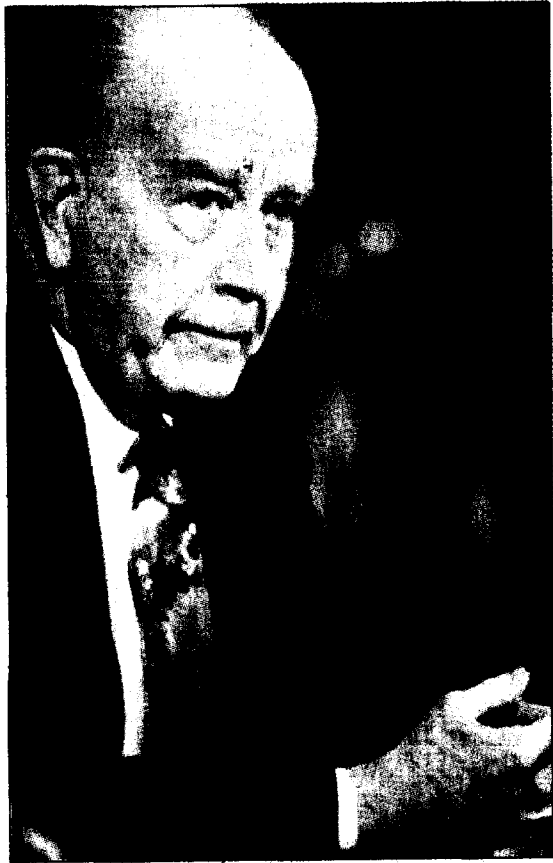


Governor Schaefer, who last week reiterated his support for John Arnick, answers reporters' questions about the judicial confirmation process. The governor, who can legally withdraw his nomination, says he will wait for the Senate to take action.



BARBARA HADDOCK/STAFF PHOTO

With votes stacked against Arnick, many expect him to withdraw

By Michael Hill
and John W. Frece
Staff Writers

Former Del. John S. Arnick's judgeship hung by a thread yesterday, and many of his former colleagues in the General Assembly seemed eager to snip it.

The struggle over the nomination has overwhelmed the General Assembly for more than a week now, ever since the 59-year-old Dundalk lawyer and six-term delegate was accused of using vulgar and obscene language to describe women in general, and victims of abuse in particular.

But his future as a judge of the Baltimore County District Court appeared so tenuous yesterday that Sen. Michael J. Wagner, chairman of the Senate's Executive Nominations Committee, said chances were "slim" his committee would even hold a third hearing on the nomination at week's end.

"If we get to Friday and we still

"I anticipate that unless a miracle happens — like if all of this never took place — that Judge Arnick will withdraw."

THOMAS V. MIKE MILLER JR.
Senate president

have a candidate, then we'll have a hearing," the Anne Arundel County Democrat said.

More likely, Senate President Thomas V. Mike Miller Jr. said, is that Mr. Arnick's name simply will be withdrawn from consideration.

"I anticipate that unless a miracle happens — like if all of this never took place — that Judge Arnick will withdraw," the Prince George's County Democrat said.

Mr. Wagner's committee already

has held two hearings on the embattled nomination. On Monday, after receiving a request from Mr. Arnick for yet another hearing, the Senate agreed to delay a final vote.

Throughout the State House yesterday, however, the hope was that another hearing would never take place. Instead, many lawmakers said that if Mr. Arnick exhibited the vote-counting skills he used during two decades in the House he would have no choice but to acknowledge he has little chance of retaining his seat on the bench.

"Everyone is telling him, 'John, it's over,'" said one source close to the discussion with Mr. Arnick. "But he seems to be in major denial, thinking maybe it will all die down."

Asked if Mr. Arnick was being asked to withdraw gently, Mr. Wagner said: " 'Gently' is the wrong word."

"I don't think John is going to continue to take this punishment,"

See **ARNICK**, 9A, Col. 1

Public sentiment eroded Assembly support for Arnick

ARNICK, from 1A

he continued. "He's a realist. He knows that unless things turn around, his chances are slim."

Support for Mr. Arnick eroded after a 14-4 vote on Friday by the Executive Nominations Committee to recommend his approval to the full Senate. When senators left Annapolis for the weekend, they faced the full fury of public sentiment that was running strongly against Mr. Arnick's judgeship.

Gov. William Donald Schaefer, who appointed Mr. Arnick to the seat in January and who last week warmly endorsed him, refused to say yesterday whether he would withdraw the nomination.

"I have to wait for the Senate action," Mr. Schaefer said at a morning news conference. "I'm not going to withdraw it right now."

Even though Mr. Arnick has resigned his seat in the House, given up his law practice and has already been sworn in as a judge, the governor could legally withdraw the appointment and his term on the bench would end when the General Assembly adjourns in mid-April, said Assistant Attorney General Robert A. Zarnoch, chief counsel to the legislature.

Barbara A. Hoffman, D-Baltimore, one of four senators on the Executive Nominations Committee who voted against Mr. Arnick, outlined two options. "Either he withdraws his name, or we go ahead with the process," she said. "And if we go ahead with the process, there's no way this nominee can win."

Del. Gary Alexander, D-Prince George's, who is speaker pro tem of the House, said, "No one can tell John Arnick what to do. He will make up his own mind."

Mr. Arnick's expected smooth sailing into a 10-year term on the bench hit rough waters Feb. 8 when Judy A. Wolfer, a 34-year-old attorney, unexpectedly appeared before the Executive Nominations Committee.

She testified that Mr. Arnick had used offensive language to describe women and victims of abuse when she and gubernatorial aide Nancy J. Nowak had dinner with him to discuss domestic violence legislation that was then before the House committee he chaired.

After Ms. Wolfer's testimony delayed the committee vote, Ms. Nowak issued a statement corroborating Ms. Wolfer's account. But when Ms. Nowak failed to appear at Friday's second hearing on the Arnick nomina-

tion, charges were raised that she may have been intimidated into staying away.

Mr. Arnick's testimony under oath at that hearing — thus far his only response to the allegations — was that he did not recall the particulars of the dinner conversation and had no idea the women were offended.

But Sen. Howard A. Denis, R-Montgomery, picked at apparent inconsistencies in the testimony and questioned whether Mr. Arnick may have been completely truthful.

"The governor should withdraw his support," Mr. Denis said yesterday. "If there's another hearing, he'll only tie himself in further knots. 'I can't recall' is just not plausible."

One complication in evaluating testimony at Friday's hearing is that some of it was not properly recorded by the state. Mr. Wagner told the Senate Monday night that the testimony against Mr. Arnick was inadvertently taped over.

Staff writer Tom Bowman contributed to this article.