

The Daily Record

LEGAL • REAL ESTATE • BUILDING • INSURANCE • FINANCIAL AND BUSINESS NEWS OF MARYLAND

\$80.00 per year
40 cents per copy

BALTIMORE, TUESDAY, NOVEMBER 20, 1984

Serving the public daily since 1888

Rita Charmatz Davidson, 1928-1984^②

The portrait of a perfectionist, with heart, wit and intelligence

By ANN G. SJOERDSMA
Daily Record Staff Writer

The latke is a potato pancake.

The hamantasch is a three-cornered, fruit-filled pastry.

Annually, these two distinguished representatives of Jewish sustenance engage in high-spirited verbal jousting at the University of Maryland Law School (UMLS) in a mock, yet learned debate on the merits of Jewish food.

The "utterly preposterous" debate marks the holy day of Purim, says UMLS Dean Michael J. Kelly, who started the tradition more than 10 years ago, and who always is the advocate for the Hamantash. Purim is "sort of a take-off holiday, a time to make fun, plays and masquerades, and sort of general carrying on."

On February 25, 1983, there was much merriment as Kelly assumed the floor, drew upon his standard, time-worn favorites and delivered his case for the "aesthetics of law" Hamantasch-style. But the fun had only just started. After he retired, the tall, commanding, self-assured Latke scholar "blew [him] out of the water," graciously, and with high humor. As only Rita Charmatz Davidson could. Her open, warm face was deceiving.

She congratulated her opponent on his performance — "I sincerely appreciate how difficult it must have been for you to achieve even today's level of mediocrity." — and then she swept up her audience in a swirl of brilliant reasoning. Here she was yet again, the "nice Jewish girl from Brooklyn," creating another historical moment for women. She was the first female Latke, an honor she pondered aloud.

True to her form, the Latke advocate had thoroughly and exhaustively researched her subject, as all perfectionists are wont to do, and found her answer not in legal precedent, but in the teachings of Sigmund Freud. Why was she qualified "to resolve such deep, everlasting, philosophic quandries as the relative merits of hamantaschen and latkes?" Freud showed her the way.

"We all know what hamantaschen are and that basically there are two kinds," she began, leading the triangular tart to a pre heated oven. "One has a hard dough or covering — something like a cookie. The other has a soft dough or covering — something like a Danish pastry or sweet roll. All hamantaschen are triangular and, therefore, are pointed. Indeed, every self-respecting hamantasch has three points. Finally, while all hamantaschen are stuffed with some kind of filling, the original, basic, and most often used filling consists of poppy seeds.



The late Judge Rita C. Davidson strikes a formidable pose in chambers. She exuded strength, and great warmth, and was considered by many to be "larger than life."

association upon the basic characteristics of hamantaschen inevitably leads to a single conclusion," the late Maryland Court of Appeals Associate Judge reasoned. "The symbolic meaning of anything that is pointed, is both hard and soft, and is filled with seeds is plain and unambiguous, requiring no judicial interpretation."

The roars of laughter confirmed her victory, but the jurist continued her balance of justice.

"On the other hand," she said, "the Latke is round, smooth, soft, fluffy, warm, and nourishing. Again, the symbolic meaning of these characteristics requires no further interpretation. And so, the mystery is solved — why me? Why am I assigned to defend the Latke —?"

It is a battle, the Latke champion declared, "as eternal as the world itself — the battle of the sexes."

As she usually was, Judge Rita C. Davidson that day was well-prepared to argue her case, to produce, written

evidence (a newspaper, "The Odd Latke News," which she had written for the debate), to single out important points of social policy and to triumph with a reaffirmation of equality.

And she did it with tremendous good humor, and with her irrepressible wit. She reveled in telling stories, and could "tell word pictures that were breathtaking," said one close friend. But she was equally as accomplished at listening. People she didn't know would share their personal tragedies, their life stories with her, and she would respond with warmth.

