

The Council Report

NOVEMBER 2003

News from the Friendship Heights Village Council—the elected governing body of the Special Tax District of the Village of Friendship Heights



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FRANCIS R. VALEO, *Chairman*
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ELIZABETH DEMETRA HARRIS, *Secretary*
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ROBERT M. SCHWARZBART, *Parliamentarian*
LEONARD E. MUDD, *Historian*

Statement on Community Advisory Appointments

The following statement was read by Councilman Robert Schwarzbart at the November 10 Village Council meeting in response to two residents who questioned the appointment of Dr. Alfred Muller to the Community Advisory Committee:

“Having previously served as a judge for more than a generation, the continuing controversy surrounding this Council’s appointment of Dr. Alfred Muller to the Community Advisory Committee saddens me. It again shows how hate can prompt a selective use of facts and evidence to challenge reason and acceptance. However, it appears that our reasons for so naming Dr. Muller might be further explicated.

A charge of child molestation so enrages that, for many, the viscera take control and deeply held values become lost. Forget about the presumption of innocence that runs through our jurisprudence and interrelationships. If such an accusation is made against you, you instantly are presumed guilty. The media will brand you; your friends will shun you; your neighbors will despise you; and you will face a justice system that is geared to convict you. For such offenses, there is no closure; no final payment of debt to society. Once an offender, always an offender, and the accused often must face these charges, even before they are substantiated, in a solitude that is matched only by death. This, in good measure, has been the experience of Dr. Alfred Muller.

Yet we must be careful because all such accusations do not hold

up. In a much-publicized episode a few years ago, a group of school girls had ruined their teacher with their accusations of impropriety before admitting that it all had been a bad joke. Similarly, in the settlement of a civil suit entered into by Dr. Muller and his young accuser, who was guided by parents and legal counsel, the substantive allegations against Dr. Muller were effectively erased. On July 17, 2003, Dr. Muller’s accuser as part of that settlement, signed the following sworn statement, ‘I, J.L., hereby affirm and acknowledge that Alfred Muller did not stalk, molest, sexually assault, and/or attack me on January 28, 2001.’

So why then, if innocent, would Dr. Muller have entered a plea in the original criminal case that would carry with it such terrible and unending consequences? Dr. Muller has discussed his reasons with me. Such decisions are not necessarily based on the stark issues of guilt or innocence, but upon the realities of what actually is happening at the time. While the prosecution and the accused, in pursuing their respective courses, can draw on the virtually unlimited resources of the state, the accused cannot. He must pay for his own defense—up front. Even before reaching trial, Dr. Muller was hemorrhaging money. He had spent more than \$100,000 in legal fees and expenses on the preliminaries and could anticipate spending much beyond that in litigating a case where, unlike other matters, his innocence might not be

presumed and the consequences of conviction would be harsh. At that rate of expenditure, Dr. Muller could not even afford to be acquitted. Dr. Muller, while certainly not old, is not the youngest man. He already had retired at the time of the incident; his peak earning years were behind him; and he had to have something left to live on regardless of the outcome. So, he took the most reasonable course then available to him.

This Council cannot become involved in Dr. Muller’s criminal case before the D.C. Superior Court. The advent of any further proceedings before that Court is a matter between Dr. Muller and his attorney.

However, we do have an obligation to act upon the facts that are before us, including, as the minutes of our last September’s meeting show, that Dr. Muller’s accuser subsequently had signed the above contravening sworn statement.

This more recent sworn statement, on its face, undercuts the factual basis for the charges against Dr. Muller. Under the laws governing perjury, all requisite elements being in place, sworn statements retain their significance as such whether they arise from criminal or civil proceedings. Accordingly, a sworn statement given in connection with a civil case cannot appropriately be ignored or trivialized, as some would do.

Only the presiding Court can determine when and if presented with the two conflicting sworn statements—the original accusation and the later contradictory document—whether the young man was telling the truth then

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MVA Mobile Office—Monday, December 22, 10 a.m. to 2 p.m.

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or now. Also, only the Court can determine in the light of the subsequent contravention whether, in a one-against-one situation, the present state of the evidence against Dr. Muller can continue to indicate guilt beyond a reasonable doubt.

And only Dr. Muller's critics can say why, at this time with the information they now have, they continue to be angrier at and more opposed to Dr. Muller than the person who first accused him.

For our part, we in the Council must make our decisions based on all the facts before us and our judgment as to what is best for this community. In appointing Dr. Muller to our Community Advisory Committee, we noted that the accuser's sworn pronouncements concerning him are contradictory, at best, and that Dr. Muller's plea before the Court may well have been motivated by practical considerations apart from guilt or innocence. We also took into account how Dr. Muller has benefited this Village during his 26 years as Mayor and as a Council Member. He played the indispensable role in establishing the Village Center and the many educational, social, health, and cultural programs that our residents now enjoy. This building is virtually a monument to his service to our community.

Accordingly, in light of the information that we have received and accepted, this Council has appointed Dr. Muller and also Toby Alterman to the Community Advisory Committee."

Council renews snow removal contract

The Council has renewed its contract with Mulheron Tree Experts for snow removal in the Village this coming winter. Mulheron has removed snow in the Village the past two years and has done excellent work.

Council actions

November 10, 2003 meeting:

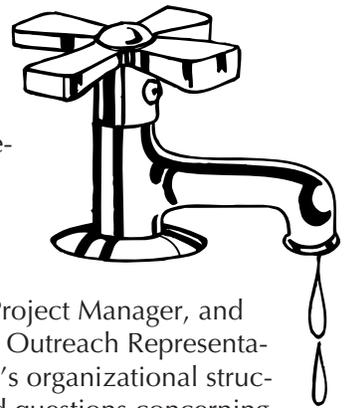
- Approved contract with Mulheron Tree Experts for snow removal in the Village (story above);
- Heard presentation from WSSC (story at right);
- Voted to go into executive session under Section 10-508(a)(1)(i) of the Maryland State Code to discuss personnel issues.

WSSC presents communications initiative

At the monthly public Council meeting on November 10, representatives from the Washington Suburban Sanitary Commission gave a presentation on WSSC's outreach to local governments.

Wilbert Ridgley, Infrastructure Project Manager, and Leola Toomer-Castro, Customer Outreach Representative, gave an overview of WSSC's organizational structure and facilities, and answered questions concerning pinhole leaks, water quality, water main breaks, security issues, and other items of interest.

For more information, visit the WSSC website, www.wsscwater.com.



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