

Blount gets court's OK to run

Appeals panel says
state senator lives in
his Baltimore district

By CATLIN FRANCKE
SUN STAFF

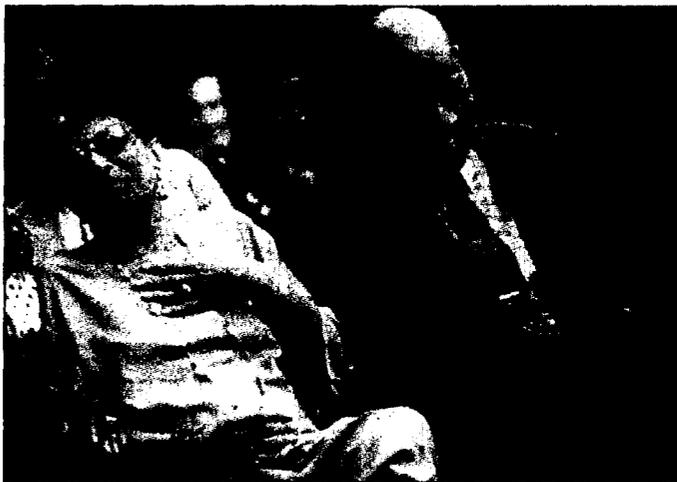
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Maryland's highest court put state Sen. Clarence W. Blount's name back on the ballot yesterday for the Democratic primary, reversing a lower court's decision that "overwhelming" evidence showed he did not live in the Northwest Baltimore district he represents.

The Court of Appeals issued a unanimous order 30 minutes after attorneys for Blount and his challenger, Del. Frank D. Boston Jr., finished arguing their cases.

A full written opinion explaining the ruling is expected later.

The ruling ended an expensive lawsuit filed by



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Lighter moment: State Senate Majority Leader Clarence W. Blount and his wife, Edith, share a chuckle in the courtroom yesterday.

Boston seeking to have Blount's name stricken from the Democratic ballot because, Boston alleged, the senator lives in Pikesville.

But the ruling sparked controversy over the state's

residency requirement for public officials.

"What it says to me is that folks can live anywhere they want to live as long as they have a voter's card and have a mail drop," [See Blount, 14A]

Court of Appeals rules Blount lives in the city

[Blount, from Page 1A]

Boston said yesterday. "Clearly I have established that [Blount] does not, in fact, live in the 41st Legislative District. ... I call him a 'commuting senator.'"

"It's up to the people to decide if they want someone to continue to represent them who does not see the blight of the city."

After three days of testimony last week, Anne Arundel Circuit Judge Michael E. Loney ruled that Blount had abandoned his district by moving out and therefore could not run for office there.

Blount appealed, which led to yesterday's decision.

Blount, 77, the Senate majority leader, did not return messages left yesterday at his legislative office, his Baltimore apartment or Pikesville condominium.

Before the ruling, Blount criticized Boston, saying that he had helped him become a politician and then become a victim of the "dirtiest, slimiest" politics he had seen in his career. Political observers said he is the favored candidate.

After days of facing the possibility of losing his right-hand man, Senate President Thomas V. Mike Miller was pleased with yesterday's decision.

"I think that common sense prevailed over judicial niceties," Miller said. "To say this man is not of Baltimore is to say the Orioles are not of Baltimore."

The court's ruling was a victory for the district that Blount had represented for 27 years, said George L. Russell, one of Blount's attorneys.

"Had we lost Senator Blount in the legislature," he said, "it would have been a big blow to the city of Baltimore."

Voice of Baltimore

Blount is seen by many legislators as an important voice for Baltimore and a consensus-builder in the Senate. He could play a critical role in the redrawing of the legislative districts after the 2000 Census and the appointments of committee chairmen in the Senate, which has no African-Americans in line to run a standing committee.

Blount's political power caused some leaders — mainly Republicans — to question the court's decision. Some said the judges simply wanted to keep Blount in office to maintain key Democratic influence.

"How in the world could they [reverse] that?" asked House Minority Leader Robert H. Kittleman, a Howard County Republican.

