

# Judge Davidson, dead at 56, carried torch for the people



**RITA DAVIDSON**  
She was known for her honesty

Maryland Court of Appeals Judge Rita C. Davidson, 56, died yesterday at her home in Chevy Chase of cancer.

Funeral services will be at 11 a.m. tomorrow at Temple Emanuel in Kensington.

By Frank D. Roylance  
Brentwood Post-Examiner

Rita Charmsitz Davidson was the first woman ever named to Maryland's highest court. Appointed by Acting Gov. Blair Lee 3rd in 1979, she remained its only female jurist until her death.

One of the Court of Appeals' most liberal members, she joined with the court's majority frequently to write sole dissents. She argued consistently to overturn convictions or sentences in death penalty cases.

"I think Rita was one of the last of the true liberals," said Luther Starnes, who served as Davidson's press spokesman when she headed the state Department of Em-  
ployment and Social Services in the early 1970s.

*"... She was totally intense, totally dedicated to what she saw as a moral or ethical principle..."*

—Luther Starnes

ment and Social Services in the early 1970s. "My own guess—and she never told me this—was she found a technicality to support her gut instincts—that the state ought not to be about the business of killing people."

Former Gov. Marvin Mandel, who named her to the Court of Special Appeals in 1972, recalled that Davidson had "always expressed an opinion about being opposed to the death sentence, and that was way back before she became a judge. She was a person who had her convictions and the courage to express them."

Her frequent minority opinions also included arguments opposing sobriety checkpoints and favoring educational malpractice suits. In a consumer case she argued in a minority opinion that property owners should be held liable for injuries suffered by persons whose injuries were caused in part by their own negligence.

Davidson also made history for women and the state in 1978, when Mandel named her secretary of the state Department of Employment and Social Services, making her the first-ever female Cabinet member and the highest-ranking woman in Maryland state government.

"She had a feeling for people," Mandel said. "If she felt they weren't getting a fair shake, she carried the torch..." She fought for what she thought was right."

Davidson is survived by her husband, David S. Davidson of Chevy Chase; a son, Leo Davidson, 24, of New Haven, Conn.; a daugh-

ter, Miriam K. Davidson, 22; her mother, Eliza Charmsitz of New Hyde Park, N.Y.; and a sister, Dr. Isabel Zachos of New Hyde Park.

Judge Davidson's final illness forced her to miss the September, October and November sessions of the Court of Appeals. She went into the hospital Aug. 17 for treatment.

Chief Judge Robert C. Murphy yesterday called her death a "dreadful loss." Gov. Harry R. Hughes said, "She was an excellent jurist and a fine lady."

In one of her last cases, in August, she wrote the dissenting opinion in the high court's 6-1 decision upholding the constitutionality of the state's sobriety checkpoints.

The court's majority found the roadblocks constitutional because they had been shown to be effective in reducing alcohol-related accidents and therefore warranted the inconceivable in tortiousness.

See DAVIDSON, D2, Col. 1

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## Member of Mandel Cabinet

# Judge Davidson carried torch for people

DAVIDSON, From D1

But Davidson disagreed, arguing that the checkpoints violated constitutional protections against unreasonable search and seizure.

"In balancing societal interests against individual interests in protection from unreasonable government action, I can only conclude that in this case the individual rights accorded by the Constitution must prevail," she wrote.

"In view of the alternative mechanisms available [the effectiveness of the roadblocks] was too marginal to justify the practice under the Fourth Amendment."

However, Davidson probably emerged most visibly in death penalty cases. To the growing aggravation of anti-crime groups and prosecutors, the Court of Appeals reversed sentences or convictions in all of the first nine death penalty cases it reviewed after restoration of Maryland's death penalty.

The first four of those cases were reversed unanimously, but the last five were 4-3 decisions, with Davidson and Judges Harry A. Cole, John C. Eldridge and James F. Coe III in the majority.

Kane Arundel State's Attorney Warren B. Duckert Jr. charged in September 1983 the four judges went "to great extremes to find reasons to reverse every death penalty case that has come before them. They are overriding the will of the people."

In November 1983, the court issued the first in a series of decisions upholding death sentences, but Davidson continued her opposition, dissenting on a variety of technical points, frequently as the sole dissenter on the court.

Davidson had been a frequent dissenter as well from majority opinions on the Court of Special Appeals, where she served from 1972 to 1979. Some of her dissents formed the bases for subsequent decisions by the Court of Appeals.

She continued her independent course in the Court of Appeals.

In a 1982 case, the high court agreed with lower courts and threw

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—Marvin Mandel

out the suit of a Montgomery County man who charged the county schools with negligence in the placement of his son.

But Davidson, the lone dissenter, said she would allow the suits because existing methods for dealing with negligence by the schools were inadequate. The failure of the schools to achieve educational objectives have reached massive proportions, she wrote.

