

# Curran plans on pursuing another term

Attorney general says family tie to O'Malley won't be a conflict

By DAVID NITKIN  
SUNSTAFF 6.19.05

Maryland Attorney General J. Joseph Curran Jr. says he intends to run for a sixth term next year, but would reconsider if it appears his candidacy is harming the prospects of Baltimore Mayor Martin O'Malley, his son-in-law and presumed Democratic contender for governor.

"If I thought it were a problem, I would obviously rethink my position," Curran said in an interview in which he offered his most extensive comments to date on an issue expected to follow him and the mayor through the election season.

"I would never do anything to create a problem for Martin, and he wouldn't do anything to create a problem for me," he said.

Curran, 73, said he hopes voters will judge his record and accomplishments separately from O'Malley's, and determine that he offers sound advice and guidance regardless of family ties or ideology.

"It's my plan to [run again]," Curran said. "I love this job. It is the best job a lawyer ever could seek to fill. ... I obviously would have a good rapport with Martin if he were the governor, and would certainly speak my mind on issues that I would feel strongly about. And I would hope that those positions would at least be taken into account."

Curran's relation to O'Malley, who is married to the attorney general's daughter, Baltimore

District Judge Catherine Curran O'Malley, presents just one of several challenges that have cropped up lately for one of the state's most enduring political figures.

A liberal Democrat who keeps a framed letter from George McGovern and a John F. Kennedy campaign poster in his office, Curran serves as the lawyer for right-of-center Republican Gov. Robert L. Ehrlich Jr.

And with growing frequency, the positions of his client often clash with those of O'Malley, who wants to replace Ehrlich as Maryland's chief executive.

## 'A delicate balance'

For instance, Curran's office had to defend the state Department of Human Resources after Ehrlich selected a Baltimore social services chief whose qualifications were challenged by O'Malley.

And Curran said he had to set aside his personal anger in the case of Joseph F. Steffen Jr., the longtime Ehrlich aide who was fired for spreading Internet rumors about O'Malley's marriage. Curran's lawyers had to determine what documents from Steffen's computer to release.

"I clearly have a very personal, strong opinion of Mr. Steffen, and I am just outraged that someone like him would be permitted to be in state government," Curran said.

Then there are the views of another client, the Democrat-controlled General Assembly, which is also famously at odds with Ehrlich.

"He's got a conflict of interest by constitution, almost," said Sen. Brian E. Frosh, a Montgomery County Democrat and lawyer who has said he would consider running for attorney

general when Curran retires. "He's got a delicate balance to make, and he's got to make it continuously."

In recent weeks, Curran's office has issued several opinions and advice letters on bubbling controversies that seemed to offer little clear direction to either the Assembly or the governor.

Curran and Assembly Democrats might prefer to punish the state police for silencing protesters at a veto event organized by the governor. But the attorney general's office tread a narrow path, offering guidance that lent support to both sides.

In another instance, the state's environmental department rejected Curran's advice and chose not to join a multi-state lawsuit against the federal government over power-plant emissions.

Curran's potential conflicts and challenges are sure to receive heightened scrutiny as the campaign for governor intensifies in the coming year.

Voters may well be asking themselves: Is it a good idea to send into office a Democratic governor and his Democratic father-in-law who as the state's top lawyer must represent the governor? Or, put another way, could there be too many Curran family members on the Democratic ballot in 2006?

## 'A neutral umpire'

"People can legitimately raise it and discuss it, but the evidence strongly suggests he is going to call the balls and strikes and be a neutral umpire," said Glenn Ivey, the Prince George's County state's attorney. Ivey, too, has said he would consider running for attorney general if Curran were to retire.

Curran joined the House of Delegates in 1959, the state Senate in 1963 and became lieutenant governor under Harry Hughes in 1983. Four years later, he was elected attorney general and has since become known for stands against the death penalty, slot-machine gambling and handguns — positions that sometimes put him at odds with governors and other top officials.

The office has more than 400 lawyers, and focuses on consumer protection, securities fraud, environmental crimes and Medicaid fraud. It also provides counsel for all three branches of state government, including state agencies.

Curran gets high marks for ethics and professionalism, and

even ideological foes don't think he would skew legal opinions to

help O'Malley or hurt Ehrlich.

"I don't see an issue there," said state Sen. Alex X. Mooney, a conservative from Frederick County.

Said Maryland Republican Party spokeswoman Audra Miller: "Joe Curran has proven himself to be not only a loyal Democrat, but a fair attorney general."

Stephen H. Sachs, Curran's predecessor, said that while recent advice letters from Curran's office might appear muddled to a lay reader, they reflect difficult legal concepts — such as the allocation of powers between the executive and legislative branches on budget matters.

"I don't assume that because it is a close question or the opinion might be a little fuzzy it is an attempt to serve one or the other or both masters," Sachs said.

"It is not the attorney general's job to make the governor, whether he is the same party or not, look good. He is the people's lawyer."

Dan Friedman, a Baltimore attorney, adjunct law professor and author of book on Maryland constitutional law, said disputes percolating between the attorney general, governor and Assembly are a natural product of divided government — the apparent will of voters.

"I'll bet that for the 30 years before Ehrlich was governor, the disputes existed, but you didn't read about them because they were behind closed doors," Friedman said. "If the people of Maryland want it to run completely seamlessly, they elect people of the same party."

Sachs said he has no doubt that Curran could continue to perform admirably if his son-in-law were governor.

"I am a child of the Kennedy Department of Justice," Sachs said, when brothers served as president and U.S. attorney general. "That may be the best Department of Justice in history."

But after the Kennedy administration, Congress passed a law prohibiting family members from serving in the two offices.

## 'Honest' office

No such law exists in Maryland. Curran doesn't see the need for one.

"The public may say, 'I disagree with Joe on slots or the death penalty,' but the office has been honest, the office has been fair," Curran said. "We call the shots as we see it."