

Delegate Quit After Tough Words From Ethics Panel Lawyer

By CHARLES BABINGTON
Washington Post Staff Writer

The veteran Maryland delegate who resigned under a cloud Friday did so after the lawyer for the legislative ethics committee sent him three sharply worded letters that pressed him to quit quickly to avoid a closed-door grilling that could lead to public sanctions.

The letters threatened Gerald J. Curran (D-Baltimore), an influential and well-liked legislator, with an aggressive prosecution if the panel launched a formal inquiry into whether he had abused his position to boost his insurance business.

The confidential letters, which a legislative source provided to The Washington Post, dismissed some of Curran's proposed defenses as "frivolous" and "an unworthy tactic and a pipedream." One letter called his business dealings an "insurance scheme" and implied that Curran might face criminal problems if he fought the allegations.

The last letter was sent the day before Curran resigned, citing "health and family" concerns. It concluded: "The longer this inquiry goes, the worse it gets."

Given that the Joint Committee on Legislative Ethics traditionally has been considered a quiet, passive body, the tone and content of the letters have rattled the handful of people familiar with them. They were written by Baltimore lawyer Jervis S. Finney, whom the committee hired to head the Curran investigation after his similar role in an inquiry that led to the Jan. 16 expulsion of Sen. Larry Young (D-Baltimore).

"I was really shocked," said Nevett Steele Jr., Curran's lawyer. "It struck me as being prosecutorial and aggressive." Noting that Finney's letters rejected Curran's likely defenses and asserted that the evidence against him was compelling, Steele said: "My impression was that Jervy [Finney] made the rules, and that was the way it was going to go, and that was the way it was going to happen" unless Curran agreed to resign.

Some legislators, when told of the letters yesterday, said they were surprised to learn how Finney had laid out the case against Curran and urged his resignation before the ethics committee heard the case. The veteran delegate was accused of using his influence with state officials to help win lucrative insurance business for himself through the University of Maryland.

Some were surprised that Curran was told he could not preview committee documents that would be used against him. Finney's Feb. 25 letter said documents obtained by the committee are confidential and could be shown to the person under investigation only when he arrives for formal questioning.

"If those documents are ruled to be kept from the accused, that's not right," and legal changes are needed, said Sen. Brian E. Frosh (D-Montgomery), a lawyer and former ethics committee member. As for Finney, he said, "It really is a blurred role. [He's] acting . . . as prosecutor and judge and jury."

Finney defended his role in an interview

yesterday. "Mr. Steele and Delegate Curran received more factual material and more legal authority than normal, even recognizing that Delegate Curran knew all of the events since he was the one involved in them," Finney said.

Neither the committee nor Curran would have had the authority to subpoena witnesses, he said, so Curran was not at a disadvantage in that regard.

The joint committee is charged with policing the ethics of Maryland's 188 legislators. It has soared to prominence this year, first by spearheading Young's expulsion, then by launching the Curran inquiry. Both cases were prompted by Baltimore Sun articles alleging the men had used their legislative influence to help their private businesses—in Young's case it was health care companies.

In his resignation speech to the House of Delegates Friday, Curran said he had "done nothing improper." He said the ethics committee's practices "could be much improved upon to give the accused some semblance of

due process, such as the right to call witnesses, the right to review the committee files before the hearing and other rights consistent with fairness."

Steele especially bristled at Finney's Feb. 26 letter, which hinted at possible criminal wrongdoing by suggesting Curran's conduct possibly "constitutes concealment of material facts, under legal provisions outside of the ethics statutes. . . ."

"I thought it was very heavy-handed," Steele said. "And that confirmed it for me that there was no room for debate." He said Finney implied he would include such language in a public report if Curran did not resign.

"I was intimidated about that," Steele said.

FOR MORE INFORMATION

To read more about the ethics issues confronting this session of the Maryland legislature, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com