

# THE



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## Allegations about Arnick multiply



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John S. Arnick is accused of making racist and lewd remarks.

By Marina Sarris  
and Sandy Banisky  
Staff Writers

Former Del. John S. Arnick's chances of being confirmed as a judge suffered two more setbacks yesterday as a state official confirmed allegations that Mr. Arnick made racist and lewd remarks at a 1992 dinner meeting and another woman said she would testify that he made unwanted sexual advances.

Nancy J. Nowak, a former aide to Gov. William Donald Schaefer who now heads the Maryland Division of Parole and Probation, said she was

*“Regardless of all that came before, once John Arnick puts on those robes and becomes Judge Arnick, can he be a fair and impartial judge?”*

SEN. BARBARA A. HOFFMAN

willing to appear before a Senate committee to confirm a lobbyist's account of Mr. Arnick's remarks at the dinner meeting in Annapolis.

On Monday, attorney Judith A. Wolfer, a former lobbyist for the House of Ruth women's shelter, urged the Senate panel to reject Mr.

Arnick's appointment as a judge on Baltimore County District Court, saying his conduct that evening showed he lacked judicial temperament.

In a terse written statement confirming that account, Ms. Nowak said:

“I corroborate Ms. Wolfer's state-

ment and testimony regarding the event in question provided yesterday before the Senate Executive Nominations Committee. I am confirming that the Senate committee has requested my testimony. I have advised the committee that I will cooperate fully in any manner deemed appropriate.”

That committee slowed down its initial rush to decide Mr. Arnick's

See **ARNICK**, 6A, Col. 1

Text of Judith A. Wolfer's testimony to Senate committee. **6A**

# Woman says Arnick made sexual advances

ARNICK, from 1A

fate as angry Marylanders called radio talk shows and General Assembly offices. Sen. Michael J. Wagner, the Anne Arundel County Democrat who is the committee chairman, said yesterday that the panel would not vote today, as had been planned.

In other developments yesterday, the governor's chief lobbyist said he knew about Mr. Arnick's alleged conduct within days of the incident but that he did not tell the governor. And another woman called the committee to say she would like to testify against Mr. Arnick's nomination.

The woman, Judy Hanford, 45, alleges that Mr. Arnick made persistent verbal and physical advances to her in a Towson restaurant in December 1990. Mr. Arnick had represented Ms. Hanford's ex-husband in their 1988 divorce, Ms. Hanford said. She also said she dated Mr. Arnick "two or three times" in 1969 or 1970 but that their relationship never became serious.

Ms. Hanford said Mr. Arnick's language and conduct so upset her that she called the office of House Speaker R. Clayton Mitchell Jr. the next day. An aide advised her to make a formal complaint, Ms. Hanford said, but friends and family persuaded her that doing so would serve no purpose.

Mr. Arnick, 59, a skilled legislative veteran from Dundalk, resigned from the House of Delegates and was sworn in to the \$82,300-a-year judicial job late last month. For the second day in a row, Judge Arnick — who must be confirmed by the Senate to stay the bench — declined to comment on the charges.

The debate in Annapolis yesterday did not call into question Ms. Wolfer's integrity or testimony. Legislators seemed to accept that the incident occurred as she described it. Instead, they were asking whether it meant Mr. Arnick should not be a judge.

Sen. Barbara A. Hoffman, a Baltimore Democrat and a member of the Executive Nominations Committee, said, "The question I have for myself, which I haven't answered yet, is: Regardless of all that came before, once John Arnick puts on those robes and becomes Judge Arnick, can he be a fair and impartial judge?"

The allegations provoked a largely negative response from dozens of callers to radio talk shows and the General Assembly.

Those who called the Allan Prael

show on WBAL Radio were "very intense" and "overwhelmingly negative about our good judge in Baltimore County," Mr. Prael said.

Gov. William Donald Schaefer, who named Mr. Arnick to the bench last month, showed no indication yesterday of wanting to withdraw his name from consideration. "I am going to wait for the deliberations of the committee," he said.

