sammie is just outraged. Long story short, after about a week to ten days Sammie forks over the money and we start issuing purchase orders to buy these computers. My guys really thought it was great. It was a great personnel builder that made people very happy to have these things. Sammie and the police department were just frosted. We get a bunch of the computers, the mayor comes down and, you know, we show him what we can do with the computers and he says, "I hope that keeps you quiet." He got it. He knew that I

needed them. So we made it work. But that was, you know, there were all these kinds of challenges because we had so few resources in so many areas which made the job a lot more difficult than it needed to be or could be. Some people like myself who had been in the private sector, had not been government people, and really weren't charismatic leaders ourselves but knew something about organizational management and knew something about how to make organizations work were trying to begin to do that. Carol Thompson certainly one of them as well. Trying to bring the government into the 20th Century. So we began to confront many of the challenges that we were being confronted with because we were just under-resourced. I mean, we just couldn't get things done because we just didn't have the tools that made it likely at all that these things were going to get done, or done well certainly. That was just one of the huge, huge challenges we had.

One day I'm in the Court of Appeals (I argued very, very, very few cases when I was there). I would go to appellate arguments -- on important cases I would go. They were important, too important for me to argue because I didn't know what I was talking about. I thought that the real lawyers should go. I would sit in the audience and kind of evidence the fact that I thought it was important by sitting in the audience, not at counsel table, in the audience. One day I'm there, sitting there in the audience, the panel includes then Chief Judge Ted Newman and some others (I forget who) so anyway, my guy is making the argument that we talked about and that I believed was the proper argument for that particular case. Chief Judge Newman doesn't like the argument. Chief Judge Newman says to the

lawyer that, “This argument doesn’t make any sense.” Then he says, “Fred, why did you send him here to make this crazy argument?”

Mr. Kempf: (Laughs)

Mr. Cooke: He’s talking to me. Then, I find myself, I find myself yelling at the Chief Judge from the audience, “No, that’s not a silly argument, just because you don’t agree with it doesn’t mean it’s silly!” Somehow the voice inside my head says “You’re yelling at the Chief Judge of the Court of Appeals from the audience -- stop now!” (Laughs) I sit down and Judge Newman looks at me and I just kind of go “I don’t know what happened. I’m sorry.” (Laughter). People would think that I was like unbalanced because I would just blurt out things from time to time. Because, again, my thought was that some of these things are too important to get involved in the crap and we just need to cut through it.

One day I’m at a meeting in the mayor’s conference room with school board members, council members, a number of agency heads, talking about violence in schools. The city had had at that point, a number of children shot or stabbed or assaulted in schools. Mostly, kid-on-kid kind of stuff. So, we’re having this summit to figure out what to do. A guy on the school board, a guy named Calvin Lockridge, who was a legendary school board member and a wacko (in my opinion -- but anyway is talking. While everybody’s lamenting, “What are we going to do, these kids are criminals? We don’t know what to do and blah, blah, blah.” Calvin says, “Well, you know, what we ought to do is we should have a parade every time one of these gang guys gets killed. We should have a parade. We should celebrate the fact that that guy’s dead and that no good came of him.”

Some people listened to him. I'm looking at this and I'm thinking, "This is crazy!" So I say, "Excuse me, that's BS. Why are you people sitting here listening to him say stupid stuff like that?" I said, "Mr. Lockridge, you're a bigger asshole than anybody every told me you were." This caused an uproar. He's talking to an elected official like that! I did it because this is stupid. Mr. Lockridge demands an apology. I refuse because what he had said was stupid. It was inappropriate. The meeting deteriorates, and everybody kind of watches to see what will happen next.

Mr. Kempf: Oh, my gosh.

Mr. Cooke: (laughing) The mayor calls me up later on in the afternoon and asks why I had said that. . I told him that I had said it because what Mr. Lockridge said was stupid and, somebody had to say it was stupid. I did not think that we should waste time having a conversation about that. The mayor told me that I could not do that kind of thing because Lockridge was an elected official. I disagreed, but I asked the mayor if wanted me to call him up and apologize." The mayor said "No because it was stupid." (Laughter) The mayor just wanted to know why I had done it. He did not disagree with my comment .At the same meeting I had also told a council member that he was talking out of the side of his neck. The mayor asked me to call that council member, and apologize to him. So, I did. I was sort of one-for-two. But, you know, that was what we did. We just, we would deal with stuff that we thought needed to be dealt with. (Laughs)

Mr. Kempf: Well, you just mentioned the school violence a little bit earlier. You talked a little bit about the murders and the drug problems. What was it like for you personally

and for you and your co-workers, day in and day out to, to sort of deal with that and have that on your mind as you were, you know, going about? You know you're obviously trying to manage a hundred different things and a lot of different agencies, but you know, surely that was on your mind a lot and I just wondered what that was like for you?

Mr. Cooke: Well, it was very, it was very depressing. It was sobering, depressing on a couple of us.

Mr. Kempf: Especially with you being a native of the City.

Mr. Cooke: Yes. I would go (because we had jurisdiction over the juvenile courts), I would go to Oak Hill and the Receiving Home. Oak Hill is where we kept the, typically the most violent juvenile criminals incarcerated. Most juvenile offenders are released into the custody of their parents. We basically ask the parents to keep them out of trouble.

Mr. Kempf: Where is Oak Hill?

Mr. Cooke: Oak Hill's in Virginia -- I mean Maryland, in Prince George's County. And the Receiving Home used to be on Mt. Olivet Road and it was sort of a 'child jail.' A little less stark but still a jail. I would go there to talk to some of these kids. One of the things that was really, really depressing was that when you talked to 11, 12, 14, 15 year old kid about what they had done, what we say they had done, kind of what was going on in their lives, and their eyes were just cold -- there was no light behind their eyes. There was nothing there. They were just dead without being dead. That was, it was both depressing and scary because you can't figure out how to get to them. Now, the reason that was sort of, that observation came to me

really was the second part of the question. It was because, you know, I was them, and I was the father of four kids -- I had four daughters.

And, it was always refreshing and uplifting for me to go home and see the girls, hang out with them on the weekends because they were always so lively and excited about life and the possibilities. They wanted to know stuff. [They would ask] “Dad what’s that? Dad why? How does that work?” You know, it was just, and I didn’t see that kind of excitement, that kind of electricity in the eyes of these kids in the juvenile justice system. They were stone cold. It was just depressing. It was depressing for another reason. Hal Williams who ran the Corrections Department, he and I talked about this a lot. We worried that we spent so much time working on these things, with these other kids that we were neglecting our own kids. We knew that part of the reason these kids wound up in the system was because they had not been parented. We knew that most of them had not had connections with responsible adults. At the same time, we were disconnecting ourselves from our kids (Laughs). It’s like Ohh, man, that’s messed up!” We were spending so many hours a day doing this. It really, it hit home on those levels. There were so many of these kids where you would talk to their parents, and many -- certainly not all by any stretch of the imagination -- instances, were parents who didn’t have the wherewithal to help their kids. Didn’t know how or what to do, to be a positive balance in their kid’s life. The kid had gotten out of control because the parents weren’t there for whatever reason. Incarcerated, involved in drugs, working to keep home and hearth together, just otherwise inept at the parenting piece, and they didn’t realize it. They didn’t know. Now they

find themselves in this place where they've got this kid that's fundamentally out of control. A kid who has been charged with killing somebody at 12-1/2 years old. What do you do? What do you do when the kid has no sense of remorse? No sense that he has done anything wrong in any kind of societal way. You know, [kid thinks] "Okay yeah, I killed somebody. Yeah, the wrong in this situation is I got caught. That's the only part about this that's wrong." That was very, very depressing. There really wasn't any way to end it. There wasn't anything you could do to make that better for that kid -- certainly. There were so many other kids on their way down that same road. What was the intervention strategy that was going to keep them from ending up across the same table, and me having a similar conversation with them that I'm having with this kid?

