

State senator says he'll vote despite possibility of conflict

■ **Choice: In a struggle between duty and ethics, state Sen. Norman R. Stone, Jr. sees a clear path.**

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An ethical dilemma involving state Sen. Norman R. Stone Jr. is likely to come before a General Assembly committee again this week as he challenges its finding that he should not vote on a bill sought by his boss.

The ethical problem involves a bill before Stone's committee that would increase the amount of damages plaintiffs can collect in lawsuits over asbestos-related diseases. The most ardent proponent and largest possible beneficiary of the bill is Peter G. Angelos, Stone's employer and the state's leading plaintiffs' attorney in asbestos cases.

The Joint Committee on Legislative Ethics has ruled that Stone has a clear conflict of interest. But Stone contends that he owes it to his constituents, who include many victims of asbestos-related disease, to cast what could be a decisive vote on the bill.

Independent experts on government ethics are divided on the question, with some saying Stone should vote and others saying he's on thin ice.

This week the ethics committee is expected to take up Stone's request that it reconsider its ruling, but the senator has said he expects to vote on the bill no matter how the panel rules.

"Nothing's ever firm, but I've made up my mind

that my constituents deserve my consideration," said Stone, a Democrat who has represented southeast Baltimore County in the Senate and House of Delegates for 36 years.

If the 64-year-old senator votes on the bill, his apparently unprecedented decision could pose a significant challenge to the ethics committee's ability to police legislators' ethical practices.

"What it does is illustrate the weakness of the system. Authority can't be undermined if it's not there," said Kathleen S. Skulnay, executive director of Common Cause/Maryland.

The bill, introduced at Angelos' request, would raise the limit on the amount of money plaintiffs can collect for pain and suffering in hundreds of cases of asbestos-related cancer. Angelos, majority owner of the Baltimore Orioles, tends to collect about one-third of the damage settlements he wins, so the bill could be worth millions of dollars to his firm.

For the legislation to reach the Senate floor, it must receive six votes from the 11-member Judicial Proceedings Committee, of which Stone is a member. The bill is being heavily lobbied, and the vote is expected to be close.

Stone, a lawyer for almost four decades and an employee of the Angelos firm for five years, has been a consistent supporter of plaintiffs' rights and organized labor during his legislative career. He has made no secret of his support for the bill.

It was a blow to the Angelos forces when the ethics committee — in response to a routine disclaimer filed by Stone — sent a letter to the senator Feb. 19 advising him to abstain from any participation in action on the bill.

"The committee believes that the direct interest of your employer in this particular legislation creates an unusually strong appearance of a conflict of interest," the committee wrote in a letter approved by a 10-2 vote.

Stone has rejected that advice, taking an active role in question-

ing witnesses when the committee held its hearing on the bill.

"I actually would like to follow the advice of the ethics committee, but I certainly do think I owe the asbestos victims in my district," Stone said.

Stone's 7th District, which includes the working-class suburbs of Dundalk and Essex, is unquestionably one that has felt the impact of asbestos poisoning. The district is home to many factory, steel mill and shipyard workers who were exposed to the toxic substance before its industrial use was banned.

The senator contends that he has fulfilled his legal obligation by disclosing his relationship with Angelos and affirming to the ethics committee that he believes he can act fairly and impartially on the matter.

"I have made the disclosure. Everyone knows where I work. Everybody knows what my district is like," the senator said.

Del. Kenneth C. Montague, House co-chairman of the ethics committee, said he knows of no case in which a member who was counseled by the panel not to vote rejected such advice.

Montague said the committee can do nothing to prevent a legislator from rejecting its counsel. But he said the panel does expect its rulings to be taken seriously.

If Stone were violating state ethics laws, the committee could investigate and recommend that the full Senate punish him. But Senate President Thomas V. Mike Miller has said Stone is complying with the law by making public his ties to the Angelos law firm.

Sen. Michael J. Collins, the Senate ethics co-chairman, said that under legislation working its way through the Senate and the House, a finding of a direct conflict would require a member to abstain. But that, he noted, is not the law now.

"It's advice. It's not a requirement that the member take the advice," said Collins, a Baltimore County Democrat who dissented from the decision to send Stone the advisory letter.

"The people in his district expect him to vote on that bill and want him to vote on that bill, and for him to vote on that bill is per-

cont.

fectly legal," Collins added.

Government ethics specialists see both sides of the Stone dilemma.

When the circumstances were described to him, Robert M. Stern, co-director of the Center for Governmental Studies at University of California-Los Angeles, said the case poses a clear conflict. "He should comply with the ethics committee," Stern said.

Alan Rosenthal, professor of public policy at Rutgers University's Eagleton Institute of Politics, said the senator should vote.

"I think there's too much recusal going on. People are being denied representation," Rosenthal said. "If he's willing to take the heat and he believes he can cast an objective vote and other people know where he's coming from, that's OK."

This is not the first time Stone has faced such a dilemma because of his Angelos ties.

Last year, Stone heeded the panel's advice and stepped aside when the Senate considered legislation affecting Angelos' fee for representing the state in its lawsuit against tobacco manufacturers, though Stone at the time indicated he might have participated if his vote had been needed for committee approval.

Stone, a Highlandtown native who worked as a bricklayer while attending the University of Baltimore Law School at night, is a bit of a throwback among Maryland legislators.

He is a product of the old eastern Baltimore County Democratic machine run by the political potentates of the early 1960s — Michael Birmingham, Roy Staten and Jim Pines.

That era is long past, but Stone remains — now in his ninth term. His pro-labor, economically liberal views have worn well in his district, which has repeatedly re-elected him by overwhelming margins.