

Our View

Remembering 9/11

During the next week, we will hear much about the 20th anniversary of the Sept. 11, 2001 terrorist attacks, and rightly so.

All Americans old enough to remember were traumatized in some way by what happened on 9/11.

The psychological impact was immense nationwide, as we experienced the first foreign attack on American soil since Pearl Harbor. Our borders, buffered by oceans to the east and west, and friendly neighbors to the north and south, no longer seemed so secure.

The image of those enormous jetliners gliding surreally into the twin towers in New York City on that pristine fall day is seared into our collective mind.

Thousands of people were stranded when airplanes on which they were traveling were instantly grounded, sometimes in remote areas of the country. Air travel ceased for days. U.S. citizens traveling abroad couldn't get home.

Those who lived outside either New York City or the Metro D.C. area at the time can't fully conceptualize the horror of that day.

When the twin towers and then the Pentagon were hit, we didn't know how many sites would be struck. Rumors wildly circulated that a wide-scale assault on D.C. was underway. Was the White House next? The Capitol? The Supreme Court building?

We didn't know what was going on, and the uncertainty was overwhelming.

Alexandrians with loved ones in the Pentagon were frantic. Those with spouses, parents or children working downtown desperately tried to reach them, but the phone system couldn't handle the sudden onslaught. People were told to leave the district, except area roadways quickly clogged.

Some took their families out of the area as quickly as possible, in case follow up attacks were coming. Was a "dirty bomb" filled with radiation next?

We have heard remarkable stories through the years about peoples' experiences on that day, both tragic and heroic. Those whose loved ones were killed in the catastrophe of that day

are in a special category, and this anniversary is a painful reminder of their loss.

But there was also long-time Alexandria resident Gen. Bob Wood, who was pulled from the rubble of his damaged office that morning by an assistant. Another Alexandrian related the experience of being on her condo balcony when the Pentagon was struck. Within months, she had moved south. Former Virginia Sen. George Allen and his wife, Susan, rescued his staff from Capitol Hill, bringing them to the relative protection of their home in the Fairfax County portion of Alexandria.

The tragedy of Sept. 11, 2001 begat two U.S. wars, in Iraq and Afghanistan, and many Alexandrians devoted years to planning, implementing or in some way assisting with those war efforts.

From the ashes of the 9/11 attacks, we slowly began our journey toward healing.

ACTforAlexandria was founded in part by money that the family of Alexandrian Norma L. Steuerle transferred to the organization after Steuerle's death in the attacks.

As is often the case, music helped us mend. U2's "Stuck in a Moment You Can't Get Out Of," while not written about the attacks, nonetheless became its anthem. Bruce Springsteen's album "The Rising," released 10 months after the attacks, expressed the loss, courage and resilience of those who endured 9/11.

In "Into the Fire," Springsteen wrote:

*"The sky was falling
And streaked with blood
I heard you calling me
Then you disappeared into the dust*

*Up the stairs, into the fire
Yeah, up the stairs, into the fire
I need your kiss
But love and duty called
you some place higher
Somewhere up the stairs, into the fire*

*May your strength give us strength
May your faith give us faith
May your hope give us hope
May your love give us love"*

Opinion

"Where the press is free and every man is able to read, all is safe."

- Thomas Jefferson

Photo of the Week



PHOTO/DENISE DUNBAR

Progress on the Potomac Yard Metro Station as of Aug. 27.

Lack of ACPS safety measures

To the editor:

Your editorial in last week's paper, "Time for a true vaccine mandate," rightly critiqued the Alexandria City Public Schools administration for failing to implement a meaningful COVID-19 vaccine requirement for teachers and staff. Now that the FDA has granted full approval to Pfizer's coronavirus vaccine, all ACPS employees must get the shot. Universities, businesses and other institutions across the country are implementing vaccine mandates, and our schools should do the same.

But vaccination isn't the only area where ACPS has demonstrated a lack of foresight and planning in ensuring a safe and sustainable reopening of our schools. ACPS has fallen well short of neighboring school districts in implementing two other important measures necessary to minimize the risk of outbreaks: testing for unvaccinated students and safe dis-

tancing for unmasked students during lunch and mealtimes.

Testing is an important part of a layered prevention strategy to reduce the risk of COVID-19 outbreaks in schools. The CDC recommends that schools in areas of moderate to high transmission implement screening testing for unvaccinated students. By testing a sample of asymptomatic students, schools can identify infection clusters early on, isolate infected individuals and prevent larger outbreaks. Neighboring school districts in Arlington and D.C. have implemented testing of asymptomatic students as a best practice in prevention. But not ACPS.