"I thought it was very clear that he did not live in the district. ... Maryland is notorious for judges making political decisions. This sounds like the most political decision yet."

House Speaker Casper R. Taylor Jr., a Democrat, had his own question: "Not being a lawyer, I can only hope we are living up to a government of law, not a government of men."

Tied to the 'power elite'

Boston, 59, a three-term delegate, shied away from calling the decision political. But, he said, Blount's close ties to the political establishment should not be overlooked.

"He is very much a part of the power elite," Boston said. "The power elite has pulled out all stops to keep him there because they need him for something."

Even some of Blount's supporters conceded that while Blount may have met the legal definitions of the residency law by renting the \$375-a-month Baltimore apartment, he appeared to live in Pikesville.

The vague residency law should be clarified, said Del. Howard P. Rawlings, a Baltimore Democrat.

"I have always believed that [Blount] attempted to meet the letter of the law," Rawlings said. "I wouldn't want anyone else to go through what Senator Blount went through. [The law] ought to be clear."

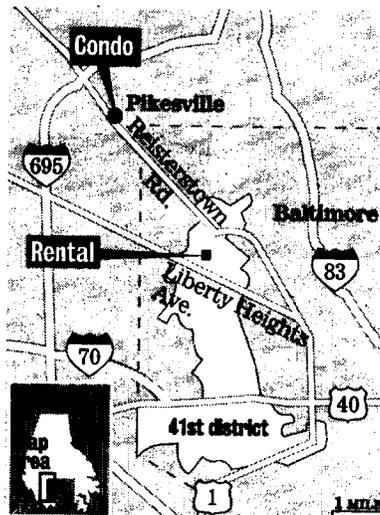
From the beginning, Blount — relying in part on a 1984 attorney general's opinion — has argued that legally the rented Baltimore apartment makes him eligible to hold office in the district.

Though he acknowledges that he spends about three nights a month in the Baltimore apart-



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Judicial panel: The Maryland Court of Appeals that ruled in Blount's favor included (from left) Judges Dale R. Cathell, Irma S. Raker, John C. Eldridge and Chief Justice Robert M. Bell.



JENNIFER IMES: SUN STAFF

ment, he is registered to vote there, gets his mail there and lists that address on his tax returns.

Blount's attorneys have argued that Boston had to show that Blount had abandoned his home in the 41st District to be struck from the ballot.

In court yesterday, Blount's attorneys said last week's ruling should be overturned because the judge had focused mainly on where Blount slept, rather than considering other factors, such as where he is registered to vote and what address he lists on his driver's license.

In appellate court filings, Blount contended that actions of his wife should not be used against him.

Blount spent most nights in the Pikesville condominium "as an accommodation to his wife" and in



Opponent: Maryland Del. Frank D. Boston Jr., a Baltimore Democrat, speaks with reporters outside the courthouse after the proceedings. At left is his son, Frank Boston III.

anticipation of his retirement. It was Mrs. Blount, they said, who changed the address on one of the bank accounts and chose to entertain guests in the Pikesville condominium.

Emphasis on Mrs. Blount

"There is no question that Mrs. Blount spends most of her nights and much of her time" in Pikesville, the court filing said.

"In placing such emphasis on where Mrs. Blount spends her time, the trial court seemed to lose sight of the fact that ... the Maryland Constitution requires only that the candidate reside in a district in order to run for senator."

Boston countered that Blount uses the home as a mail drop. The Baltimore apartment has no tele-

phone and only a futon for the senator to sleep on.

The appellate court's questions ranged from points of law to details about the case. Perhaps one of the more telling questions came from Judge Robert Karwacki, a retired appeals judge who sat on the case because another judge had a conflict of interest.

Do politicians have to live in the district to know the problems the constituents face? Karwacki asked. "Isn't the focus broader than where they sleep?"

No, said Boston's attorney Steven A. Allen: "You must be a constituent in order to represent constituents. Familiarity is not a constitutional requirement."

Staff writer Alec Klein contributed to this article.