TAPE #5:

Mr. Cooke: You try to explain to kids the simple economics of it. The money that they thought they were making, this huge amount of money that they thought they were making from selling these drugs. When you spread it out over the time that they are actually making it -- given the time that they're going to spend, even in juvenile detention -- it's not, you know, it's not any more than they would be making at McDonald's. Where is the real benefit? What's the real upside to it if you're going to be making, still making minimum wage? The people really making the money in the drug business are not the kids on the street selling drugs. The people who really make money in the drug business are not the people who are the second or the third level lieutenants in the deal. That's not where the

money is. Unless you are convinced that you're going to get out of that and be the 'big kahuna,' you know, you're just not going to make any real money at it. But, it was hard, it was hard, hard, hard to get kids to see that they weren't going to be that. Just like it's hard to get kids to see that they're not going to be Michael Jordan. They all have that dream and you know there's something to be said for that on one level -- you know, you need to have aspirations. But there's just too much data that you can present to a kid that tells them that they have a better shot at being a physician than they do at being a successful drug dealer or Michael Jordan the basketball player. It's hard to get a kid to appreciate that. Again, because their brains aren't fully formed. They don't process information quite the way we do as adults and so you can talk to them, but they're not, they're not capable of processing the information the same way you do. So, it's a challenge to try to figure out a way to reach them.

Mr. Kempf: Did you also, you and the other leadership in government, did you spend a lot of your time and energies -- well, let me ask the question in another way. Did some of this stuff hang over you all's head? Some of the crime and the drugs? Was that sort of hovering? Was that something that you all spent a lot of time discussing?

Mr. Cooke: Yeah, I think we spent a fair amount of time on it. And bringing in experts.

Mr. Kempf: Yeah.

Mr. Cooke: People who had different expertise in, in youth violence, just issues dealing with juveniles, young people. How do we develop strategies that can be most effective?

Mr. Kempf: What role did the federal government play in that? Did they, were they much of a help?

Mr. Cooke: No. They weren't much of a help at all. Because they didn't see it as their problem. It was a local problem according to them. Secretary of Housing and Urban Development, Alfonso Jackson, the current Secretary of Housing and Urban Development, was the Director of Public Housing in Marion Barry's third administration. Alfonso believed that one of the cures was to take all these young men at the age of 6 or so and send them off to a residential treatment facility. Separate them from their families and the environment in which they were going to grow up and create a different, an alternative universe -- academic rigor, athletic rigor, learning sound principles of citizenship -- and bring 'em back when they were 18, 19-years old, it's the best way to save them. We had a lot of discussion about stuff like that. We had a lot of different discussions about what could we do as a government to really intervene in a constructive way in these kids' lives to make a difference. No, obviously, we didn't choose the residential treatment thing.

Mr. Kempf: (interrupting) tough to pull it off.

Mr. Cooke: A little tough to pull off. But we did talk with public school system leaders and other 'consultant experts' about academies that we could do that weren't necessary residential, but that were academies. Little oases we could build here in the city to focus on academics and socialization skills for the kids and create a sort of mini city within a city for them. Again, we never actually got to implementation stage because we were always trying to, but we were, we did

spend a lot of time trying to figure out how could we address what was still exploding as a problem among youth and the age of involvement was headed south. It was getting younger and younger and younger. It was becoming more diverse, more and more females, more and more girls. Historically girls had not been involved in violence. Girls had been around the volatility, but they had not been the actual actors. But now, we were beginning to see significant number of girls who were actively involved in serious violent behavior with weapons. It was, and so it was very disconcerting that we didn't have strategies to do that. We worked with the Howard University School of Social Work to try to develop some programs out of the academic literature and their need to develop strategies that their social workers could use once they left school to try to figure out what they could bring to the table to be helpful in trying to bring some resolution to some of these things. We tried to involve ourselves in a lot of different things. I mean, mental health people, psychiatrists, psychologists who had expertise were part of the discussion. We tasked, I know the people at the Department of Human Services and the mental health agency to work on that and try to help understand, help us understand better what was going on. A big piece of it was trying to educate police officers who were having to deal with these kids on the street. You know, what were the police doing? What was the youth division of the police department really doing and what tools did they have or need to do a better job with what they were doing? There was a lot of different stuff going on and it was, very informative. Learned a lot about this stuff that I didn't know before.

Mr. Kempf: I sort of struck by the fact that, that the District of Columbia police force was charged with their duties yet the United States Government actually prosecuted the crimes. Is that right?

Mr. Cooke: Yes.

Mr. Kempf: How did that, how is that?

Mr. Cooke: Well it's always a little nuts.

Mr. Kempf: Because both are really responsible for law enforcement broadly.

Mr. Cooke: Right.

Mr. Kempf: And you would think that working together they would have strategies and such for dealing with crime? But....

Mr. Cooke: (interrupting) Yeah, because the U.S. Attorneys Office were federal people and the Metropolitan Police Department were local people.

Mr. Kempf: Right.

Mr. Cooke: And there was this line. Even though the U.S. Attorneys Office needed the police department, they still weren't really on the same team. There was this wall that just really, never really got fully breached. So, there's always a little bit of a dance (of how do they work together when in fact they really weren't working together?). That was part of the problem -- that that we didn't really have a true integration of agencies and programs that could really focus on the problem in a unified sort of way. These guys were over here doing this and these people were over here doing this. It really wasn't all coming together. We were sometimes working at cross purposes. Sometimes the U.S. Attorneys Office had a view and the FBI and Alcohol, Tobacco and Firearms and DEA had a view that these kids

were useful to them for certain other investigative purposes. Okay. Because again the other thing you gotta keep in mind is that the U.S. Attorneys Office not only prosecuted local felony offenses in the Superior Court, they also prosecute federal felonies in the federal court and they had a different deal about what's important to them. What their bottom line is often not easy to see because they can take the same person and charge him with a District offense, or a federal offense.

Mr. Kempf: Right.

Mr. Cooke: "Take him across the street," as they liked to say. "We'll take you across the street" and "It's a whole different deal across the street."

Mr. Kempf: Right.

Mr. Cooke: Because you've got the federal sentencing guidelines across the street, a lot more time.

Mr. Kempf: Yeah.

Mr. Cooke: So, they would sometimes, you know, and I got it. I don't necessarily think they were evil, but they had a different agenda sometimes. Their deal was "Well we think this kid is useful to us for this purpose and you guys may want to save him or her but we think we got something else we're trying to get out of them." So, that sometimes was a big, big problem because we didn't, couldn't get all the relevant players on the same page.

Mr. Kempf: Do you (I'm gonna jump ahead just a little bit and asked you to give your opinion), do you see that as having changed at all?

Mr. Cooke: Well, it's changed now because the law has changed.

Mr. Kempf: Today, is it?

Mr. Cooke: The law has changed in that, well, it's changed to some degree. The whole offender supervision component of the District of Columbia Government has all been federalized. They all work for the, Court Services and Offender Supervision Agency (CSOSA). So, what used to be parole or probation for the District Government are now all federal people. So, it's a little bit different in that regard. But, we still, you still have the sort of fundamental fight between a local police department and a federal prosecutor who is behaving as a local prosecutor.

Mr. Kempf: Uhhm hhhm.

Mr. Cooke: And, that's always, that's still there.

Mr. Kempf: That's still there.

Mr. Cooke: I think out of necessity more than anything else, a bit more cooperation between police and law enforcement agencies because they, they finally got through their heads that the problem is so huge that unless they begin to marshal their forces together they'll never, ever come close to solving them. So, there is some sort of real world, practical, better and cooperation. But, it's still not perfect by any stretch.

Mr. Kempf: Right. (Laughs)

Mr. Cooke: You know, that's okay. You know recently the U.S. Attorney for the District of Columbia has been asking for private sector help in prosecuting criminal offenses which is an interesting approach. I don't know how well it really works at all, but it shows that their sense of balancing their obligations in the so called "war against terror" and their local prosecutorial obligations are stretching them too

thin. They need some additional resources and they're not getting it from the federal government. They're looking for the private sector to help them out. This is the largest, this is the single largest U.S. Attorneys Office in the country, in terms of numbers of people, and they're understaffed according to the U.S. Attorney.

Mr. Kempf: Before I ask you about what led to your, to your resignation and your decision to move out of the Corporation Counsel position, do you have anything else about your time there that you would like to add for the record?

Mr. Cooke: For the record, maybe not, maybe not for the record. You know, I mean, I just think it was a great, great experience doing the work for the citizens and dealing with the local legislature and the federal legislature, budget hearings and other things on the federal side. It was a lot of fun. We had a great time, and I do think we did a lot of good things. We certainly could have done more, no question about that. But, I do think that (when I say we I'm talking about what we used to call "Team 3," the third term of Marion Barry's government), I think we did some good things -- in spite of some very severe challenges. What people, I don't think, quite get is how potentially paralyzing the probes by the government were, the investigations by the federal government were to getting some of the smallest things done in government. I mean, there were some really good people who went to work to make sure that that didn't happen. I was happy to be a part of that. I was happy to be there.

Mr. Kempf: So, you started in January of 1987? Right?

Mr. Cooke: Yes.