The governor said that when he appointed Mr. Arnick, he did not know about the incident involving Ms. Nowak and Ms. Wolfer. "First of all, Judge Arnick was passed by the judicial nominating committee. I don't question people on, never have, on whether they have used language and sexually obnoxious, racially obnoxious terms."

Had he known about the allegations, Mr. Schaefer said, "certainly I would've listened and gone further to find out if anyone else was saying the same thing."

David S. Iannucci, Mr. Schaefer's chief lobbyist, said Ms. Wolfer told him about Mr. Arnick's alleged comments at the dinner a day or so after the event.

Ms. Wolfer and Ms. Nowak scheduled the dinner meeting with Mr. Arnick to talk to him about a domestic violence bill the governor had introduced. Ms. Wolfer was lobbying for the bill in her role as legal clinic director of the House of Ruth, a Baltimore shelter for battered women. Mr. Arnick was chairman of the House Judiciary Committee, which would vote on the measure.

Mr. Iannucci said he and Ms. Wolfer decided to focus attention on the bill, which would "save lives," rather than on the sexist remarks.

Ms. Wolfer said she told several legislators, male and female, about the incident days after it happened. "They were appalled, surprised, troubled," she said. "One of the members did speak to Mr. Arnick at the time."

That legislator, Del. Kenneth C. Montague Jr., a Baltimore Democrat, said he was upset by the allegation and informed Mr. Arnick of his conversation with the two women.

Mr. Montague said he did not tell Mr. Mitchell because that was a decision for the women to make. "It was a question of whether I should substitute my judgment for theirs," he said. "They were interested in speaking for themselves. They had to make that decision."

Staff writer Michael Hill contributed to this article.

This is the text of Judith A. Wolfer's testimony before the Senate Executive Nominations Committee Monday evening.

Good afternoon, Chairman Wagner, and members of the Senate Executive Nominations Committee. My name is Judith Wolfer and I am a partner in the law firm of Vecchia & Wolfer, located in Takoma Park, Maryland. I am here today to testify in opposition to the confirmation of Del. John Arnick to the Baltimore County District Court. As a result of certain interactions and conversations with Mr. Arnick during last year's legislative session, I am of the conviction that Mr. Arnick lacks proper judicial temperament to serve in a judicial capacity. Furthermore, I believe that his appointment could result in harmful decisions for a significant number of Maryland residents.

For those of you who do not know me, I have been a practicing attorney in Maryland for the past seven years. After graduating from law school in Washington, D.C., I clerked for the Honorable Henry F. Greene in the Superior Court for the District of Columbia. After my clerkship, I took a position as the litigating attorney for the House of Ruth Domestic Violence Legal Clinic in Baltimore, Maryland, where I litigated civil cases on behalf of indigent battered women. One year later, I became the director of the legal clinic and supervised a staff of 10 legal personnel. Over the past three years, I have been active in legislative reform efforts with my law partner, Janet Vecchia, where we practice primarily in the areas of personal injury, employment and family law.

Today, however, I appear before you and speak only as a private person, not on behalf of any organization or entity. I have come forward to give testimony to you after long and arduous discussions with my family and friends, and, most importantly, after a close examination of my conscience. Many of those close to me advised me not to come forward today out of concern about the effects this testimony might have on my professional reputation. I have worried about the potential retribution that might rebound to me, my law firm, or my former employer as a result of testifying before you today. I have fully considered those risks, as well as the full range of implications of my testimony for Mr. Arnick. However, I believe that it is my moral and ethical duty to make this committee aware of facts pertinent to Mr. Arnick's proposed confirmation to the District Court.

Before I begin, I should state that I do not know Mr. Arnick personally in any way. My only contacts with Mr. Arnick have been in a professional capacity and my comments today are based upon the behaviors and content of these encounters.

As some of you know, I worked extensively during the 1992 legislative session on the Domestic Violence Act, a bill that extended eligibility and civil remedies for victims of domestic violence. As the director of the House of Ruth Domestic Violence Legal Clinic, and on behalf of the Public Justice Center Domestic Violence Task Force and the Maryland Network Against Domestic Violence, I was commissioned to assist in the drafting and passage of this important piece of legislation. As you will recall, Governor Schaefer laudably included the Domestic Violence Act in his 1992 legislative package, so I also worked closely with certain members of the governor's staff assigned to that bill. During the session, we met with numerous legislators to discuss the bill's provisions and to enlist their support in passage of the bill.