Though she died Nov. 11 at her Chevy Chase home of cancer, Rita Charmatz Davidson, 56, is remembered as having touched many lives through her strong, intelligent words, her genuine concern and affection for people, her integrity, dignity, vision, and hard, dedicated work, and is, in many ways, "as eternal as the world itself."

11-20-84

At her memorial service last week in Kensington, her long-time friend, Rabbi Leon Adler of the Temple Emanuel, likened the first woman on Maryland's Court of Appeals and Court of Special Appeals to Lewis Carroll's Cheshire cat. "The body may disappear," he said, "but the person is still there, glowing in the darkness of death."

"Larger than life"

Rita C. Davidson was an imposing, formidable presence. She was tall and heavy-set, and had strong character features. She would have seemed intimidating were it not for her compassionate eyes and the attention she gave each individual who spoke with her. She was "larger than life" when she was alive, and she has left each of her friends and colleagues an indelible, heartwarming impression.

As her Latke performance attests, she was a "brass woman," says Hamantasch victim, Dean Kelly, with a "wonderful sense of humor."

"She was a free spirit — an absolutely unique individual," he continues, "with a strong sort of cantankerous streak." She was strong-willed, and strongly committed to principles of decency, fairness and humaneness, her friends say, and she was persistent, sometimes to the point of acerbity, in her pursuit of these ideals.

"She had tremendous presence," said Maryland Court of Special Appeals Judge Rosalyn B. Bell, who has an office in the Rockville Courthouse where Judge Davidson worked, and is the only other woman to serve on the intermediate appellate court. "It wasn't so much physical size — it was, I suppose — a kind of aura. When Rita Davidson came into a room, you knew she was there. Her presence said, 'I am here, and I am interested.'"

"She didn't quietly come in and take her place," agreed Deputy Attorney General Eleanor M. Carey, who knew Davidson when the judge became Secretary of the Dept. of Employment and Social Services, in 1970. "She was a very strong personality. She was strong in her beliefs and strong-minded. She would take on a cause no matter how unpopular it was."

Judge Davidson had an imposing energy, an infectious enthusiasm for life, and a great love for people.

In eulogizing her, Rabbi Adler cited her intellectual brilliance, her passion for justice and her ability to get things done as her most striking qualities. She was, he said, "a people person," and, if such a person exists, "a Renaissance woman."

Her grand personality spilled over. "She was very bright, very quick and very feisty," says her Yale Law School classmate (class of 1951) and friend, UMLS Professor Oscar S. Gray. "The epitome of the caring Jewish mother," adds Ambassador Richard Schifter,

the United Nations, another law school classmate of Davidson's who shared some of her successes in Montgomery County before she was elevated to State office.

Just as her genuine interest in people, her enormous energy and enthusiasm for life struck everyone who knew Judge Davidson, she also was highly regarded as a legal scholar, and a perfectionist for justice.

She "was interested in doing justice," says UMLS Professor William L. Reynolds, II, a student of the Maryland Court of Appeals "which to her meant making sure that the law fit the needs of our current society as well as reaching the right decision in individual cases."

Judge Davidson was, unquestionably, a perfectionist. While she served on the Maryland Court of Special Appeals (1972-79) and on the Court of Appeals (1979-84), she labored rigorously over each opinion that she wrote, sitting side by side with her law clerks, agonizing over each word. Working with her, says 1983-84 clerk Charles F. Jacobs, now an attorney with Frank, Bernstein, Conway & Goldman in Baltimore, was like taking castor oil. The long, demanding hours, the exhaustive research and the constant revision were hard to swallow, but the end result was worth the discomfort.

"It was hard," says Jacobs, "but there was something about her that you loved. She was so human."

And as hard as her law clerks worked, Judge Davidson worked even harder.

According to her 1976-77 Court of Special Appeals clerk, attorney Margaret Rawle, the judge laughingly compared herself to Beethoven, who had to rewrite his music many times before he could set down his quill. Davidson wished, says Rawle, that she could compose opinions more like Mozart, with free-flowing strokes and little editing. But she never did.