Mr. Kempf: And then you left your position in...?

Mr. Cooke: Yeah, I left in roughly December or January of '89 or January of '90. It was almost three years to the day.

Mr. Kempf: Okay. And, so describe those last, if you will please, those last couple of months? What was going on in your position and also what instigated you to leave? You mentioned a little bit earlier about tuition. (Laughter) But, if you could just talk about that, that would be wonderful.

Mr. Cooke: Yeah, I mean, I think that toward the, toward what became the end of my tenure at the Office of Corporation Counsel (because I had not really thought about it ended, I was having too much fun), I really hadn't thought about leaving. So, during the time that as I said what turned out to be toward the end, the government was still challenged because Marion was becoming more problematic in terms of his ability to do his job. We had the Ramada Inn fiasco where he held a press conference to explain why he was there, why he had not done anything wrong.

Mr. Kempf: Do you recall the approximate day? that was right before you left?

Mr. Cooke: Yeah, it was a couple to three months before I left.

Mr. Kempf: So, okay.

Mr. Cooke: I forget when. I think it was...

Mr. Kempf: Fall of '89?

Mr. Cooke: Well yeah, fall yeah. Late summer or fall of '89. What I remember most is that it was in the papers, we had talked about it somewhat internally among the management team. We knew this was a problem. The stories weren't making

sense to us. The mayor would not sit down and tell us what happened so we could either directly or indirectly get the word out to the press, to the public that “really nothing bad happened, it looks a lot worse than it is.” After a couple, two or three days with this really horrible press the mayor says, “I’ll have a press conference and it’s going to clear the air.” We that was a good idea We thought that his press secretary and sort of the senior team would sit down and brainstorm how best to put together the press piece and do a little moot court -- ask questions that we thought the media might ask and see what the response was going to be, that sort of thing. We used to do that well, you know, fairly typically. Well, this time the mayor would not meet with us and would not tell us what he was going say. He insisted that we come to the press conference and stand with him. That was disconcerting. We thought that the--this press conference could be awful. We did not know what he was going to say, or why he wanted us to stand with him.

There is a picture of me and Carol and John White, his press secretary, (and somebody else), standing behind him as he is talking with these just horribly contorted, pained looks on our faces It was very strange. A few weeks after that, Carol and the rest of us (I mean, not just Carol. I don’t want to blame her because it’s not a blame thing.), we were getting more concerned about just what was going on. We (me, Carol and John White) talked about this and we decided we would go see Delano Lewis. Del Lewis, at that point in time, was the president of the local telephone company that used to be called “C&P,” Chesapeake and Potomac Telephone Company, then it became Bell Atlantic and then it became

Verizon -- local telephone company. He was a longtime political friend of the mayor's. A good guy, really rock-solid citizen who later became Ambassador to South Africa under the Clinton Administration. But, anyway, we decide to go see Del. Now, we did not tell Del exactly why we're coming to see him. We say, "Del we need to talk to you about something." I'm sure Del figured it was something political, and he agrees to meet with us. So we go to meet with Del and tell him about our concerns. We tell him that we don't know what to do. We ask him for advice. And, basically, we're saying to Del, you know, "Should we sort of have some sort of coup d'etat?" (Laughs), and announce that a new government has been formed (Laughter) and the new regime will have peaceful elections in the near future. (Laughter) And Del was very nice. He was very, very helpful in calming us down. So that didn't work. We were getting more and more concerned. There really didn't seem to be a solution. He was good some days and some days he was not good. It was just, it was just weird. As it turned out, my daughter, oldest daughter (our oldest daughter) was finishing college. She finished undergrad and she had announced shortly before graduation she was going to law school. Her sisters were going to private school. I needed more income to pay for all of that. I had taken a big pay cut to take the job. That was fine, I was okay with that, but it wasn't going to work economically anymore. So, I decided that I had to leave and I could go back to my old law firm if I wanted to make more money. And, so around November, December I sort of made the decision and then in either December or January (I can't remember which), I actually pulled the plug. I told the mayor that I was leaving and that I had to go. I

said “The relatively, the relatively good thing about this was that if I left early in the year it wouldn’t be seen as a comment on your reelection prospects because the election is not until November (primary in September). I would be gone long before that. It’s not a comment that people could necessarily make about the elections.” Well, he didn’t like that. He thought of it was abandoning ship, that I was not being a good soldier. He and I had a little argument about that but, ultimately, I left. About the same time, maybe a couple months before, the Director of Corrections, Hal Williams, (was a good friend of mine, he and I had been in college at the same time and knew each other from undergrad but then took career paths to wind up in the same place there in government), Hal left. So, he was unhappy about Hal leaving. He was unhappy about me leaving.

Mr. Kempf: Did anyone else leave?

Mr. Cooke: Some other people left. I’m not sure exactly. I can’t remember exactly who now. But, so we got out of there and I went back to my old law firm for a while. And...

Mr. Kempf: How was the transition from government back into private practice?

Mr. Cooke: It was boring.

Mr. Kempf: (Laughter)

Mr. Cooke: Because it wasn’t as exciting. There wasn’t as much to do. It was a lot of just “hey, I could do all of this in a half an hour, I mean, come on give me more to do. The mayor got arrested at the Vista Hotel later on in 1990. I was sort of involved in that on the periphery. He had a lawyer representing the mayor. A guy named Ken Mundy, was just an excellent, excellent trial lawyer. I helped Ken. I had known Ken. I had worked with Ken before in different context all together. I

helped Ken out, and tried to help Herb Reid out who was still his legal counsel and who was somewhat of a father figure to the mayor and who was very, very disconcerted about the things that had happened. I was trying to make sure Herb was okay. He was a sort of a mentor to me as well and I wanted to make sure Herb was okay. We did that and we got through that. I had begun to represent people who thought they needed some greater understanding of the maze that is the District of Columbia Government and things like that. So I was doing that. At my old firm that I went back to.

Mr. Kempf: Could you give us the name one more time?

Mr. Cooke: Sure. Dowe Lohnes and Albertson.

Mr. Kempf: Thank you.

Mr. Cooke: And I had been fundamentally a telecommunications lawyer or at least a transactional lawyer doing telecommunications work, telecommunications clients. And, almost none of my clients were in the District of Columbia. Maybe Howard University's radio and TV stations were the only ones. And my time in government had sort of crystallized for me the fact that I really, really wanted to have a local practice. This was home and I wanted to be connected to it. I had spent, you know, basically three years being connected in a very direct sort of way. Part of the idea of going (when I went back to Dow Lohnes) was that I would be the guy in the firm who sort of built a "local practice." The firm didn't really have a local practice. It was one of the, it was a large, very good D.C. firm that nobody in D.C. knew anything about. If you went outside the city people knew about it because that's what we did, but very people here knew about it.

So, I wanted to try to be the guy in the firm to build a local practice. That was sort of my initial task and the agreed upon objective. It just didn't work. It was too much of a cultural difference type thing. You know, the firm had been established in 1917. By 1990 it had been doing what it had been doing for a long time. It just wasn't easy to get it to turn in this new direction. People at the firm were very nice, and people were very helpful to the extent they could. They just couldn't be very helpful because it just wasn't what they did. I decided that, you know, before we become unhappy with each other and frustrated that, you know, "You won't do what I want or you won't do what I want?" Why not leave there? I came here (when I say came here we sort of, there were some people here and we sort of made it a little bit bigger) and this gave me the opportunity to really focus on a local practice because I would have to make it if I was going to ever eat again. (Laughter). The motivation was that if you actually want to have a house to live in and food to eat, you're going to have to build a practice to make it work. That's what I was able to do. I didn't have to worry about conflicts with other clients and how the clients would perceive it, and you know, billing rates and how we're going to keep things right. Because when you're building a practice often, my experience is when you're building a practice you oftentimes will do stuff for people for rates less than you otherwise would because it's part what's necessary. Well, in a large firm that's a lot more difficult to do because it's harder to justify "Well, why is your client, you know, being charged \$125 an hour when my client's being charged \$350 for a lawyer with the same skill set?" I didn't have to have that conversation here because I was the captain of the ship.

I got to decide that I could charge you this and you that. That's just what I want to do and as long as I could make it happen and work out in my head it was fine. So, that's what I began to do. I was back at Dow Lohnes for about a year, year and a half before I left and came here. I've been here since 1991.

Mr. Kempf: Will you tell us for the record, what here is?