We thought it important to meet with Mr. Arnick as the chairman of the House Judiciary Committee to discuss the bill. We were aware of his historical resistance to victims' bills and wanted to ask him for a fair hearing on the bill in his committee. Consequently, a member of the governor's staff and I sought to meet with Chairman Arnick in his office on several different occasions. After Mr. Arnick missed two scheduled appointments with us, we went to his office to see if a lunch meeting might be more convenient for him. While we were speaking to his secretary, Mr. Arnick came into the office and suggested dinner rather than lunch so that he would not feel rushed to get back to the committee. We agreed to meet him the following week at the tavern in the Maryland Inn and to go somewhere to eat from there.

On the scheduled day, we arrived at the tavern and saw Mr. Arnick sitting at a table with a man and a woman who were introduced to us as lobbyists for some utility concern. Mr. Arnick had already ordered some drinks, so we sat down and

## STATEMENT BY JUDITH A. WOLFER



BY KIRSTEN BREMMER

Judith A. Wolfer at hearing.

waited for him to finish. During the course of his conversation, Mr. Arnick said a variety of things that caused me and my colleague considerable discomfort. He told racist jokes with Poles, Jews and African-Americans as the object of the jokes. He referred directly to the woman at the table as "a broad," while putting his arm around her shoulders and patting her knee.

After the man and the woman left, Mr. Arnick suggested we go to dinner at an Italian restaurant a few doors down from the Maryland Inn. During dinner, Mr. Arnick reminisced about his early days in the Maryland General Assembly as a freshman legislator. He described to us "the good old days" when all decisions about which bills would pass or die in committee were made by a small group of male legislators in leadership positions at breakfast meetings.

He lamented about more recent changes in the makeup of the legislature that permitted women and minorities to participate in leadership positions and the decision-making process.

At that point, we quickly turned the topic of the conversation to the Domestic Violence Act and why we had wanted to meet with Mr. Arnick. Before we could begin to describe some of the key provisions of the bill, Mr. Arnick cut us off. He told us in a loud and angry voice that he didn't believe in that "abuse stuff." He told us that women who alleged that they had been beaten were "all a bunch of lying [vulgarity]." He said that he had

represented men in those kind of cases and that women raised charges of abuse against men only to get an advantage in their divorce cases. He informed us that he had been divorced himself and that all women were "lying bitches." He told us he hated the Domestic Violence bill and would not assist us.

When we asked if he would at least allow the bill to have a fair hearing in his committee, he yelled at us that he would only do it if he received something in return.

He went on to berate the bill, victims of domestic violence as a group, and the governor.

He expressed his views in vulgar and derogatory terms and consistently referred to women as a group as "bitches." He spoke disparagingly about the governor and, when confronted by my colleague about his comments, retorted that he "didn't give a [obscenity] about the governor or any of his bills." He told my colleague that the governor had done nothing for him despite his years of loyal service in the legislature and that he "owed the governor nothing." He said that he had only asked the governor for one thing during his entire tenure in the legislature — a judicial appointment — and that he expected it from the governor. His comments were made in a loud and hostile tone, and on several occasions, he referred to me and my colleague as "you bitches" and "you bimbos."

We were stunned and shocked by Mr. Arnick's behavior and dinner ended shortly after that.

I recall that both my colleague and I were too upset to eat our meals and, frankly, too stunned to reply in any meaningful way. Mr. Arnick either did not notice our consternation at his remarks, or it made no difference to him if he did take note. I surmise that he did not notice our agitation because, when we were finally outside of the restaurant and trying to leave, Mr. Arnick asked us to accompany him to "The Pussycat," a local bar, I presume. Needless to say, we declined the invitation. Although I have difficulty recalling the exact amount of time we spent in the restaurant, it was less than one hour from beginning to end.

