



District of Columbia Government
Advisory Neighborhood Commission 6A-02
815 F Street, NE
Washington, DC 20002



October 19, 2005

Mr. David Rubenstein
Deputy Attorney General for Public Safety
Office of the Attorney General
John A. Wilson Building
1350 Pennsylvania Avenue NW, Suite 407
Washington, DC 20004

Mr. Terry Ryan
General Counsel Office
Metropolitan Police Department
300 Indiana Avenue NW
Washington, DC 20001

Commander Groomes
First District Commander
415 4th Street, SW
Washington, DC 20024

Dr. Patrick J. Canavan, Director
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Room 2200
Washington, DC 20002

Mr. Rubenstein, Mr. Ryan, Commander Groomes and Dr. Canavan:

On the corner of Eighth and H Streets, NE a group gathers every Saturday to exercise their first amendment right of free speech. While we have no complaint about the speech, we object to the continued use of an amplifier. Despite DCRA Inspector Lowery's dedication, and the subsequent three noise citations issued on June 18, August 27 and September 10, this group continues to return to this corner and illegally operate an amplifier. A summary is provided at the enclosure.

Simply put, how can this group continue to violate the noise ordinance with impunity? Collectively, DCRA, MPD and the OAG need to develop a strategy to solve this dilemma. Enforcement is the only option left to resolve this problem. Accordingly, I request that: (1) Mr. Terry Ryan serve as the liaison between the three agencies and community; (2) an enforcement plan be developed and shared by October 27th and (3) a weekly status is sent electronically each Monday starting on October 31st.

In close, a single contact combined with a developed, fully coordinated plan and consistent communication with the community will resolve this problem. The desired outcome is the group will exercise their first amendment rights in accordance with District of Columbia law – without an amplifier.

Respectfully,

Joseph Fengler, ANC 6A-02

cc: Councilmember Ambrose, Commissioner Rivera (ANC 6C), Commissioner Sherman (ANC 6C), Mr. Peter Jones, and David Klavitter



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August 30, 2005

PLACE:

Sherwood Recreation Center
Second Floor Community Room
10th and G Streets, NE

PARTICIPANTS:

- * Inspector Andy Solberg, Metropolitan Police Dept.
- * Nick Majette, Office of the Attorney General
- * Marvin McFadden, Dept. of Transportation
- * Marc Lesnick, resident of 700 block of 8th St NE
- * Jane Willkomm, resident of 700 block of 8th St NE
- * Tom Foggin, resident of 700 block of 8th St NE
- * N.L. Shabazz, resident near 9th and K Streets NE
- * Joe McCarley, Dept. of Consumer & Regulatory Affairs
- * Larry Carr, Dept. of Consumer & Regulatory Affairs
- * Mandoza Lowery, Dept. of Consumer & Regulatory Affairs
- * Dave Klavitter, resident of 700 block of 8th St NE
- * Donna Anaya, resident of 700 block of 8th St NE
- * David Cohen, resident of 700 block of 8th St NE
- * Anthony Rivera, Advisory Neighborhood Commissioner (6C)
- * Daniel Pernell, Advisory Neighborhood Commissioner (6C)
- * Peter Jones, Office of Neighborhood Services
- * M.F. Fields, resident
- * Officer Michelle Ridlehoover, Metropolitan Police Dept.
- * Randy Brandt, resident of 700 block of 8th St NE

SUMMARY:

- * Representatives of the Saturday noisemaking group were invited to the meeting by MPD, but Inspector Solberg said they informed him Monday morning they would be unable to attend.
- * MPD Inspector Andy Solberg moderated the discussion.
- * Solberg stated that for at least more than a year, the noisemaking group has assembled on nearly every Saturday afternoon for usually more than four hours on the southeast corner of 8th and H Streets NE for religious speech. The group uses a powered amplifier, which is pointed south on 8th Street NE.
- * The residents of the 700 block of 8th Street NE reiterated their goal is to reduce noise and said the desired outcome would be for the noisemaking group to simply stop using the amplifier. They underscored support for the rights to free speech and religion. Everyone agreed that noise is the issue.
- * Resident Dave Klavitter reported that Advisory Neighborhood Commissioners Anthony Rivera (6C), Joseph Fengler (6A), and Michael Sherman (6C) have expressed support for compliance with the noise ordinance. Commissioner Rivera said he has several times personally interceded to ask the group to turn off the amplifier, with little or no results.
- * Inspector Solberg said no permits have been issued to the noisemaking group, nor is one required for them to assemble or speak on the corner.



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- * DDOT's Marvin McFadden said he would review possible space and safety violations caused by any extension cord used to power the amplifier.
- * DCRA Inspector Mandoza Lowery said he has measured noise levels on June 18 and Aug. 27. Both times the noise levels exceeded the limits stated in D.C. Municipal Regulations and the group was cited. After the Aug. 27 citation was issued, the group ceased using the amplifier for the remainder of that day.
- * DCRA agreed to dispatch noise inspectors (Mandoza Lowery) to the scene every Saturday. If not in compliance, the group will receive escalating fines. It was mentioned that non-payment of fines could lead to an arrest warrant issued against the group's leader, which would be enforced by MPD. Precedence for this type of arrest in a previous noise issue handled by DCRA was described.
- * MPD could issue a 61D citation using a reasonable person noise standard; if it is determined that H Street is outside the city council defined central business district. Discussion by Solberg indicated that this was not the preferred method for dealing with the problem, however.
- * Inspector Solberg said MPD Officer Michelle Ridlehoover would be the main MPD contact.
- * Further developments and actions regarding this issue will be communicated via this email list.
- * Meeting adjourned.