Even more perplexing is the failure of ACPS to take steps to ensure safe lunches for students – the only time during the school day when students cannot remain masked. As the Del-

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Our View

All systems failed

Karla Dominguez should still be alive.

There is no other conclusion to draw after reviewing the many facets that contributed to her death last July. Ibrahim Bouaichi apparently pulled the trigger that killed her, as he used the same gun to kill himself. But the system that allowed this to happen utterly failed both of them.

The latest revelation in this case is simply staggering: The gun Bouaichi used in the murder and suicide and the vehicle he drove to Dominguez' apartment on July 29, 2020 both belonged to the bondsman who had posted Bouaichi's bail. See "Bondsman's gun used in murder of Dominguez," on page 1 for the full story.

The bondsman in this case, Man Nguyen, posted Bouaichi's \$25,000 bail to free him after Bouaichi had been indicted by a grand jury on five felonious counts of rape, sodomy, strangulation, abduction with the intent to defile and malicious wounding.

Nguyen literally signed for Bouaichi's release, the terms of which required Bouaichi to reside with his parents in Maryland and stay away from Dominguez. Nguyen either ignored, or, as he claimed at the hearing where he was ultimately stripped of his bondsman's license, was ignorant of the terms of Bouaichi's release. Both are unacceptable.

Another astonishing aspect of this case is that Bouaichi was arrested near his parents' home of Greenbelt, Maryland a month after Nguyen posted his Virginia bond and was charged with several traffic offenses, including reckless driving and driving under the influence of alcohol. Bouaichi was released on bond in that case too on May 10, according to Maryland court records.

How could there not have been communication between jurisdictions? Did the Circuit Court here in Virginia not notify Maryland they were releasing a man accused of five violent felonies into their midst?

Was Nguyen unaware that the man he had risked \$25,000 to free had subsequently been arrested again and released again on bond? Any licensed bondsman would surely know that a subsequent arrest would revoke the prior release. The topic did not come up in Nguyen's licensure hearing.

There were many other failings in this case.

Circuit Court Judge Nolan B. Dawkins decided after a 22-minute hearing to release Bouaichi on April 9, 2020, even though the judges presiding over Bouaichi's preliminary hearing on Dec. 11, 2019 and the grand jury in January – where he was indicted on the five felonious charges – declined to do so.

The Commonwealth's Attorney's office sent a different prosecutor to the April 9 bond hearing than had prosecuted before the grand jury in January. In the view of a retired judge who spoke anonymously in the Times' Sept. 29 story "Bond hearing transcript reveals details about Karla Dominguez homicide case," the Commonwealth's Attorney lawyer did not rebut arguments by Bouaichi's lawyers vigorously enough at that hearing.

There are clearly significant problems with the operation of the Circuit Court in Virginia, particularly with conditions on bail. There does not appear to be any enforcement mechanism, nor any one department or entity that is responsible for overseeing the conditions of bail.

If we are wrong, we hope someone will tell us who was responsible for Bouaichi's compliance – because that person or entity should be held accountable.

Where there's no enforcement, there's little compliance. As the sad case of Karla Dominguez illustrates, the consequences of a lack of oversight can be tragic.

Opinion

"Where the press is free and every man is able to read, all is safe."

- Thomas Jefferson

Photo of the Week



PHOTO/BERNARD KEMPINSKI

A Porsche tractor at the Old Town Festival of Speed & Style on Saturday. More than 125,000 Porsche tractors were produced, but only about 1,000 were sold new in North America.

Stormwater pipes, not pilots

To the editor:

Like hundreds of other Alexandria residents, we have recently spent considerable time digging out from flooding along with anxious days when repeated flood warnings occurred. Our frustration has been magnified by the relatively low priority that Alexandria's chronic flooding problems received when City Council voted to allocate less than one-fifth of the \$30 million in American Rescue Plan Act funds received from the federal government to this issue.

This was an inexplicable missed opportunity to accelerate the effort to fix Alexandria's inadequate stormwater infrastructure which city leaders have, until recently, ignored for decades. And it is a problem that they recently doubled our stormwater fee to address.

In the aftermath of last week's flooding, Mayor Justin Wilson claimed that the ARPA funds could not be spent on major large-capacity flood control projects because they could not be finished by the end of 2024 as required in the legislation. This is false. Dana Wedeles, assistant to the City Manager, told City Council on July 6 that "for construction projects that have been obligated, the construction

can continue until 2026."

According to DrainALX, this means that funding could have gone toward the design and implementation of top capacity projects on the 10-year CIP, in addition to the smaller spot projects and special projects like Hooff's Run. Additional funding would have helped accelerate the timeline and offset costs to add additional projects.

