

Arnick withdraws from effort to keep district judgeship

Media spotlight prevents fair hearing, he says

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John S. Arnick gave up his quest to retain his judgeship yesterday, saying he could not get a fair hearing in the midst of the media whirlwind stirred up by charges that he used vulgar and abusive language toward women.

Speaking in a hearing room packed with dozens of his former General Assembly colleagues and members of legislative staffs — most of them somber, some in tears — Mr. Arnick said he had concluded that "a fair and impartial inquiry could not be conducted in this environment."

"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," the veteran former delegate said.

"There is much important work to be done in Annapolis this session, and I do not wish to be a distraction

to those who must now do it. Therefore, I will ask [Gov. William Donald Schaefer] to withdraw my nomination tomorrow."

Mr. Arnick was sworn in as Baltimore County district judge on Jan. 27, pending what was expected to be routine confirmation by the state Senate. But at his confirmation hearing before a Senate committee 10 days ago, former lobbyist Judith A. Wolfer testified that Mr. Arnick had called women "lying bitches" and used other vulgarities in a dinner meeting last year.

Mr. Arnick later testified that he didn't remember the conversation and said he meant no offense.

It at first appeared Mr. Arnick would survive the controversy, and the Senate Executive Nominations Committee voted 14 to 4 on Friday to recommend confirmation. But when senators went home over the weekend to constituents angered by Mr. Arnick's statements — and returned to a flood of negative phone calls — support for his nomination evaporated.

The reaction to Mr. Arnick's announcement yesterday was one of sadness, both from his supporters

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Text of Arnick statement.

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and detractors in the controversy that has dominated Annapolis. And there were widespread calls for a change in the judicial nomination procedure so that judges would not be sworn in before Senate confirmation.

Mr. Arnick entered the hearing room yesterday accompanied by Robert A. Pascal, the governor's appointments secretary, and House Majority Leader D. Bruce Poole, D-Washington. He shook hands with a number of women — including two delegates, Marcia G. Perry, D-Anne Arundel, and Patricia R. Sher, D-

Montgomery — who sat behind him while he spoke.

As he began, Mr. Arnick seemed near tears, his voice breaking, but quickly regained his composure and delivered the 10-minute address into a phalanx of cameras and microphones with a strong voice. Several times, as he criticized the media coverage, he glared at the table filled with press.

"I see in the newspapers and on radio and television a John Arnick who has been portrayed as racist, as sexist, and as a vulgar man," he said. "That John Arnick is a stranger to

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me. It is not me. It is a John Arnick that is unknown to the thousands who have worked with me in public and private life for 30 years."

Mr. Arnick said that those who judged his whole life on the basis of a single conversation were like those who condemned H. L. Mencken when his diaries revealed comments that appeared racist and anti-Semitic. He noted that *The Baltimore Sun* had asked its readers to view Mencken's comments "in the context of his whole life, and his record on these issues."

"I am no H. L. Mencken, in either talent, temperament or viewpoint, but I am bold enough to ask for the same standard of judgment," Mr. Arnick said.

When he finished his address, he rose and strode out of the hearing room without taking questions, pausing briefly to shake hands as an ovation filled the room.

"I'm devastated. And all of Dundalk is devastated," said a tearful Ruth O'Connor, who served as a legal secretary to Mr. Arnick and sat behind her former boss. "The media has ruined this man."

"He's a fine man and would have been a fine judge," said Karen Smith, legislative director of People Against Child Abuse Inc., noting that she testified many times before the House Judiciary Committee when Mr. Arnick was chairman.

"I think he handled it with class and dignity," said Del. Robert L. Ehrlich Jr., a Baltimore County Republican and staunch supporter of Mr. Arnick, noting that anything he may have said at the dinner is outweighed by his support for women's issues. "His record on that respect speaks for itself."

"My heart goes out to John Arnick," said Howard A. Denis, the

Montgomery County Republican who was Mr. Arnick's most vocal opponent. "It's a very sad situation. Unfortunately there's a tendency, when you lose anything, to blame everyone but yourself. But no one created this problem for John Arnick but John Arnick."

Reached at her Takoma Park law office, Ms. Wolfer said, "I'm glad that it's over. I can't dispute his record as a legislator. I only commented on my belief about his fitness to serve on the bench, which is a different job.

"I feel very sad for him," Ms. Wolfer said.

By asking that his nomination be withdrawn, Mr. Arnick is eligible to remain a judge until the end of the General Assembly session in April.

Robert F. Sweeney, head of the state's District Courts, said that he spoke with Mr. Arnick after the announcement, and said they had agreed "it would be best if he no longer sits in court. He will be assigned to

chambers duties, of which we have plenty," Judge Sweeney said. "We will talk further to determine when he will leave the court."

If Mr. Arnick, 59, had served a full 10-year term on the bench, he would have been eligible for a pension of just under half of a judge's full salary, currently \$82,300 a year. For his 22 years in the General Assembly, he will be eligible when he turns 60 for a pension of 55 percent of a legislator's salary, which will be \$28,000 in 1994. There has been widespread speculation that he might be named to another state job, probably one not requiring Senate confirmation.

Mr. Arnick's decision to withdraw was not made until Tuesday night when he met in Annapolis with House Speaker R. Clayton Mitchell Jr., D-Kent, Majority Leader Poole, and Speaker Pro Tem Gary Alexander, D-Prince George's.

In his statement yesterday, Mr.

Arnick said he made his decision after seeing an interview with his mother on the television news.

"As I watched my own mother on the evening news late last night, I knew, at that moment, that things had gone too far, that this process had become so distorted — that the media frenzy was so intense — that I could not expect fair and impartial judgment," Mr. Arnick said.

That interview, on Channel 13 (WJZ), was defended by the station's news director, Gail Bending, who said that the reporter went to the home seeking Mr. Arnick and was invited in.

"The story included some very nice comments. . . . It was a very positive story," said Ms. Bending. "We tried to lend some fairness to coverage that was going in one direction."

Staff writer Steve McKerrow contributed to this article.