Mr. Cooke: Oh yeah. Here is Rubin, Winston, Diercks, Harris & Cooke at 1155 Connecticut Avenue, NW, Washington, DC. Coming here allowed me to focus primarily on developing a local practice and serve some local people in dealing with things local -- that I really wanted to do as it turns out. That's basically what I've been doing for the last 16 years, something close to that, yeah.

Mr. Kempf: And, so when you shifted did you also shift into litigation too? A little?

Mr. Cooke: (Laughs)

Mr. Kempf: Is that an understatement?

Mr. Cooke: Well, I shifted into litigation, yes. I did almost nothing but administrative litigation at Dow Lohnes, practicing before federal agencies -- the Federal Communications Commission, maybe the Trademark Office, stuff like that. When I came over here, I did some administrative litigation, but I also began to do (for the first time in a number of years) a lot of Superior Court and U.S. District Court litigation because that's what local clients sometimes wind up putting you in. When the deal goes bad, or there is a problem they bring to you. It's like "I need this suit, here win this for me" and it's "Okay, we'll sue 'em." So yeah. I wind up doing more litigation than I had been doing in the recent past. I do not and have not since 1977 consider myself a litigator. I don't ever refer to

myself as a litigator. But, I do a fair amount of litigation. I enjoy it because that's why I went to law school -- to be a litigator. But, after I stopped doing it almost on a daily basis in 1977 I really don't think of myself as a litigator. You know, I have litigator's skills. I can still get around a court room.

Mr. Kempf: So, what has it been for you personally? How has it been for you personally shifting from, what I take it was, a more national practice to a more local practice in the city where you grew up? How has that been for you?

Mr. Cooke: It's been very good. It's been very enjoyable. It's much more, I'm much more at peace with my practice and my life. When I was doing the national practice at Dow Lohnes there was a kind of schizophrenic quality about me. That is to say, when I went to it and had almost nothing to do with the District. When I would leave work, my whole life was about was the District. And so it was kind of like a little crazy that on the one hand I would go and talk with friends and family about the District. I mean, I'm from here. I was born here. My family's here. It was you know, that's what it was. It just, it was sort of living in two worlds kind of deal. This way it's much more integrated. I don't, I don't really switch back and forth. I do have clients that are national, yes I do. Not many and that's not a predominant part of what I do. What I do now has a lot more gratification to it in the sense that I'm involved in what goes on in my hometown -- on a number of different levels. Whether it's helping somebody in business, doing something legislatively, you know, helping a national business try to figure out how to fit in. It, it, it's all part of the same cloth kind of deal. That's just better for me. I just

am happier doing that. The shift has been a good thing for me (from my perspective).

Mr. Kempf: What about were there any...so you say you moved in 1991 or so over here?

Mr. Cooke: Yes. I think so.

Mr. Kempf: So are there any clients or cases that you had coming out of government that were notable? There in those first few years back in the private practice?

Mr. Cooke: When I first left government?

Mr. Kempf: Yeah. Or really from any time but I'm just trying to think chronologically.

Mr. Cooke: Well, you know, I think that what has evolved for me is that I spent a fair amount, I spent a good part of my time (75%, 85%) of my time working on things that have to do with the District of Columbia. When I first left government, it coincided with Rev. Jesse Jackson moving the headquarters of The National Rainbow Coalition from Chicago to the District of Columbia. I had known the Reverend for a very long time before that. When the Reverend moved here, he and some of my other clients who were also friends of his, asked me to be of assistance to him. I helped him initially with the acquisition of a house -- a home purchase and some renovations associated with that. And, then I sort of evolved to be the local and then eventually general counsel of The National Rainbow Coalition. He ran for and became the one of the so called "shadow senators" for the District of Columbia and I was general counsel to his office as shadow senator. And [I] got more involved there with national politics in the sense that he was trying to use the position of shadow senator to do some national stuff. I traveled around the country with the Reverend a lot, talking about statehood for

the District (which is one of the things that the shadow senators push), appearing before a number of committees and state legislatures talking about the issue.

Trying to get them interested in it. I worked a lot with the Reverend on that, on those and a whole bunch of things that had to do with The Rainbow Coalition being here and some of its national issues.

Mr. Kempf: How did you know him? (If I can interrupt just a second.) What was your background with Jesse Jackson?

Mr. Cooke: I'm not sure.

Mr. Kempf: You just sort of knew him from working around?

Mr. Cooke: Yeah. We just met at different things at different times. I had just known him for a long time. Percy Sutton, who was a client of mine in New York City and the Reverend were good friends, political friends. I met him with, with Percy. I met him with other people and he, we'd see him like "why are you with all these people?" [I would ask]. "I'm just around like you are" [he responded]. So we just got to be friends and remain friends). So it began with him...

Mr. Kempf: So this is almost immediately more or less....

Mr. Cooke: (interrupting) Pretty quickly after I left the government.

Mr. Kempf: ...after you left the government, early '90s?

Mr. Cooke: Yeah, yeah. I remember once, I guess the summer of 1990, Dow Lohnes had a big summer associate program (most big firms do). , I was back on the hiring committee and so we had this meeting about programs for the summer associates, what we were going to do for them. We had a bunch of speakers come in so I asked the Reverend to come in to speak to the summer associates which (Laughs),

which turned into just a colossal circus. Typically, we'd have somebody come in, they'd talk to the summer associates in the, in one of our large, we had a bunch of meeting rooms, large meeting rooms. You know, we had like 20-30 summer associates and usually people on the committee would come and maybe one or two other partners would come. And, you know, depending on who was speaking. That person would come and talk and blah, blah, blah, blah. We'd have some light hors d'oeuvres and everybody would go away and it was cool. Well, when I convinced the Reverend to come speak, we had to rent a room in the hotel across the street because so many people wanted to come. It turned into this huge thing (Laughs). It was great! He thought that there were enough people at the event that he should get paid for this." I said, "No, no, no, we're not paying you, come on." (Laughter) We called him to talk to about 15 or 20 kids and it turned into a room full of people.

But, anyway, so I did that with him and, man I don't know, I mean, and that turned into sort of other stuff for local people and not so local people. I did work with Al Sharpton when Al came to town. Reverend Sharpton who was, very much sometimes, a rival of the Reverend, of course.

Mr. Kempf: Right.

Mr. Cooke: And, I did work for people, as I said, who thought I could be helpful with the government of the District of Columbia. I represented the National Football League Players Association, the National Basketball Players Association, the National Hockey League Players Association in different issues they've had with the District of Columbia. When the District, for example, at one point wanted to

tax their members on a commuter tax kind of basis. Taxing the players on the checks that they earned on games that they played here in D.C. I represented the city when Mayor Kelly became mayor in 1991, early in '91. She asked me to help her and the in the negotiations with what became the Verizon Center (the new stadium downtown). I was really quite pleased to be helpful in trying to bring that to fruition. Me and a guy named Leonard Zax from another law firm here in the City, we represented the city in that, in those negotiations, getting an agreement that we thought would work for the city. As opposed to the agreement they were trying to do beforehand. Then I got asked to join a team working on the legislation to create the new Washington Convention Center, the legislation to build the new convention center which is now up and running. We did that. We drafted the legislation and worked it through the council, then we had to work it through the Congress because it required some congressional pieces to it. We did that and were happy to do that. That was a lot of fun, to bring that to pass. That sort of, you know, began to sort of move me into a little different place on a greater scene of people who were trying to get things done with the city and I sort of got some sort of notoriety, I guess because we were being used. You know, maybe being helpful to people in those kind of regards. I began to do more stuff like that for developers, for people who needed that. I represented Fannie Mae, Merrill Lynch and some other large entities who have involvements with the government and needed somebody to get them from A to wherever their Z is. I've been happy to do that. And, so again, it's also part of trying to figure out how to get these players to play nice in the sand box, and to find a resolution that

works for everybody. My style, stylistically I don't try to strong arm anybody. I mean, I think the best way to get people to agree on stuff is when everybody is getting stuff that they think that they need out of the deal. Sometimes you can do that and sometimes you can't. But that's my typical objective. Trying to make sure everybody can work this out and, and, make it happen. I've been doing that for the last 16 years. In one context or another I've represented a number of members of Congress. I used to prosecute them, now I represent them when they get into difficulties with the city.

Mr. Kempf: (Laughs)

Mr. Cooke: I represented a couple of congressman who have claimed a homestead exemption for the home they own here in the District when in fact they are residents of the state of whatever (because you have to be in order to represent that state), but they somehow didn't process that information. They think that they could save money on their tax bill if they claim this property as their homestead. Well, you can't be a homesteader when you representing the people of the great state of whatever.

