

The Sun

**Complaints continue after judges' race  
U.S. agencies asked to investigate**

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The Howard County judicial race is a day away from its official end, with all absentee ballots now counted, but reaction to the divisive election will continue well into next month -- if not beyond.

The ouster of the county's first African-American Circuit judge has prompted a local group to call a December town meeting to heal bruised feelings -- even as the group, the African American Coalition, has filed complaints with two federal agencies about the way the judicial race was conducted.

Friday's tally of the last 620 of about 4,800 absentee ballots showed:

Sitting Circuit Judge Diane O. Leasure with 44,003 votes.

District Judge Lenore R. Gelfman with 43,842.

Sitting Circuit Judge Donna Hill Staton with 41,956.

Columbia attorney Jonathan Scott Smith with 36,697.

Leasure, who was appointed last year with Hill Staton by Gov. Parris N. Glendening, will be joined on the Circuit bench by Gelfman for 15-year terms. Hill Staton, the county's first black judge, and Leasure were the first women to serve on Howard's circuit bench.

The results are to be certified by the county's Board of Supervisors of Elections on Monday, after which Gelfman has 30 days to be sworn in. Hill Staton can remain on the bench until then, but can step down any time after the election results are certified.

Gelfman did not respond to repeated requests for an interview this week, but the chairwoman of her electoral campaign, Deborah E. Dwyer, said Gelfman hopes to be sworn in the week of Nov. 25 -- possibly the day before or the day after Thanksgiving.

Once Gelfman is sworn in, Hill Staton can no longer perform the duties of a judge, said Howard Circuit Judge Raymond J. Kane Jr., the court's administrative judge.

Hill Staton said Friday that she will continue to work on cases until Gelfman is sworn in. "I will be here so I can complete matters," she said.

Dwyer said Gelfman hopes to begin work in Circuit Court Dec. 2. She will assume Hill Staton's caseload -- roughly 830 civil cases -- and new cases will be assigned to her as part of the general rotation the moment she is sworn in, Kane said.

Meanwhile, the African American Coalition has filed a letter of complaint with the Federal Communication Commission, the U.S. Justice Department's Community Relations Service and the State Administrative Board of Election Laws.

At issue, said the Rev. Robert A. F. Turner, coalition leader, is the racial tone of some of Gelfman and Smith's campaign literature.

On the group's charge of racism, state Del. Robert L. Flanagan, a Howard Republican, who served as a spokesman for the Gelfman-Smith ticket, said those complaints had already been "thoroughly aired."

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"I and the African American Coalition will just have to agree to disagree on that issue," Flanagan said.

The coalition also charged in its letter that WJZ-TV unfairly helped promote the challengers' message by renting equipment and services to the campaign so it could make cable TV commercials. Dick Gelfman, Judge Gelfman's husband, is a consumer affairs reporter at WJZ.

Turner alleged the station engaged in an unfair election practice because it gave access to their equipment to one candidates' slate and not the other.

"We want the community to be made aware of the practice that took place in this particular campaign," Turner said.

Dick Gelfman declined to comment on the coalition's charges Friday, as did WJZ general manager Marcellus Alexander.

But in a phone interview last week, FCC attorney adviser Mark Berlin said he doubts the federal agency will be able to act on the complaint letter. According to FCC rules, it is acceptable for television stations to lend or rent equipment to any political campaign, Berlin said.

There must be parity in access only when air time is purchased, he added.

When The Sun first raised the issue of Dick Gelfman's ad-making for his wife and its subsequent absence from the campaign's latest finance disclosure report, filed with the state Oct. 25, state officials declined to comment on the specific case.

But, said state Assistant Attorney General Jack Schwartz and Assistant State Prosecutor Tom Krehely, the use of equipment typically is regarded as an in-kind donation to a campaign, even if the equipment belongs to a candidate or the spouse of a candidate.

There is no mention on the Gelfman-Smith campaign finance report of any expense or in-kind donation of services or goods relating to the production of the campaign's TV ads.

But Dick Gelfman said at the time of the Sun article that the campaign had not yet been billed for its equipment expenses, and he and campaign officials disputed that his services amounted to an in-kind donation.

Along with its Dec. 14 town meeting at the Wilde Lake Interfaith Center, the coalition is planning a Martin Luther King Jr. "Day of Dialogue on Racism" Jan. 19 and 20.

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