"She was never able to let go of an opinion," Jacobs agrees. And so she was never able to keep the backlog of cases under control. She had a reputation for being a slow — if thorough — opinion writer.

Paul A. Green, an attorney with the Pension Benefit Guaranty Corporation in Washington, D.C., clerked with Judge Davidson in 1982-83, the last year she hired only one clerk. He recalls that she would say "We're going to do one a week," and then we'd spend three weeks writing and rewriting opinions. Sometimes we'd do 10 drafts. She was never satisfied."

She was always perfecting.

Miracle theory

She was a perfectionist. She was precise and persistent, and she had great intelligence and wit. But the quality that set Judge Davidson apart for her daughter, Minna, was her courage. "She had the courage to go where women had not been before," Minna Davidson said at her mother's memorial service. She was the first woman in many positions, blazing a trail of inspiration for those women who followed.

Her courage was evident during the last three months of her life.

Stricken suddenly in August with the cancer that caused her death, she was hospitalized and never able to rejoin the Court. While she was in the hospital, her daughter recalled in her eulogy.

law school, they all told me that a woman would never get into a law school, but I applied and got into the Yale Law School. It was a miracle.

"And when I graduated from Yale and told people that I actually wanted to practice law, they told me that's a woman would never find the job, or if by some fluke she did, she would not be able to lead a married life.

"But I got a job and I've had a wonderful marriage, and that's a miracle."

Rita Charnatz Davidson, her daughter explained, lived by the "miracle theory." Some call it courage, some call it brilliance others say she had warmth, compassion, integrity, and a joie de vivre Marguerite Dean, her secretary for 10 years and a close friend, says simply that Judge Davidson had a "heart of gold." She fought dearly for fairness and equality.

But, as for miracles — there is little doubt who made them come true.

Early life

Rita Charnatz Davidson was born Sept. 1, 1928 in Brooklyn, N.Y., the daughter of poor Russian immigrants. Her mother's parents, said Minna Davidson, instilled in young Rita a strong set of values, and "expected her to strive to help others." They also taught her "the importance of family."

She studied piano from an early age, and attended the prestigious Julliard school for music when she was in high school. But, she gave up the promise of a music career, when one day she determined, Rabbi Adler related, that "I'll never be like Horowitz." She would not settle for second best.

Davidson graduated in the top of her class from Brooklyn's Erasmus Hall High School where she published a sonnet she had written contrasting war

and the beauty of abstract art. In her later life, when she was immersed in her law career, she retained a refined appreciation of art and music. She was also a gourmet cook, and treated her friends to fabulous Chinese food feasts.

After her high school graduation, Judge Davidson entered Goucher College, creating some controversy with a campaign to eliminate physical education as a course requirement. She won a number of prizes in mathematics and political science, and earned her degree in 1948, graduating with highest honors and membership in Phi Beta Kappa. In 1979, the college presented her with an honorary law degree.

Law study

Rita C. Davidson earned her law degree from Yale, in 1951, at a time when there were no more than a dozen women in her class. Among her other classmates were Patricia M. Wald, one of two women judges on the U.S. Court of Appeals for the District of Columbia, Prof. Gray, Ambassador Schifter, and her husband, David Sternheimer Davidson, Gray's roommate. The couple married in 1950. Davidson is currently Associate Chief Administrative Judge at the National Labor Relations Board.

As Prof. Gray remembers, Davidson loved law school, and "thrived" on it. She had a brilliant, analytical mind, and relished stretching it. At the same time, however, as a woman, she had to contend with limited career opportunities.

When Judge Davidson "started out," said Ambassador Schifter, "being as good as the others wasn't good enough. She had to be better, substantially better.

"Rita was better, so very much better that she overcame, not just once, but

(Continued on page 4)

11-20-84

Rita Charmatz Davidson, 1928-1984

The portrait of a perfectionist, with heart, wit and intelligence

Continued from page 1)

d time again, the handicaps that have held her back. And as she began to amass that long string of accomplishments, she was a woman to serve as . . . that her career."