Mr. Kempf: (Laughs)

Mr. Cooke: I've been called in from time to time to help members of Congress in those kinds of sort of tax dust ups with the District Government. Some DUIs with the District Government from time to time. Some athletes as well. I try to discreetly help the athletes. Somehow work with the NFL Players Association and NBA Players Association sort of gives them some sense that I can help them. Sometimes when agents or whoever would look for somebody in town I will get a call, or there's

actually a couple other guys in town too who would get called, depends on what the deal is. You know I have, in fact, a state senator for the state of Georgia called me. His daughter was here working last summer as a summer intern for some senator, state senator, not state senator U.S. senator --. She got picked up in Georgetown for using a false ID. She had a fake ID to get into a place to get a drink. You know, beautiful, actually a really stunning, beautiful young woman, class president at the University of Georgia, student body president at the University of Georgia, you know, just A student, you know -- on her way to law school and busted for underage drinking. You know, so, I'm trying to, somehow he gets my name and I tell him look I can, I think I can help your daughter. So, we wind up getting the charges dismissed. We get her community service and you know, it goes away. So I do stuff like that for people and I'm happy to do it. I mean, I think that you know there's a place for that. You know, I'm not trying to get somebody who has committed vehicular homicide a jaywalking ticket. I'm not going to do that. But, I think that oftentimes some of these, certainly young people, they make some decisions that really aren't good and shouldn't be fatal to the rest of their lives if they actually learn a lesson from it (if it is a deviation as opposed to a pattern). I've tried to do that kind of stuff for folks. Also some interesting litigation at both the appellate level and trial court level.

Mr. Kempf: (Laughs)

Mr. Cooke: Those are fun. I don't get to the Court of Appeals as often as I'd like to anymore. I think that's a little bit better for me to do. Pace is a little easier and the payoff is

so far away. Trial court, you know, you get an answer pretty quickly. Yes or no, you know, overruled or not.

Mr. Kempf: (Laughs)

Mr. Cooke: Court of Appeals, now I've got a case now in the Court of Appeals that I'm waiting for a decision on. I argued that case April 15, 2004.

Mr. Kempf: No way!

Mr. Cooke: And, I'm waiting for a decision as we sit here.

Mr. Kempf: Unbelievable. Unbelievable. That's 3-1/2 years.

Mr. Cooke: Yeah, yeah. Drives me crazy. Every Thursday (because the opinions are issued every Thursday), every Thursday I look. I get the, the website pops 'em on about 8:30 in the morning every Thursday. Every Thursday between 8:30 and 9:00, I'm on there looking for that decision and for 3-1/2 years I have not seen it. And, it makes no sense. That certainly is not typical, but there's this line you have to wait in. You know you argue and 3, 4, 6, 8 months later you get an opinion. And, that's the part I don't like. I want answers.

Mr. Kempf: That's right. Instant gratification not the opposite.

Mr. Cooke: Yeah. Tell me I won, tell me I lost then, you know. The waiting, you know, you just have to hold your client's hand and say "It's coming don't worry about it, it's not the end of the world yet."

Mr. Kempf: So when you were, just to take you back a little bit to 1990, what, when you left government '89, '90, did you think at that time that you would ever get back into government?

Mr. Cooke: No. People have said to me that they thought I wanted to run for mayor. I had no interest in running for mayor. It's never really interested me. I don't like politics to that level. I don't like that whole personal sacrifice piece. I, you give up too much of yourself from my perspective. I respect those who choose to do that, but it is just not what I want to do. I never thought that I would go back to government. You know, I had a great time doing it and I thought that was the window for me and that I would probably not do that. What I wanted to do, what I saw as aspirations after I was Corporation Counsel was one of two things: to be General Counsel of Howard University, or to be Dean of the Howard University School of Law. Those were the two things that I thought would kind of be nice. But neither came to pass.

I did have the opportunity, in fact, to take a run at becoming Dean of Howard University School of Law at one point, and they chose a guy by the name of Henry Ramsey who had been a judge in the Alameda County, California Superior Court. He had been an educator at Cal Berkley before that, Cal Berkley Law School. Henry was absolutely the right choice.

Mr. Kempf: (Laughs)

Mr. Cooke: Periodically people would come to me and talk about this whole thing of running for mayor. But, I think I'm old enough now that people have stopped doing that. At one point, there was an article. I remember once, one of law partners here gave me an article that was in the *Washingtonian Magazine* where they had an article of candidates for mayor, potential candidates for mayor. They had these little symbols for how much money they could raise. [I thought] "Hey, that's a lot

of money.” People thought I could raise a lot of money. Maybe I could raise all the money and then say, “I’m not running.” (Laughter) Keep the cash, or find me in Venezuela, if you can. But I didn’t do that. I think that there’s a lot of different ways to be a contributing member to your community and do things. It just doesn’t have to be, always have to be elected office. I think that, serving on boards that I have been on [like] Unity Health Care or healthcare for the homeless, the Board of the D.C. Bar, the Hospital Center, a bunch of different things, are different ways to bring service to the community and to try to connect different stations. I’ve always believed since I was with the government, I’ve always believed that there’s a huge disconnect between the District Government and the rest of the levers of power in the city. Whether it’s the educational institutions, the hospitals, whatever. It’s just way too big a gulf that shouldn’t exist. It doesn’t exist in most other cities. I spent a lot of time running around the country doing cable television franchising. Going to city and county legislators, or legislatures to try to convince them that my client ought to be the one to provide cable services. Part of what you have to do when you do that is that you have to go and figure out what the political lay of the land is -- who the political players are, how do you get them connected to what you want to do, how to you get the nod that you need to get so that in either the formal or informal sense their saying good things about you. It was interesting to me to see that. To see how there is much more of an integration and interconnection between the public sector and the private sector than there is here. In term of the relationships, people from the business community having real relationships with people in the

government. How the real estate community and the banking community are interconnected. How the real estate community and the media are connected. We don't have those connections. We have those connections among those institutions on the private sector side, but those institutions are not connected to the government in the same way they are, for example, in Cleveland or in Cincinnati or, you know, Lexington, Kentucky.

I mean, when Cleveland, Ohio became bankrupt (literally bankrupt if not legally bankrupt) and was just, you know, just flat broke, the business community, the various institutions of power in Cleveland said "This can't be, we've got to fix this." They came together and they basically fixed Cleveland. I don't think that would happen here. When the city here became broke, everybody looked for the federal government. The first thing people said was, "Feds help us." But there wasn't this sense of community of ownership. Part of it has to do with the simple fact that they're so transient in a lot of ways.

Mr. Kempf: Right.

Mr. Cooke: It's that people don't have a sense of ownership that this is home. It like "Well, I'm here, but I'm really from, you know, Sheboygan, you know -- or whatever." So they don't quite feel that same way about it and they don't feel like they have to dip into their pockets or whatever their personal reservoir of goodwill is to bail the city out. It's "Those knuckleheads screwed it up, somebody's got to get those knuckleheads out of office." or whatever -- that kind of stuff. And, I get that. I mean, I'm not, I'm not saying those people are wrong to feel that way. It's just that it's more difficult to have that sense of community where people who grew

up in town, went to high school, went away to college, came back or whatever.

This is where I was born, my father was born, you know, my kids are going to be born here. This is home and I've got to make it work somehow. If I've got to do a little bit extra then let's do that because this is the long haul for me. I don't know if enough people feel that way, I don't know enough people that feel that way are here.

Mr. Kempf: Have you seen that, you've been here for, you know, really more or less since you were born, with a few years...

Mr. Cooke: (interrupts) Yeah, with a few years escape. Yeah.

Mr. Kempf: Right.

Mr. Cooke: Yeah.

Mr. Kempf: Do you feel like that's changed at all? I mean do you see any change in that at all?

Mr. Cooke: No, no, I see it as, well, I see fewer local people. What I see is that there's a huge (there has been over the last 5, 8 years), a huge demographic shift in this city. The huge demographic shift in the city is not Black, White -- it's new. There are so many more new people here. And they bring a lot of good things with them. A different way of looking at the world. Some new ways to do business. Some fresh approaches to some old problems and that's all good. But, it is more of the same of transience. It's more of the same of people who are here for whatever period of time they're here for. They're not necessarily for the long haul. I mean, [they may think] "I'm here, and I may be here indefinitely. It's not like I'm coming here for 5 years. I'm here but you know I could be someplace else too."

You know, it's not like they've committed themselves to here. I am unfortunately committed to this place. I ain't ever leaving.