Davidson, joined by one other judge, took a pro-labor position in her dissent from the majority in a 1982 decision that upheld the right of Carroll County's school board to hold teacher negotiations in public.

She argued that public contract talks would "tend to inhibit, if not destroy the collective bargaining process."

Davidson was born and reared in Brooklyn, N.Y., and graduated Phi Beta Kappa from Goucher College in 1948. She earned her law degree at Yale Law School, where she met her husband, David S. Davidson.

The couple married and moved to Washington in 1951. He went to work for the National Labor Relations Board, and she joined a private law firm and specialized in labor law.

Settling with her family in Montgomery County, Davidson soon became involved in Democratic politics. She served on the county's Board of Appeals, the Maryland-National Capital Park and Planning Commission and as a Montgomery County zoning hearing examiner.

She was elected to the County Council, but lost her seat a day after

she was sworn in when a recount showed she lost by a handful of votes.

Davidson was considered a likely candidate to run for Montgomery County executive in 1978 when Mandel picked her to head the newly constituted state Department of Employment and Social Services, which ran the state's unemployment, welfare, food stamp and public housing programs.

Critics at the time questioned her qualifications and charged she was chosen to end her bid for county executive, a candidacy that threatened to split county Democrats and weaken Mandel's own gubernatorial bid.

The job was no feathered. The huge department at the time was called "almost unmanageable," with rising costs, shrinking resources and thousands of ineligible people on the welfare rolls.

"I was very much impressed with her ability," Mandel recalled, "and also by her grasp of the problems she saw. She really had a feeling for the people problems."

"She came to that massive thing with a feeling that government was not as responsible as it ought to be to people," said Starnes. "She was totally intense, totally dedicated to what she saw as a moral or ethical principle."

"I am a person who responds to problems that have to be solved, wherever they can be found," Davidson said at the time. "There is something in people that makes them undertake a challenge with a great sense of excitement."

Colleagues said Davidson, a tall heavy-set woman, typically began her days at 9 a.m., but frequently worked late into the night, calling important staff meetings at midnight or later and recharging on two packs of cigarettes a day, diet soda, peanuts and crackers.

"As long as something needed to be done, you didn't go home and finish it the next day," Starnes recalled. "She was very tough on the people that worked for her, both in terms of the time you had to spend and in terms of quality..." I alternately loved her and hated her."

Mandel remembered her work habits: "Sometimes, I don't mind telling you, we would get complaints, directly or indirectly, from people in her department about her work habits and hours. But that's the way she got the job done."

She was described as brilliant, ambitious, idealistic, imaginative and innovative. Also impatient and often controversial, she often made herself unpopular with bureaucrats as she worked to reorganize and tame the department.

"I do not reject the house of standing still with something good," she said once, "but I have found very few things in this world that can stand on this premise."

Her attitude, "that you cut through the bureaucracy for people," affected everyone, "from the governor through her own staff," Starnes said.

Davidson was quick to call the governor, day or night, "telling him what he needed to do," Starnes recalled. She similarly defied both the legislature and the federal government if principle demanded it.

"She was inspiring, even in lost causes," said Starnes.

"She was very forthright," said Mandel. "She expressed her opinion and what she thought about matters and problems, which I not only approved of but welcomed. [But] when a decision was made, she went right along and did the job."

At a time when the general public "knew little and cared less" about

the problems of the poor, Davidson considered herself an advocate for the poor, and not for the governor's re-election.

Once, while secretary of the department, she gave a "rousing" speech at an Annapolis rally in support of welfare grant increases, then led a march on Lt. Gov. Blair Lee 3rd's office to ask how the administration would respond. Welfare grant increases have been a public issue at budget time ever since.

"The fact was she didn't get that many grant increases compared to later secretaries who worked within the system," Starnes said. But what she did do was raise the consciousness of poor people.

In 1971, she defied Mandel by insisting that she—not the General Assembly—would decide whether to change welfare rules to allow striking workers to apply for welfare benefits.

Then state Sen. Robert E. Bauman attacked Davidson as "someone who does not know her place in government and has the greatest audacity."

In the end, she backed down, allowing the legislature to decide the issue.

Her audacity and independence were probably what moved Mandel in 1977 to take her out of the Cabinet and name her to the Court of Special Appeals, Starnes said.

"I think she ended up where she should have been. She made a much better judge than a bureaucrat," he said.

But Mandel said "You don't put somebody on the Court of Appeals because they're an irritant on the Cabinet, for God's sake. You fire them."

He appointed her to the court, he said, because she was "eminently qualified."

Davidson was honored for the Outstanding Contribution by a Woman in the Field of Law by the New York Women's Bar Association. She also received Maryland's Distinguished Citizen's Award, and was listed in Who's Who in America.