Davidson moved to Washington, D.C. in 1951 where he went to work for the Federal Bureau of Investigation (FBI), and she practiced with the firm of Liebik and Weyand, specializing in administrative and labor law. Davidson remained with the firm from 1951 to 1963, during which time she had two children, Minna, 32, and Robert, 30, who were born. From 1963-1967, she practiced her own general law practice in Washington, D.C.

While practicing law, Judge Davidson was involved in local Democratic Party activities, first working as a canvasser for Democratic presidential candidate Lyndon B. Johnson, and then joining administrative reform groups in Montgomery County. She and Schifter are considered as the leaders of the 1960s Democratic movement in the area. They founded the Democratic Group (DAG) which, by 1966, had placed a conservative Democrat in office. Davidson had a stronghold on the power.

Davidson organized a group that won the primary in 1966 — the Democratic Party. Schifter explained. The group won all of the county seats, and a seat in Congress. Although after the election, the conservative Democrats and Republicans joined together to form a mixed bag of politicians, the DAG had made its impact.

"It was a kind of government that we had then — a clean government," Schifter said, "still exists today." People receive "special treatment" from the government as they prefer, had through personal influence. Theitarian system is in place.

The main battle between the liberal and conservative Democratic forces in Montgomery County at the time was zoning and growth, the former favoring more restrictions than the latter. Judge Davidson served on the Montgomery County Board of Appeals (1960-64), and for a short time, as a commissioner for the Maryland Department of Capital Park and Planning.

When she lost a bid for the County Board in 1966, a position was created on the appeals board, that of zoning hearing examiner. According to friend Patricia Abrams, her husband Stanley succeeded Davidson in the zoning post, the position "was the first one



Judge Davidson (R) enjoys the company of other pioneering women judges, Judge Ruth Bader Ginsburg (L), of the U.S. Court of Appeals for the District of Columbia, and Judge Rosalyn B. Bell (M), of the Maryland Court of Special Appeals, at a 1983 Maryland Women's Bar Association banquet.

"It was an opportunity to fight fat cats and do something for the public good," said Gray. "There's no question that was her motivation."

Judge Davidson presided as the county zoning hearing examiner for three years. Later, when she was on the Court of Appeals she distinguished herself, said Chief Judge Robert C. Murphy, as an expert in zoning and planning law, as well as in administrative law matters. Many of the Court's majority opinions in these areas during her tenure were authored by Davidson.

Gov. Marvin Mandel elevated Judge Davidson to State office when he appointed her to the post of Secretary of the Dept. of Employment and Social Services, a newly created department responsible for the state unemployment, welfare, food stamp and public housing programs. She was the first woman to serve in a Maryland Governor's Cabinet.

Contrary to suggestions that Mandel's appointment was motivated by a desire to end Davidson's bid for Montgomery County Executive, a candidacy which allegedly threatened to split county Democrats and weaken the Governor's support, Schifter explained that she decided not to run for the new county office because polls indicated she could not get elected.

concerned about was whether a woman had a chance of being elected or whether there would be great resistance." Polls revealed that resistance to her candidacy was too great to overcome. Instead, she accepted Gov. Mandel's appointment.

State cabinet

Once on board at the huge Dept. of Employment and Social Services (now the Dept. of Human Resources), Rita Davidson took charge, cutting her way through the massive bureaucracy to the people. She was determined to make government more responsive to the problems of the poor.

"She hated unintelligible bureaucratic reports, especially unsubstantiated ones," said Eleanor Carey, who was running a volunteer program at the Baltimore City Welfare Dept. when Judge Davidson became DESS Secretary. "She was extraordinary for a bureaucracy like that. She questioned everything."

"She was not content with just reading reports," Carey added. "She wanted to see for herself."

Davidson met with Welfare mothers and other clients, and visited the State's service providers to see what they were actually doing on the job, and to make sure that they were accountable for their work.

"I think that she was regarded as somewhat of a thorn in the side," Carey says, of her judicial peers.