Mr. Kempf: (Laughs)

Mr. Cooke: And, I think you bring a different set of imperatives to the, to the analysis of any kind of problem. You know, urban problem, city problem if you know, if you expect to be here from now until they put you into the ground. If you don't make that kind of investment it's like "I'm not so sure I care about the solution 'cause, you know, if it gets really screwed up I'm outta here."

Mr. Kempf: Yeah, so it's like renting versus buying.

Mr. Cooke: Yeah, yeah, yeah, yeah. It's something to do with that. So I think that it is a bigger piece of that. I think that there's a, there's a reality to it that's driven by economics. That there was a group of people here in the city who had been here for a long time who can't afford to live here anymore and are gone. They will never be back. I think there are a bunch of new people in the city, who are younger, who tend to be younger. Who because they're younger to have a more narrow set of concerns about what life for them ought to be like. That will change when they have children. It changes everybody whether you like it or not. It changes you. What becomes important to you once you have that little kid in that crib or who is on the way school is different than when you don't have them. So that's going to change. Hopefully, I'll be around long enough to, to, to see more people who sort of think a little bit like I do -- that this is really an important city that has an identity separate and apart from the capital of the federal apparatus. That there are 600 or 700 thousand people who live here who, you know, have

hopes and dreams and aspirations just like everybody does in any other city. That part, that city needs to be attended to as well as this whole federal thing which is the monuments and all that kind of good stuff. I think that that is important and we ought to preserve that. But that's not my hometown. That's something else. That's everybody's hometown. That's the people in Kansas City. That's the people in Tampa, Florida. That's the people in Los Angeles. That's their city and they ought to have one. They ought to have a monumental city. But that's not the city I live in. I live in a different place. (Laughter).

Mr. Kempf: Right. (Laughs)

Mr. Cooke: And it's hard to get people to get their minds around that, you know. I remember when I was with Reverend Jackson.

Mr. Kempf: I was just going to ask you about that.

Mr. Cooke: Yeah. It was like people, people were like really amazed. "You mean, you actually live in Washington?" They would ask. Because they sort of think that you live like in the suburbs. Like, like there's, you know, the monuments and stuff is, is, is one place (and people don't really live there, they come to work there but they don't really live there). "So you guys live in Maryland? Or they'd ask "What part of Maryland do you live in?" I'd say, "No, no, no, I live in the District!" "Where do people live there?" (Laughs) It's like "Wait a minute lady, people live in Las Vegas too. I mean, you know, people don't think about that but there are people that live in Las Vegas who don't live on the strip, who don't gamble and all that. They live in Las Vegas. I live in the District of Columbia."

Mr. Kempf: So, you mentioned in passing when you were talking about your work with Jesse Jackson that you were involved with the statehood issue.

Mr. Cooke: Oh, yeah.

Mr. Kempf: Would you talk about that?

Mr. Cooke: Yeah. I think that the statehood issue, it was sort of my second go around at it. Back in the '70s, there was a Constitutional Amendment that was being circulated among the states as the Constitution requires to give the District of Columbia two senators. That Constitutional Amendment failed because it didn't get the requisite 3/4 voter within the timeframe that the Constitution requires. I was involved in that when I was a student at Howard. Come back around 20 years almost, and we're talking about statehood again and we create, the citizens of the District create the shadow senators and shadow representative as part of the effort to convince the Congress, President and the Congress to give the District two voting representatives. Literally one voting representative in the Congress or two senators.

Mr. Kempf: And this is again, sorry to keep repeating.

Mr. Cooke: Sure. That's okay.

Mr. Kempf: Early '90s?

Mr. Cooke: Yeah, early '90s. We elected these two, elected two senators and a representative because that would have been our congressional delegation based on our population.

Mr. Kempf: Do you remember who they were?

Mr. Cooke: Yeah, Reverend Jackson and Florence (oh what was Florence's last name) and Paul Strauss. Paul Strauss was representative and Florence (I forget Florence's last name) was the other senator. Okay. Part of what we then did (when I say we - - the Reverend did) was to travel around the country and talk to some of the people he knew from his two runs at president -- the Democratic Party apparatus, basically -- and meet with state legislators to try to convince them to convince their federal legislators that this was important to the people of the state of North Dakota [for example]. To tell them that we think this is the right thing to do for the District of Columbia. That was what we did.

We would go around the country and we'd have these meetings in, you know, towns big and small, with local, with the state senator from District 5 in Nebraska or whatever that was and the state representative (unintelligible, Tape #5, Side B @ 198). But anyway, we'd meet with them. Local kind of political officials, county executives whatever. Trying to get some political juice generated locally to kind of push from the bottom up. To put the pressure on the legislators. It was a very, very interesting experience because of a couple of things. I think there was a significant degree of ignorance about what the District is and is not. But, people out there, as it were, got it real quick. As soon as you said to them, "We pay taxes just like you do and our sons and daughters died in the military just like you do but we don't have any representation in the Congress." People would say, "That's crazy."

Mr. Kempf: It's unfair.

Mr. Cooke: "That's not right" [they would say]. (Laughs)

Mr. Kempf: Right.

Mr. Cooke: They get it. I mean they don't, there's not a, it doesn't turn into anything else but that real quick. They go "That's not right."

Mr. Kempf: As a resident now I'm mad. I want some representation

Mr. Cooke: (Laughs) they get it. Then the question gets to be "How do we then get them motivated, energized to go tell Congressman X or Senator Z, hey you have to fix that for those people."

Mr. Kempf: Uhm hmm.

Mr. Cooke: That's the difficulty. [It] is getting them really energized. Ted Kennedy (well we met, I met with Ted a long time ago, a lot of times). Ted has this sort of pat answer that why the District doesn't have voting representatives is because of the "too's" -- it's too liberal, it's too Democratic, it's too Black. He says that, "And it will never get representation in the Senate because of that." I don't know if I'm as cynical as Ted. I mean, he's obviously a much more skilled politician than I am, but I tell you, when you talk to people in Montana or Florida or Texas or, you know, Illinois they get it, real quick. They go "Whoa, that's wrong. You guys need to have a vote." We haven't been able to and we thought Reverend Jackson was a good rallying point kind of person, people would come hear him -- if for no other reason than to throw rotten eggs at him, they would come to hear him. We did get good audiences. Good size audiences and, I think, pretty good receptions, pretty uniform ones. Some people didn't of course, but pretty good reception. But it never really turned into the pressure on the members of Congress from those jurisdictions to get the members of Congress to do it. What we weren't able

to do was to get people to say to their elected official, their federal elected official “If you don’t fix this, you don’t get to stay in Congress.” They would really not go that far because what happens is that something else gets in the way -- Pork [for example]. “If you send me away you won’t get that new bus station” [It seems to be implied.] “Well, stay because we need the bus station” seems to be the response.

Mr. Kempf: Right.

Mr. Cooke: [They seemed to say] “So, let me get this right. We can keep those people the way they are and get a bus station, or, we can get those people someone else who will get them voting representation, and we won’t have a bus station. I think we’ll take the bus station.”

Mr. Kempf: Yeah.

Mr. Cooke And so...

Mr. Kempf: And it’s them that, not us...

Mr. Cooke: (interrupting) yeah. So [they say], “We still think it’s wrong, but let’s see what else we can do.” It’s just a hard sell. I was always heartened by the fact that people got it. People did not say, they didn’t get hyper-technical on you and start reading, you know, line 27 of paragraph 18 of the Constitution, they would say, “That’s wrong.” (Laughs)

Mr. Kempf: Right. And they’re regular folks that just, you know, have an innate sense of fairness.

Mr. Cooke: Yeah. You know, “That ain’t right.” Yeah. So that was always really, really very heartwarming. But we weren’t able to ever get there so you know we go

back and forth, ebbs and flows. I am always disappointed at my fellow residents that we aren't able to, almost anytime day or night, put 20,000 people on the street to protest about this. Because it ought to make you angry. It ought to annoy you. I mean, , one of the reasons I volunteered to get a commission in the United States Air Force is because I never wanted anybody to say that I hadn't done my citizenship duties. They could never say to me that you are not a complete citizen because you have not checked off one of the blocks of citizenship. Okay. That has always been important to me. I, you know, you learn it here in school so you sort of get it earlier than maybe most people would, that it's just really screwed up here. "Who's our congressman?" [students would ask]. "You don't have one." [would be the response]. "What!" [Students would respond]. And they sort of explain to you why and you kind of go "What, that doesn't sound right."

Mr. Kempf: Right.

