

Arnick Drops Judicial Bid, Citing 'Media Frenzy'

Court of Public Opinion Was Pivotal in Downfall Of Md. Bench Nominee

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ANNAPOLIS, Feb. 17—Former legislative leader John S. Arnick abandoned today his quest for a Maryland judgeship, ending a tumultuous nine-day fight that began with allegations of sexism and culminated in a public outcry demanding that the General Assembly renounce such sentiments by rejecting his nomination.

With 11 women supporters arrayed in a semicircle behind him in a crowded hearing room here, Arnick blamed a "media frenzy" for making it impossible for him to get a fair and impartial hearing about his fitness for a District Court judgeship in Baltimore County.

"I have too much respect for the government of this great state—and each of its branches—to carry on a battle which the media decided that I should lose before it even began," said Arnick, who rose to become Democratic majority leader and committee chairman during his 23 years in the House of Delegates.

By asking Gov. William Donald Schaefer to withdraw his nomination by Thursday, Arnick, 59, made it unnecessary for senators to hold a hearing on Friday to investigate allegations that a woman state official had been discouraged from testifying against Arnick in person last week.

A spokeswoman for Schaefer said the governor had no comment on Arnick's request.

In the short run, several lawmakers said they expected the Arnick saga to engender more sensitivity to women's concerns in a legislature dominated at every level by men. But they were considerably less hopeful about whether the assembly, which has endured a public pounding for more than a week, will be more responsive on other issues that spark no such furor.

"I don't see any major institutional changes coming from this," said Del. Ulysses Currie (D-Prince George's), who holds a leadership position in the House.

"I'm not convinced that any lessons have been learned," said Sen. Howard A. Denis (R-Montgomery),

Arnick's earliest and most persistent critic in the judgeship debate.

"What I get is a feeling [from other lawmakers] of resentment that this was exposed, a denial of the reality of what happened."

Arnick, who began sitting as an \$82,300-a-year District Court judge last month, appeared to be a shoo-in until last week, based on his popularity among fellow legislators and his close ties to House Speaker R. Clayton Mitchell Jr. (D-Kent). Judges are sworn in and hold court while awaiting confirmation by the Senate, a step that usually is a formality.

But on Feb. 8, at a hearing of the Senate Executive Nominations Committee, Takoma Park lawyer Judith A. Wolfer said that Arnick had used sexist and offensive language, referring to women as "lying bitches." She said that comment and others came a year earlier when she and Nancy J. Nowak were urging Arnick to support legislation to curb domestic violence.

Nowak, now director of the state Division of Parole and Probation, issued a statement to the committee supporting all of Wolfer's account.

Arnick, at another hearing Friday, said he did not recall details of the conversation with the two women.

Also at the hearing, more than 40 witnesses—largely legislative friends, lobbyists and former employees of Arnick—appeared before the committee to present glowing character references about the nominee.

As the session ended, the committee voted 14 to 4 to send to the full Senate Arnick's nomination to a 10-year term on the bench.

Then the tide began to turn. Over the weekend, the week of outrage that had simmered on radio talk shows boiled over on lawmakers back in their home districts. By Monday, Arnick's support was dwindling rapidly.

Today, reading from a six-page statement and at times fighting back tears, Arnick asked: "Is one hour in one day a measure of a person's whole life, his character and his deepest beliefs? Is there any one of us—judge or lay person—who has not said words in haste, anger or fatigue that we wished we could now take back?"

Some legislative leaders have said in recent days they wished they had moved more quickly to confirm Arnick before the public became aroused.

What eluded many Arnick opponents was why so many legislators remained intent on backing him in the face of the public outcry that State House insiders were merely taking care of one of their own.

"It's a feeling in Annapolis that they kind of forget where they came from," said Susan Carol Elgin, a director of the Women's Law Center in Baltimore.

Arnick's appointment to the bench was, in part, a move of political convenience. Mitchell, the House speaker, had promised to remove him as chairman of the Judiciary Committee for having voted against a Mitchell-backed tax package last year.

Schaefer, as a favor for Mitchell, had been looking for other state jobs to give Arnick when the judgeship came up. Arnick had been turned down twice earlier by local nominating commissions when he applied for the bench.

Legislative leaders, accustomed to having their way during long periods when the public is not attentive to state affairs, badly miscalculated their ability to push through the nomination of Arnick. Nor did they anticipate the intensity of voter anger at the assembly this week.

"When they felt the heat, they began to see the light," Denis said of his colleagues after Arnick announced his withdrawal.

As the story unfolded, Schaefer and several legislators said the confirmation process for judges needs to be altered. As it is, judges begin sitting as soon as they are nominated by the governor. Otherwise, appointments would languish during the eight months of the year when the Senate is not in session to confirm them.

Even Schaefer, however, conceded that the process has worked on the 125 other judges he has appointed in the past six years.

In the end, the nomination became, in Schaefer's words, "much greater than John Arnick," a test of whether legislators, once it had received thousands of phone calls and letters against Arnick, was willing to confirm him because they knew him well from years of working together.

Sen. Patricia R. Sher (D-Montgomery), who sat with the group of women around Arnick as he made his announcement today, had earlier expressed frustration that Arnick was being held to a different standard than others who had been confirmed before him.

"We've got to change the process," she said this week as it became evident that Arnick would have to withdraw or face rejection. "A lot of known racists or sexists have been sworn in to judgeships in the last five years."

Del. Sheila Ellis Hixson (D-Montgomery), chairman of the women's caucus and another of those who stood with Arnick today, said the people clamoring for his rejection did not have all the information that legislators did and made up their minds too quickly from news articles and broadcasts.

"There is a disconnect," Hixson said. "I think people read part of the story."