Nonetheless, she is said to have enjoyed the collegiality of the Court of Special Appeals during her seven-year tenure, and to have felt more isolated while she sat on the higher court.

On both benches, she distinguished herself through her legal scholarship. While on the Court of Special Appeals, Carey noted, her opinions were always "well-researched and well-prepared."

They "showed a great amount of craftsmanship," said Prof. Gary. "They had a disarming style." Her contribution to that court, he added, was one of "tone, of quality, of class."

Never known for issuing opinions expediently, Judge Davidson saw her productivity slip even more when she had her first bout with cancer in the winter of 1976. Her secretary Marge Dean recalled that she was hospitalized for only 10 days after surgery, and then she "bounced back quickly." However, she had to change her diet radically, get more exercise (she would take long walks), and undergo chemotherapy treatments. By then, she had stopped smoking cigarettes.

While Judge Davidson did slow down, Margaret Rawle remembers her 1976-77 clerkship with her as "demanding."

United States. Being a just put another notch in its."

"What happened was that she was a candidate for County Executive," he said, "and one of the questions we were

"She challenged assumptions all of the time," Carey continued. For example, "she challenged budget requests on day care — no one had ever challenged day care before." She took very little at face-value.

And while she was a "holy terror" for someone in Carey's job, the present-Deputy Attorney General says that Davidson was an inspiration to her. The future judge had a "good legal mind", which she balanced with "sound, humane social policy." And she worked tirelessly to get the job done, staying often until 11 p.m. and midnight in the Baltimore office.

Throughout her career, Judge Davidson was identified as a "liberal" thinker who championed causes for the poor, minorities, women, and generally, the "downtrodden."

She would want to be remembered, says Judge Rosalyn B. Bell, "as someone who stood up for the downtrodden, as a good person, as someone with integrity, as someone who cared." But, to label her a "liberal" so easily is to do a disservice to her. Her passion was not for "liberal" causes, but for justice and fairness and equality of treatment for all people.

Judge Davidson was strong-willed and persistent. Although she may have struck some people as abrasive and "pushy," her critics rarely condemned her as a "kneejerk" liberal — at least, not her thoughtful critics. She was too fine a lawyer and a scholar to merit that appellation.

In the words of Prof. Gray, Rita C. Davidson "was a good, clear-headed lawyer who was impatient with any impediments to reasonableness." While she was on the two courts of appeal, when she found impediments to reason, she expressed her dissatisfaction by way of dissent. She earned a reputation for writing dissents, a reputation that her colleagues believe carries an unfair negative connotation with it. In fact, they say, she wrote more than her share of majority opinions, and when she dissented, she was "right." On a less conservative court than the Maryland Court of Appeals, her sole dissents would not have appeared noteworthy; indeed, they may have been majority opinions.

Judicial office

Rita C. Davidson became a judge of the Maryland Court of Special Appeals in 1972 by appointment of Gov. Mandel. She was the first woman to serve on the intermediate appellate court.

Reports since her death have suggested that Mandel's appointment was prompted by his desire to rid himself of a Cabinet "irritant." The former governor has vigorously denied this insinuation, stating that Judge Davidson was appointed because she was "eminently qualified." And so she was.

Regardless of the possible political reasons for her appointment, Judge Davidson approached her new position with the same fervor and dedication as she had approached every other job before.

According to Eleanor Carey, who clerked with the late Judge Thomas Lowe in 1973-74, Judge Davidson "was not accepted as one of the boys," and "could be hard-edged at times."

"She was absolutely thorough and meticulous," she says.

"She demanded excellence of herself and of others and she asked nothing less."

When Judge Davidson wrote her dissent in the well known informed consent case of *Sard v. Hardy* (See tomorrow's *Daily Record* for a story on Judge Davidson's opinions), Rawle had to research "every case that was ever written about informed consent." They all appear in citation in the opinion, carefully preserved for the enthusiastic reader.

"As hard as she was on people," Rawle noted, "she was harder on herself." A perfectionist's perfectionist.

