



Daily Record file photo

Former Del. John S. Arnick crossed a major hurdle yesterday in his long struggle to become a judge when a Maryland Senate committee approved his recent nomination to the Baltimore County District Court bench. His confirmation battle has been a bruising one because of allegations that Arnick made improper sexual advances and lewd and vulgar comments to four women during his years as a lawmaker and lawyer.

Arnick's Nomination Gets Senate Committee's Approval

Bruising Political Battle Over Ex-Delegates Fitness for District Court Bench Now Moves to Full Senate, Where Opponents Vow Floor Fight

BY JEFF FRELEY

Daily Record Legal Affairs Editor

A Maryland Senate committee yesterday overwhelmingly voted to confirm former Del. John S. Arnick's judicial appointment, brushing aside concerns about Arnick's past treatment of women and the possible intimidation of witnesses against him.

After a more than four-hour hearing, the Senate Executive Nominations Committee voted 14-4 to approve Gov. William Donald Schaefer's recent decision to tap Arnick for the Baltimore County District Court.

The confirmation battle over Arnick's nomination was touched off earlier this week when Mont-

gomery County attorney Judith A. Wolfer told the committee Arnick had referred to her and a female colleague as "bitches" and "bimbos" during a dinner meeting in the 1992 session.

Wolfer, a former lobbyist for a Baltimore women's shelter, had been lobbying Arnick on a domestic violence bill then pending in the Maryland General Assembly. At that time, Arnick was chairman of the House Judiciary Committee.

The ex-lobbyist claimed that Arnick, who is divorced, said he considered all women who accuse their husbands of abuse as "lying

bitches" and also described them by using a vulgar slang term for a woman's vagina.

In a scene reminiscent of last

year's hearings on the nomination of Clarence Thomas to the U.S. Supreme Court, two more women stepped before a battery of TV cameras, a bank of microphones and rows of state senators in the packed

Annapolis hearing room yesterday to accuse Arnick of using sexually derogatory terms or making improper sexual advances toward them.

"This is not over yet."

SEN. HOWARD R.

DENIS



Senate Committee Approves Arnick

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But more than 30 of Arnick's supporters — from steelworkers to lobbyists — rose to the former Dundalk lawmaker's defense and disputed claims that he is a sexist, racist or an anti-Semite.

And Arnick himself took the witness chair to tell them he did not remember making sexually inappropriate comments to Wolfer and to assure them he could treat equally all litigants who came before him as a judge.

"I do not believe . . . that I am sexist, racist, antisemitic [sic], or any of the other labels that I have read in the newspapers," Arnick said. "I don't believe my lifetime of hard work for the rights of all people, all religions, all races, regardless of gender, can be ignored.

"I have — I can — and I will continue to dispense justice in my courtroom fairly honestly and certainly without prejudice," added Arnick, who has been presiding on the district court bench in Towson since late last month.

In the end, only Sen. Howard R. Denis, R-Montgomery, Charles H. Smelser, D-W. Md., Bernard C. Fowler, D-W. Md., and Barbara A. Hoffman, D-Baltimore City, voted against Arnick's appointment.

The bruising political fight now shifts to the floor of the Senate, where the nomination still could be derailed, Denis contended yesterday.

'This is not over'

"It's going to the floor and there's sure to be a floor fight over this," said Denis, who took the lead in questioning Arnick about his attitudes on race and gender during the hearing. "I don't know what the margin will be, but this is not over yet."

But Arnick's supporters were buoyed yesterday by the strength of the committee vote and predicted it would carry over to the full Senate.

"I expected it to be closer," said Page Boinest, Schaefer's press secretary. The governor and Maryland House of Delegates Speaker R. Clayton Mitchell, D-Eastern Shore, are strong supporters of Arnick's judicial appointment.

"I think it [the vote] sends a good sign about what's likely to happen on the floor," Boinest added. "But people have strong feelings on this issue. So we'll have to wait to see what the final outcome is."

Those strong feelings were evident yesterday when two women who claim Arnick made inappropriate remarks and advances toward them appeared before senators.

Sandra Lynch, one of Arnick's former law clients, told senators that when she went to the former Dundalk litigator for help in a 1981 divorce case, he called her "a bitch."

'You have no rights'

Lynch recalled that when she asked Arnick, formerly a name partner in the Dundalk firm of Evans & Arnick, to explain her rights under a separation agreement, he replied; "You have no rights. You're the bitch who left."

The woman said she was deeply offended by the comment, but had already paid Arnick a retainer, so she decided to let the comment pass until after the separation agreement was drafted.

When she questioned how much the agreement was going to cost her, Lynch said that Arnick told her to "just bring your checkbook and make sure it has plenty of money in it."

After the separation agreement was com-

pleted, Lynch said she fired Arnick and hired another attorney to handle the final divorce proceedings.

"I did not feel I could trust Mr. Arnick to fairly represent my best interests," Lynch said.