Mr. Cooke: So, by the time I was in college it was real clear to me that I was never going to allow anybody (because we had had these conversations with SNCC and different civil rights things) about how we had held up our end of the deal. You really don't have citizenship because you haven't really done the things citizens do. I was like "Well, that's crap, I'm not doing that." So, that was one of the reasons I joined. Not because I was really interested in getting shot at. That's why it really annoys me and does disappoint me when the others, my colleagues here in town, don't see this as important. From the '60s it is the direct action mode -- just close the city down. You know, close it down. You know, you can't drive on the streets because we just put our little bodies right in the street and you can't drive

your car into the District of Columbia. People will get arrested, and it'll be a big story. The story will be, why did they think it was important enough to do that? I am of the view that we need to embarrass whoever the resident is, whoever the congress is, we need to make them do in front of God and everybody. We need to make them say where they are on this issue. We should not let them hide behind convenient arguments or blame. We need to make them say where they are. If they feel comfortable enough saying I don't think the people of the District of Columbia ought to have a vote, I don't think we ought to change the Constitution and give them a vote. Fine. Then I want you on record doing that. I don't want you to be able to hide behind "Well at least he's not in front of me." No. Tell me now. I want to know.

Mr. Kempf: What's your opinion on the current effort to get the District a representative and to give one to Utah at the same time? What are your thoughts on that? I am curious.

Mr. Cooke: (Laughs) It's a great, it's a great hustle. I mean, if they can make it work, they can make it work. I think Tom Davis is sincere in his desire to bring about some change of the status quo. I don't, I just personally, I don't know what it's got to do with the state of Utah. I mean, really. I understand the political dynamics because it's just a political issue of how do we balance it out so that the Democrats don't get one more than the Republicans have. It's not about Democrats and Republicans. It's about what's right in terms of constitutionally, in terms of fundamental human rights. So, I appreciate it. I hope it works but, you know, I'm not a fan of it. But, you know, it's fine. It's corrupt. (Laughs)

Mr. Kempf: Right. When you put it that way....

Mr. Cooke: You know I mean, look, I'm old enough to remember when Alaska and Hawaii were admitted to the United States. The notion was the reason they admitted two states in the same year was to balance out what they thought was going to happen in Congress. The belief was that the Alaskans were going to be Democrats and the Hawaiians were going to be Republicans.

Mr. Kempf: Really?

Mr. Cooke: They admitted them and it was just the opposite.

Mr. Kempf: Yeah.

Mr. Cooke: You can't know. I mean, and so they try these little political games and that's all it is a political game. It's like, you know, my inalienable right is not a political football for you to kick around. I don't get the vote just because I vote for republicans, do I? I mean that's crazy. But, that's what they would have you, that's what they've reduced us to. It's you can vote because we know you're going to vote Democrat. We're going to give these people another vote over here in Utah because we know they're going to vote Republican. Well, you know, if another Republican gets caught, you know, in a men's room maybe nobody's going to vote Republican. I don't know, you know.

Mr. Kempf: What about, what about the race factor in all this? I don't really know how to ask the question but I guess the demographics are shifting now in the District.

Mr. Cooke: Oh, yeah.

Mr. Kempf: Back in 1990 it was a shift that began to occur. If you, can you talk about that?

Mr. Cooke: No, but I'm cynical enough to believe that that's a factor in why it is more topical today than it has been in the recent past. More, has a greater sense of possibility about it than it has in the recent past. It's because it's not "those" people voting who you can count on to be crazy, left leaning Democrats. And that's unfortunate because that's not really true but, I think that's part of it. I'm a big enough cynic to believe that. I mean, I, I, look I sat in Congressman McMillan's office and was told to "go away" by the member of Congress from the great state of South Carolina. He was an absolute Dixiecrat. , I mean I get that that's a part of the motivation and has been a part of the motivation for some people. I'm not going to delude myself into believing that's not part of it. That is a part of it. I don't know if that's all of it. But I certainly believe that's part of it. That is too bad. And they wonder why you don't want to be a Republican? Well, because you Republicans are making it so hard to get anywhere with you. You all need to stop having these things you put up all the time.

Mr. Kempf: I'm going to shift gears just slightly. You mentioned that you've sat on some boards.

Mr. Cooke: Oh yeah.

Mr. Kempf: Could you talk about that and your more, sort of some of those boards, you know go through a mental list and talk about how that's been important to you?

Mr. Cooke: Yeah. I was, I served for seven years on the Board of Governors of the D.C. Bar. And, I was, I served on that board after I worked in government. I was asked to consider running for election on that board because I at that point was a small firm practitioner, I was here, I was a small firm practitioner and those, that group

was kind of classically underrepresented on the Board of Governors. I happened to be African-American and that group was, tends to be underrepresented on the Board of Governors. And, I was a law guy.

Mr. Kempf: Right.

Mr. Cooke: And I didn't know anything about the Board of Governors of the Bar. I mean, I knew they existed but you know that's all I knew. And it was really pretty cool. There was some frustration with it because there is a predominance of, there's a big firm bias in terms of who the movers and shakers are. But, on the whole, it was a good experience and I, I enjoyed my time there. I tried to contribute. I tried to make all the meetings, committee meetings. Part of the reason you're there is because you're bringing the small firm practitioners' perspective to the deal, you need to be there when the issues are being talked about. You can't just say "Well, I'm on the board and I'm here for the group photo and I'll be back you know later." So I took it seriously. So that was fun. I did that for seven years.

Mr. Kempf: What were those years?

Mr. Cooke: Man, I forget. I you know it all mushes together. I was on a lot of boards at one time which drove me nuts. I was on too many boards actually. But I was on there for seven years. I must been on the Board of Governors from like '91 or '92 to '99 or something like that. Something like that.

I was on the Board of Trustees of the Public Defender Service and that was cool. Trying to help the Defenders out. It's one of the best Public Defenders offices in the country. I was real happy to be part of that. Trying to help the executive director and the attorneys who do a great, great, great job get what they need to

get done done. I think I was appointed to that. I think the Chief Judge of the D.C. Court of Appeals, I think Judge Wagner appointed me to that position. I ultimately wound up being Chairman of the Board of Trustees before I left and that was fun.

I was on the Commission on Judicial Tenure and Disability which is sort of the commission in town that supervises judges in the Superior Court and D.C. Court of Appeals. Mayor Barry put me on that. I was a mayoral appointment to that. I did that for about three years. It was a three year appointment. It was interesting to sit there because that's the group, the only group in the city that gets to judge judges.

Mr. Kempf: (Laughs)

Mr. Cooke: You bring them in and you make 'em sit at a table on the same level as you. They don't get to sit up. They get to sit at the same level as you and they are incredibly uncomfortable not being in control. It really, really bothers them. I was a Hearing Committee Member for the Board of Professional Responsibilities and heard lawyer discipline cases. That was interesting. Listening to lawyers, well, you do a couple of things. There's a whole bunch of cases that you review paper files. You either accept or reject the recommendation from one of the assistant Bar counsels who has gotten the case, done some preliminary investigation and is making a recommendation as to whether the case ought to go to a hearing or not. You basically accept or reject the recommendations to whether it goes to a hearing. Once, for the cases where the hearing decisions is made, you get to hear the case as part of a three-person tribunal who listens to the Bar counsel's

presentation, listen to the lawyer responding presentation and then makes a decision about what recommended sanctions, if any, there ought to be. I mean, you know, the Bar counsel, there were a number of cases that I think some of us thought never should have been brought. There were other cases that obviously were huge problems and should have been brought. It's difficult. The practice has changed for not just some of us. The guy who's been practicing law for 30 years or more like I have will see this as such a very, very different business than what it was when we started. It is so much easier to wind up in trouble with bar counsel than it ever used to be. Some of that's good, some of that's bad. Bar counsel are cops. Their job is to find crime. So sometimes they find crime when another solution is probably better.

Mr. Kempf: Right.

Mr. Cooke: So, that's a little bit difficult. But that was, that was a useful experience at the end. I didn't go, I didn't want to become a member of the Board of Professional Responsibility which was sort of the next step. So, I bowed out of that. I was on the board of what was formerly known as Health Care for the Homeless which became Unity Health Care which provides healthcare (in its first incarnation, in its earliest incarnation rather) to homeless individuals and medically underserved people. They had vans and they would go out and serve the homeless who oftentimes wouldn't come to a building because a lot of them are psychotic and they can't get inside of buildings, it drives them crazy. So you have to serve them outside because that's the only place they'll be.

Mr. Kempf: Right.

Mr. Cooke: People don't quite think about that. They wonder "Why are these guys homeless?" Some of them have psychological issues. They refused to go inside. I mean, their psychosis will not let them go inside a building for much longer than three or four minutes, they can't do it. You have to deal with them outside because that's the only place you'll ever get them. They will not go into a building. It's an interesting thing.