Court of Appeals

Court of Appeals Associate Judge Irving Levine died suddenly at the age of 54 in 1978. The person who delivered his eulogy was Court of Special Appeals Judge Rita C. Davidson.

"For 45 minutes, she spoke about his decisions and what they have done for the people" of Maryland, recalls Risselle R. Fleisher, General Counsel for the Maryland Commission for Human Relations. "I was riveted." She had done all of the research necessary to honor him in this special way.

Fleisher subsequently wrote a letter to Judge Davidson, praising her for her effort and remarks, and received in return an invitation to the judge's investiture on January 16, 1979. She

SEE Davidson, page 12

THE DAILY RECORD

A Newspaper 11-20-84
Of General Circulation,
From Staff Reports,
United Press International,
And Associated Court And
Commercial Newspapers (ACCM),
Published Daily Except Sundays
And Legal Holidays By
THE DAILY RECORD COMPANY
11-15 East Saratoga Street
Baltimore, Md. 21202

Telephone:
(301) 752-3849

Second class postage paid at Baltimore, Md.
(USPS 145-128)

MAJOR GENERAL
EDWIN WARFIELD III, (Ret.)
Publisher

EDWIN WARFIELD IV
Executive Vice President

FREDERICK D. GODMAN
Vice President/General Manager

STEPHEN T. B. TERHUNE
Vice President/Finance

BRUCE L. BORTZ, Esq.
Managing and Legal Affairs Editor

KENNETH D. KARPAY, Esq.
Deputy Managing and Legal Affairs Editor

PAUL D. SAMUEL
Senior Staff Writer

DAVID S. THALER, P.E., L.S.
Engineering and Technical Affairs Editor

GILLIAN M. HEPTINSTALL
Circulation Manager

FRANK H. PRAETORIUS
Advertising Director

EDWARD V. HOFFMAN
DOROTHY REED
Account Executives

Davidson

Daily Record for a story about Judge Davidson's opinions.)

Among members of the Maryland Bar, she was perceived by many as being "too liberal," and having an "intellectual predisposition" favoring the defendant in a criminal case and the plaintiff in a case of civil damages. But, nonetheless, her opinions were well-received as scholarly works.

Unlike her colleagues, "she was not locked in by *stare decisis*," Murphy continues. "She had a view in many instances that the common law should be changed to benefit the people." And she argued passionately for the change: from contributory negligence to comparative negligence; from a landowner's liability premised upon the status of the injured person (trespasser, licensee or invitee) to a general negligence standard.

"She would argue like a tiger for her views, and we would listen very carefully," Murphy says. "Sometimes she would get a convert, and sometimes she would not."

Associate Judges John C. Eldridge and Harry A. Cole were more likely to join Judge Davidson in a dissenting opinion than the others. Both admired her commitment to excellence and her tenacity.

"She was a person who exhausted an issue and she held onto it until she was proven to be in error," said Judge Cole. She was a well-prepared, conscientious researcher. "She just commanded the respect of all the judges on the court, irrespective of whether they agreed with her or not." Into each opinion, "she put a bit of her soul," said Paul A. Green, the judge's 1982-83 clerk. "She really labored over every word. She wouldn't let anything slide by. We would sit together for hours and write." She would dictate and Green would "scribble."

"I was a scribe, a mirror, and a personal computer," says clerk Charles F. Jacobs. She would expect him to know all of the facts of the case, and to have done all of the research and

prepared a draft opinion before they sat down together to work on the final form. Then, he notes, "She would literally rip it apart, and we'd start from scratch."

"Every day I was arguing before an appellate judge," he exclaims, which was an exciting, if exhausting, experience. "We gave her our all." The opinions were always Davidson's words, but the clerks' thoughts were ever-present.

In 1980, in anticipation of the next U.S. Supreme Court vacancy, and of the Carter-Reagan election, Judge Davidson was among those women being considered for that landmark appointment.

"I think she wanted to be on the Supreme Court," says Green, adding that her father, who predeceased her, had hoped to see her investiture as one of the nine justices.