The Dundalk woman added that she waited until the hearing to make her story public because she did not think it was important until Arnick had been nominated for a judgeship.

"I did not come forward before because when Mr. Arnick was a lawyer, people could choose not to have him represent them," she said. "But when it comes to a district court judge, people don't have any choice in the caliber of people making decisions in their cases."

Judith Hanford, of Towson, also appeared before senators yesterday to recount an incident in which she claims Arnick accosted her at a 1990 Christmas party.

Hanford, who first met Arnick when he represented Hanford's husband in their divorce case, claimed Arnick grabbed her during the party, simulated intercourse with her and then placed her hand on his genitals.

When she resisted, Hanford said Arnick told her, "No woman says no to me, and no woman dares cross me." The woman added that Arnick told her, "I can do anything I want and no one can stop me."

Sen. Norman R. Stone, R-Baltimore County, who cast himself in the role of Arnick's chief defender on the Executive Nominations Committee, questioned whether Arnick committed these acts in front of other people at the party.

"They had gotten up to dance at that point," Hanford responded.

Stone, who tried to highlight inconsistencies in Hanford's rambling and sometimes disjointed testimony, also questioned her motives for opposing Arnick's nomination.

"You were not happy with the outcome of your divorce proceeding, were you?" the Baltimore County senator asked.

"I wasn't happy or unhappy. If you are trying to make me out as the bitter divorce litigant, you can't do it. I didn't stick any knives in anyone's back or shoot anyone [after the divorce]," she countered.

Where was Nowak?

For his part, Denis said he wanted to hear from Nancy J. Nowak, a former aide to Schaefer, who had accompanied Wolfer to the dinner meeting with Arnick over the domestic violence legislation. Schaefer was one of the bill's strongest backers.

But Nowak sent word to the committee yesterday that she would not testify, instead submitting a terse 10-line statement that confirmed Wolfer's account of the meeting with Arnick.

Denis said during the hearing that Nowak's statement "sounds as if it was extracted from a torture chamber and raises questions on whether she's been gagged."

The Montgomery County lawmaker asked Executive Nominations Chairman Michael Wagner, D-Anne Arundel, to have a subpoena issued to force Nowak to testify.

But Wagner refused, saying that the committee had invited Nowak to testify and she'd declined.

Nowak, now the head of the Maryland Division of Parole and Probation, was unavailable for comment after the hearing

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JUDICIAL
NOMINEE JOHN
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SEN. MICHAEL J. WAGNER

Arnick Denies Being Racist or Sexist

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yesterday. But Schaefer spokesperson Boineist noted that the governor had not barred Nowak from attending the session.

"There was no directive from the governor or his staff. No one here told her what she should or shouldn't do on this issue," Boineist said.

Memory loss

In his testimony yesterday, Arnick repeatedly told senators he could not remember what he said to Wolfer and Nowak during the February 1991 dinner meeting.

"I remember the dinner, but I cannot remember verbatim what was discussed," Arnick said in his statement to the committee.

"You should know that I generally play the devil's advocate during meeting with lobbyists, telling proponents what to expect from potential opponents, and verbalizing some of the comments that I am likely to hear from the other side of an issue," he said.

"I know they [Wolfer and Nowak] misunderstood some of what I probably said," Arnick added. "I wish I could remember all the details. I honestly cannot."

Denis, who assumed the role of Arnick's cross-examiner, questioned whether the former delegate was denying the women's assertions that he used vulgar and rude language to describe them.

"I've been asked to recall an hour meeting approximately a year ago with two people I didn't know very well," Arnick replied in a tightly-controlled voice. "I'm under an oath of perjury. I could easily deny it. But I can't because I can't remember.

Denis then asked if there were other times in which Arnick had made inappropriate or sexually suggestive comments to women that had slipped his memory.

"No senator, that's not possible," the judicial nominee replied flatly.

Denis also probed whether the allegations about Arnick's negative attitudes toward women would have any effect on him as a judge.

"Would you recuse yourself if asked in domestic violence cases?" Denis probed.

"Yes I would senator, and I would have no grief about doing it," Arnick answered.

Blunt questions about race

Sen. Clarence Blount, D-Baltimore City, one of the Senate's most powerful minority members, bluntly asked Arnick if he was a racist.

"No sir. I would match my record in that area against anyone's," the judicial nominee replied.

He cited his early support for the creation of a state holiday on the Rev. Dr. Martin Luther King Jr.'s birthday and a measure to drop criminal sanctions for interracial marriages as examples of his efforts in the civil rights area.

Sen. George W. Della, D-Baltimore City, questioned whether Arnick had a drinking problem that may have led to his memory problems about the dinner meeting with Wolfer and Nowak.

"No sir, I don't have a problem. I have a drink, but I've never been told by my family, colleagues or friends that I have any problem," the former lawmaker said.