On Aug. 10, The Washington Post expressed surprise that Alexandria had decided to spend \$3 million from ARPA funds on what is considered a dubious guaranteed income pilot. If the pilot is "successful," then what?

Wilson, in the aftermath of the vote said, "I think this is an opportunity for the city to make some transformational investments as well as to do some experimentation, which I think I'm particularly excited about. ... Some of this stuff is not going to work, and that's ok, that's really ok." Really?

I hope that more sober minds prevail when City Council votes on the second \$30 million tranche of ARPA money.

-Tom Slayton,
Alexandria

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Our View

Toothless Sunshine Law

Virginia's Freedom of Information Act was created to prevent elected officials from gathering together out of the public eye and making policy without citizen input.

Last month, four members of Alexandria's City Council secretly developed a blueprint for a new policy regarding police officers, commonly called SROs, in Alexandria City Public Schools and presented their plan as a *fait accompli* at the Oct. 12 council meeting. The four were Councilors Canek Aguirre, Elizabeth Bennett-Parker, John Chapman and Mo Seifeldin.

Alexandria City Attorney Joanna Anderson and two open government experts that the Times consulted agreed that the action by our local council members did not breach the letter of Virginia FOIA law because the four didn't meet in person or exchange emails within a timeframe that courts have ruled constitutes a "meeting." See the Times page one story, "Sunshine Law: A closer look," for more information.

But there is no doubt that the four violated the spirit of the Sunshine Law, which is to prevent policymaking without public input.

It's both telling and sad that Aguirre said of the four council members' actions: "Because ultimately what happens is while we have one-on-one conversations either trying to reach consensus or build ideas, all of that comes out afterwards."

Aguirre apparently fails to see the irony, or problem, when a majority of council decides an important policy issue without public input, then presents it as a done deal. Because, hey, the public will ultimately learn of the decision, even though that will be too late for residents to have any say in the chosen policy.

Holding a public hearing after a majority of an elected body has already decided the outcome would be like holding the NCAA basketball tournament after the commissioner has already secretly decided which team will win: Playing the actual tournament would be nothing but a charade.

Bennett-Parker provided a statement concurrent with Aguirre's comments. The charitable interpretation is that these council members fail to understand the difference between what's technically legal and what's right. It's the difference between "can" and "should." The less charitable interpretation is that they know but don't care.

Doing things the wrong way simply because one can reflects the lack of a guiding moral compass. Ethics and freedom of information laws are important precisely because it's so difficult for the public to rely on the internal moral compasses of elected officials.

It seems obvious that Virginia's Freedom of Information laws need to be updated to reflect technological advances and the post-COVID-19 reality that few people gather around actual tables any more to make decisions.

Having FOIA laws on the books that have slim chances of preventing what they were designed to forestall – policy decisions made out of the public eye – means that the laws have devolved into little more than a form of virtue signaling.

Virginia's FOIA laws appear to be aspirational rather than enforceable at this point. It's time they were updated.

Opinion

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Photo of the Week



COURTESY PHOTO

Graffiti that appears to be connected with the gang MS-13 was found on a brick exterior stairway in Old Town last weekend.

New police board lacks credibility

To the editor:

As a police reporter for two daily newspapers during the 1960s when there was a wave of civilian oversight of the police, I have had an enduring interest in the continuing conversation about the use and effectiveness of such bodies. Thus, the proposed composition of the new Alexandria "Independent Community Policing Review Board" caught my attention.

The commission is to have eight members of whom seven have a vote. Among the seven, three are to be from "racially or socially marginalized communities who have commonly experienced disparate policing ..." Unfortunately, "disparate policing" goes undefined.

A fourth slot is reserved for a representative of an advocacy group for "racial and social justice." There are three at-large members with no professional criteria listed, an aberration from the usual norm, and one person who has actual experience in law enforcement. That individual, however, has no vote.

Another puzzle is that while the citizen appointees, the advocacy group representative and the expert all serve three-year terms, the "marginalized" three serve only 18 months. No explanation is given for the disparity. It suggests, however, a lack of confidence about the continuing value of individuals whose qualification is being from a group "experiencing disparate policing."

The net result of this board composition for me is to question its capability to see the police function holistically and with perspective. How about including a lawyer who handles traffic and criminal cases? Or a member of the media who has reported on a range of police-related issues? Or a member of the clergy who regularly is involved in police matters?

If this board is to have credibility with the larger public over time, as we hope, its composition is all important. Unfortunately, this effort by city hall seems to fall short.

-Jack Sullivan,
Alexandria

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