But long-time friend, Ambassador Richard Schifter is quick to qualify her ambition. "I'm sure she would have liked to have been appointed to the Supreme Court," he says, "but she didn't actively campaign for it. You don't wait for lightning to strike."

Astute questioner

As meticulous and careful as she was in drafting her opinions, Judge Davidson was equally as artful in her interrogation of the attorneys who appeared before her. She gave them her attention and her eye contact, even her smiling encouragement sometimes. She also gave them some cause for discomfort.

"She was an astute questioner," George E. Burns, Jr., of the Maryland State Public Defender's Office, says. "She would not tolerate dodging a question. It wasn't good enough to be evasive, no matter what side you were on."

She was tough, Deborah K. Chasnow, Chief of Criminal Appeals and Correctional Litigation in the Attorney General's Office, agrees. "You could be sure if there was a weakness in your case, she'd find it." She had an instinct, attorneys say, for isolating the crucial

issue or question, and driving away at the point. Her legal reasoning was excellent. And she was always prepared.

She read all of the appellate briefs filed by counsel, and according to Baltimore attorney Shale D. Stiller, who appeared before her many times. Judge Davidson "understood the cases that I argued inside out." She knew your answer, even if you didn't.

She seemed to have a "knack," Paul Green recalls fondly, for exposing an argument. He remembers the many times he would meet with her, after having completed his research, to present his chain of logic in a case.

Often, he says, "She would ask me a question which at first seemed very naive and stupid, until I tried to answer it and couldn't."

"She had a real knack," Green continues. "Generally, her questions were at the heart of the issue. She had a knack for cutting away to the core, to what was crucial."

* * *

Like all learned advocates, the Latke had finally arrived at the core, at the crucial moment of her argument.

She had read into the record her news items, and convinced her enraptured audience that "there can be no question that throughout the ages and throughout the world, the latke and not the hamntasch has dominated." But, being diplomatic, she refused to end her victorious debate on that note. An accommodation, she insisted, must be reached.

"Therefore, in reaffirmation of my firm belief in the Constitution of the United States and its underlying rationale that all people are equal," she proclaimed, "and in reaffirmation of the still viable common law principle that there must be love between the sexes, and in reaffirmation of my personal belief that there is a societal need for people to make love, not war, I offer the following concluding conciliatory remarks:

"A latke and hamntasch once dated. In due course they bedded and mated. The resulting dish Was a potato knish Cause the genes of the latke dominated."

And the Cheshire cat just grins.

(Part two in tomorrow's *Daily Record*: the opinions of Judge Rita C. Davidson.)

Continued from Page 4)

become the first woman appointed to the Maryland Court of Appeals. She was to succeed the man she had replaced. In deciding to appoint Davidson, Gov. Blair Lee, III, considered the history of the Court in background and viewpoint.

Judge Levine was pretty much of a moderate to the extent that those ideological terms apply to judges," he said. "Rita, of course, there was no question about her. She had had a legal education at Yale, which is renowned for its social consciousness in the 1960s."

"I thought that there was a need for a change of that," he continues. "There also was a golden opportunity to appoint the first woman judge to the Court of Appeals. Fortunately, Judge Davidson's nominating commission did not pass her up."

Davidson was "a real scholar," says her governor. "She researched things we could barely see. And she was very capable."

Questionably, Judge Davidson had ground unlike her six judicial colleagues, combining as it did private practice, local government work, and early an expertise in zoning, public politics, Cabinet-level service, a tenure on the Court of Special Appeals. She was also a strong advocate of civil rights, and was always willing to express a different, or unique position, if she believed in it. Davidson's background was in advocacy of social causes," says Justice Murphy. "That was pretty much ingrained in her constitution." She regarded the rights of the poor and the criminally accused, and the government excesses. It is through her dissents, Murphy says, that this advocacy is revealed. She upheld a single death sentence frequently found fault with by the majority of criminal defendants. Fairness was her beacon. (See tomorrow's