## SENATE EXECUTIVE NOMINATIONS COMMITTEE

These are the members of the Senate Executive Nominations Committee, which has the authority to reject John S. Arnick's bid to remain a District Court judge or forward the nomination for a vote by the full Senate. If the committee takes no action, Mr. Arnick would have to leave the bench at the end of the legislative session in mid-April.

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Immediately after leaving the restaurant, I telephoned the director of the House of Ruth, Carole Alexander, and recounted the substance of our meeting with Mr. Arnick. I also spoke that evening with my law partner, Janet Vecchia, and the person with whom I live, Tim Heintzman, about these events. These individuals are present here today.

I must tell you that I have had experience dealing with individuals who hold views such as Mr. Arnick's and who use the type of language he used that evening. I do not consider myself overly sensitive or thin-skinned. I have represented battered women whose partners have physically attacked me in court and called me every name imaginable. I have worked in non-traditional jobs for women, such as welding and logging, where my male co-workers' attitudes toward me were less than welcoming. But I have never experienced the kind of vituperative and unprovoked insults from a professional peer as those Mr. Arnick directed toward me and my colleague that night.

At the time, aside from our primary concern about the now uncertain prospects for the Domestic Violence bill, my colleague and I were appalled at what we had just experienced. We were offended to the core by Mr. Arnick's animosity toward women as a group and by his projection onto us of outmoded sexual stereotypes.

He had denigrated and demeaned us during dinner and had failed to notice its effect. He had denigrated

their colleagues about the harmful effects of racist and sexist views in our profession. Mr. Arnick's remarks indicate that his attention has been elsewhere during these developments. His remarks render him unfit for a judicial position.

The fact that Mr. Arnick actually verbalized such opinions in a public place to two veritable strangers suggests, at a minimum, a serious lack of discretion, and the appearance, if not the fact, or impropriety. His lack of restraint in expressing those views should give this committee cause for concern: if Mr. Arnick felt no hesitation in expressing such blunt and bigoted remarks to two women he did not know, it stands to reason that he will feel no hesitation in expressing these views, or basing judicial decisions upon those views, once he is installed upon the bench.

Mr. Arnick's insensitivity to us that evening and the manner in which he spoke to us indicated that he lacks the most fundamental and vital attribute required of any individual who sits in judgment of others — the quality of compassion, the ability to see and understand another's situation. The essential principles of equity, jurisprudence and justice arise from the quality of compassion. Without it, Mr. Arnick will dispense bigotry from the bench, not justice.

Mr. Arnick's racist and sexist views, while unfortunately still shared by many people in Maryland, are no longer the law of our land.

Maryland passed the Equal Rights Amendment years ago, making women equal citizens with all the rights and responsibilities attendant to that status. The Maryland Constitution insures equal rights and equal treatment for all Maryland citizens, regardless of their religious, ethnic or racial makeup. The Maryland Domestic Violence Act provides affirmative legal protections for victims of domestic violence, in part, out of recognition of years of judicial indifference, inattention and prejudice. Mr. Arnick's comments about women, ethnic minorities and victims of abuse demonstrate a strong disinclination to enforce and uphold the laws of our state.

I would suspect that some of you may question why I chose this time to come forward with these disclosures, rather than last year when they occurred. At the time of my meeting with Mr. Arnick, my first concern was for the future of the Domestic Violence Act and I did not want the bill to be undermined by any disclosure of these events. Once the bill was voted out of the House Judiciary Committee, I saw Mr. Arnick's impact on the lives of victims of domestic violence as infrequent and far-removed. In the context of the legislature, Mr. Arnick's views were only one out of many.

The position of a judge, however, is a position of great power and responsibility, requiring reservoirs of patience, wisdom and compassion. Unlike the environment of the legislature, where negotiation, debate and countervailing votes for or against a particular bill are the order of the day, in the courtroom there is only one vote, one voice, one final decision-maker. It is this important difference that prompted my testimony before you today. I do not believe that Mr. Arnick is fit to be that only vote sitting in judgment of the people of Maryland. To the best of my knowledge, Mr. Arnick had never made a judicial nominations list, so I did not consider his appointment to the bench foreseeable.

For all the reasons I have stated here today, I urge you to vote against the confirmation of Mr. Arnick. I thank you for your time and attention.