We did that and then we sort of morphed into becoming Unity Health Care. We became a provider for a larger group of medically underserved individuals. Mostly Medicaid recipients here in the District of Columbia. We basically ran an HMO that Medicaid recipients could join. It's a way sort of (a number of states have used this model as opposed to having them all show up at a charity hospital, if you will). It's cheaper for the government to pay for them to be part of an HMO and have a network of services like you and I might have with our own HMOs as opposed to having them show up at the charity hospital at the emergency room. [They'd] Be much sicker and much more expensive to treat. So, the city began to do that and Unity expanded into that. I did that for six or seven years. That was a really, really good experience.

Mr. Kempf: Right.

Mr. Cooke: We had a number clinics throughout the city and we were one of four HMOs. And, they do it both for physical health as well as mental health. We do OB/GYN, we do kid's health, we do dental, we do all kinds. It's a very, very good organization. Terribly underfunded, but they do great, great work. So, I did that. And, you know, I represent a number of charter schools.

Mr. Kempf: Oh really?

Mr. Cooke: Help them get organized and help them with their governance issues to continue to provide education for kids here in the District. Different charter schools. I represent Marriott Hospitality Charter School which is, focuses high school rather, it focuses high school on careers in the hospitality industry whether it's culinary arts or hotel management. They have a curriculum built around that. So many, in fact, the last three years 100 percent of our kids have all gone on to higher education. Either junior college or four year colleges or to work in culinary or hotel management kind of careers.

I represent a charter school called Community Academy Public Charter School, they don't, we don't have a high school yet. We're progressing to a high school, but we do pre-K through middle school, 8th grade. We have four campuses here in town. That school happens to have the largest single charter of any charter school in the city. We can serve, I think, 4500 students if we wanted to. We're not anywhere close to that now, but we may get to that at some point.

I used to, I represented JozArz Therapeutic Charter High School which is the most unique charter high school the District's ever had. It's a residential treatment facility. It's a charter school for adjudicated delinquents. We had a residential treatment facility, a school and a residential treatment facility. We had kids who needed psychiatric, psychological help, treatment but also were kids that needed to go to school. Most of them had committed crimes because of their psychiatric or psychological condition, which ever it was, and we treated them and took them to school.

Mr. Kempf: Wow.

Mr. Cooke: And it was pretty cool. It went bankrupt because it was more expensive than anybody thought it would be. (Laughs)

Mr. Kempf: Well, I know the service probably cost a mint?

Mr. Cooke: (Laughs) Yeah. It was just way more expensive than anybody had any clue about. So, it went out of business. But it was a great idea. [Interrupted due to ambulance sirens].

[Continues after ambulance passes]. Yeah, it's a great idea because there is nothing like it in the District of Columbia. The District has to send its juveniles who have those needs out of the jurisdiction. They have to send them as far away as Texas because we don't have one, either that the government operates or that some private operator operates. So, it's a real problem. That's why they thought of the idea. It's a great idea. It's just too expensive. You can't make it work on the rates they give you for charter schools. So you get the same per pupil, per capita number that you'd get if you were, if they were to spend the money at, you know, ABC elementary school. Well, that's great except these kids' needs, the services they require are so much more you can't make it work with that number. You can't pay staff (at least qualified, competent staff) what you need to pay them to treat these kids at the rates they want to pay. The part about that that's so frustrating, of course, is that they then will spend \$52,000 a year per kid to send a kid to Texas or Ohio but they won't pay, they wouldn't pay my guys \$36,000 a year per kid. Now they spend about \$9,500 per kid regularly.

Mr. Kempf: I just, I'm curious about your interest in charter schools and how you ended up involved. Could you talk about that?

Mr. Cooke: I got interested in charter schools because a couple friends of mine, most notably, a guy named Kent Amos who's a lifelong friend of mine, another D.C. guy. Kent has been very involved in education and he is so passionate about it that he convinced me that I ought to be helpful to him. Kent is, Kent and his wife have probably adopted about 85 or more kids in their life. And they've raised these kids, the kids have gone to college. Kent was an up and coming, high-level executive at Xerox when this bug hit him. He basically left the life behind and kind of devoted his life to making kids' lives better. He has become a mentor and surrogate father figure and adopted father figure for a bunch, a bunch, a bunch of kids -- he and his wife. Not him, he and his wife.

Mr. Kempf: What's his wife's name?

Mr. Cooke: Carmen. Kent, who had lots of experience with kids and the D.C. Public schools (because most of the kids he adopted or worked with were in the school system in one way or another), he then tried to, began to develop this whole continuum of education, pre-K through adult. One of the problems he found, of course, with the kids or with his kids' friends their parents had educational deficiencies -- didn't have a high school diploma, couldn't read, whatever, blah, blah, blah. So, he was, we first created this thing (he created this thing, I helped, I did the legalisms) called the Urban Family Institute. The idea was to do beginning to end of life kind of education for people and life skills. He got a couple grants and he put one of his programs in a public housing project. He had some space and he had

breakfast for the kids before they went to school, pre-K for the kids who didn't go to school, after-school academic enrichment for the kids who came home from school, later on in the evening adult education. And this was all happening there in the complex with the participation of many of the tenants, mostly women, mothers, as part of the core group of participants running the program in one way or another. That worked for a while and that was, we were trying to deal both with academic performance also behavior issues with kids who with positively occupied couldn't quite be doing other stuff.

So, Kent then decided he had the opportunity to use a lot of the information, the expertise he had developed in doing this thing to sort of do a more formal school, if you will. He had the opportunity to do that in a building and it just sort of grew from that. It happened, well it didn't happen. Part of what got Kent excited about it was the District's commitment to charter schools that began about 6, 7 years ago now. He saw the charter schools as a way to kind of do what he wanted to do. So he leaped in early. That's why he got the biggest charter and they've said they wouldn't give any more charters that big anymore. They realized that could be a problem.

We have four campuses. We're in three former D.C. Public School buildings and we're in a church in another four, one of our pre-K program. I think we're doing some good things. We haven't gotten anywhere close to where we want to be on academic performance in terms of standardized testing. That's a tougher nut to crack. Again, these are all public school kids because this is a public school. They're public school kids, they come from some difficult circumstances. We

require the parents be involved in their kids' education. The kid can't stay in the school if the parent won't be part of this. We think that, you know, as we work at this we're going to get closer and closer to where we need to be in terms of superior performance. Not just average or whatever the standard is. We want to get way above that.

We've had some great success stories. Some of the kids have just, just been tremendous stars, you know. We just haven't had enough of them. But, we've had some kids that have just been wonderful kids. So, we're trying to get there.

Mr. Kempf: That's great.

Mr. Cooke: Yeah. So, we're doing that and that's a, that's a useful thing I think. Again, it's all part of just trying to be involved in the community and do things that experiences that I've been lucky enough to have let me do, constructively to help. You know, it's not just about, you know my law partners will tell you, I am one of the worst business people that you're ever going to meet.

Mr. Kempf: (Laughs) They'll probably be the first to tell you. That's right.

Mr. Cooke: But for me it's never been about money. I mean, I always knew I was gonna have enough to take care of myself and be able to have a house and those kinds of things. It's probably by some people's definition, it's probably excessive what I do. But, I've never really needed, I've never have felt a need to have, you know, 400 suits and five cars and three houses. It just has never been an aspiration I've had. So, time that I might spend figuring out ways to acquire enough money to do those kind of things I'd rather spend doing stuff to help people that need it. Someone who would really benefit from the help because it could change their

lives in a constructive sort of way. I know that that happened for me. I know that people took time out of whatever they were doing to help me get closer to where I am. I don't think it's odd or wrong for me to do it. I think actually it's the right thing to do. So, I haven't really tried to focus much on, as much on money as I probably should have or could have. I'm sure my, children would have loved to have had more, more of whatever they've had too much of. But, they didn't. They got educated. They had a pretty stable family life and they're able to take care of themselves. That's a great gift. You know, if they don't like it I'm sorry. (Laughter). I mean, I told 'em all, I said "you know you don't have to worry about, you know, having a big sibling unpleasantness over Dad's estate. There won't be any, okay. You won't have to worry about hating your sister for getting too much, or getting too little. It won't happen." (Laughter).

Mr. Kempf: [They said] "Don't talk about that stuff."

Mr. Cooke: Oh yeah, yeah.

Mr. Kempf: So, ...

[TAPE 5 ENDS HERE]