

Analysis

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Black votes affect Lee's court selections

By DONALD KIMELMAN
Annapolis Bureau of the Sun

Annapolis—Acting Governor Lee had promised last week to announce his choice for a much-sought-after seat on the Maryland Court of Appeals. But when the subject was raised at his weekly press conference Thursday, he had nothing to say.

Mr. Lee, usually prompt with such decisions, had a specific reason for dragging his feet. He was, and still is, waiting to hear from Henry G. Parks, Sr.

The connection between the court appointment and Mr. Parks, a black businessman known for the manufacture of breakfast sausages, seems tenuous. But Mr. Lee views all of his appointments these days in terms of the upcoming governor's race, and that is where Mr. Parks's role becomes important.

Even before the Appellate Judicial Nominating Commission sent him its list of candidates, Mr. Lee had decided that this opening for a Baltimore resident on the Court of Appeals should go to Joseph C. Howard, a Supreme Bench judge.

There has never been a black judge on the state's highest court, and Mr. Lee was reportedly enchanted with the prospect of appointing a well-known black judge who is popular in the community and particu-

larly favored by Representative Patren J. Mitchell (D, 7th).

Baltimore's black vote is an important element in any Democratic primary, and with Mayor Schaefer's reluctance to enter the governor's race, it is still very much up for grabs.

What would have been a simple matter became complicated when Judge Howard was left off the list of nominees that Mr. Lee is bound to pick from. Harry A. Cole, another black Supreme Bench judge, did make the list, but he is a Republican who has no personal following and is not a particular friend of the political and community leaders Mr. Lee is seeking to impress.

Still, Judge Cole is now the official choice of the city's black leaders, and to ignore him might further harm Mr. Lee's prospects in Baltimore's black community, where he is now known primarily as the Montgomery county blue blood who gave final approval for the detested Continental Can prison proposal.

Here is where Mr. Parks comes in.

Mr. Parks, a former city councilman and a symbol of black potential in the business world, has expressed an interest in another major state job, that of secre-

tary of economic and community development.

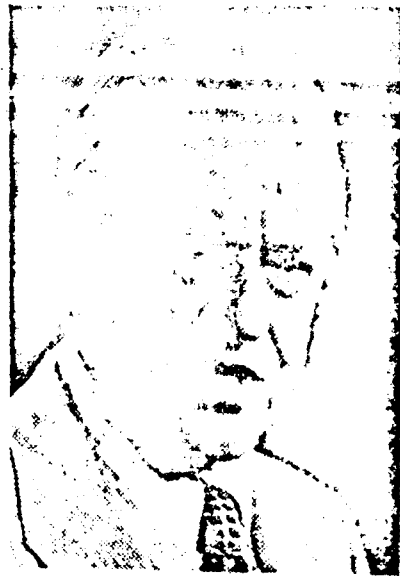
There are no blacks in Mr. Lee's cabinet, making the notion of appointing Mr. Parks to the cabinet post somewhat parallel to appointing Judge Cole to the Court of Appeals.

The Parks appointment would have the added advantage, however, of cementing Mr. Lee's ties with the only black political faction that rivals the Mitchells, the coalition headed by William L. (Little Willie) Adams, a close friend and business associate of Mr. Parks.

Mr. Lee, who claims to have a number of candidates in mind for the economic development post, has been courting Mr. Parks for the past several weeks and has been told to expect a final answer this week. According to knowledgeable sources, Mr. Parks's principal reservation is that he would have to give up prestige positions on the boards of a number of major national corporations.

Mr. Lee said Friday that he will not fill the court job until he knows for sure whether he can appoint Mr. Parks to the cabinet post.

If Mr. Parks drops out of the running, pressure will increase to appoint Judge



ACTING GOVERNOR LEE
... faces some complicated decisions

Cole. There are no other black candidates being considered for the economic development job, and the acting governor is loathe to leave both his cabinet and the

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JUDGESHIP, from C1

Court of Appeals lily white.

If Mr. Parks accepts, Mr. Lee says he might still appoint Judge Cole, relishing the impact of announcing two major black appointments on the same day. But the Cole appointment would be less imperative.

There are two other ways to go on the court appointment, Mr. Lee said, and one of them is particularly appealing because

it turns one appointment into at least four.

That politically attractive scenario has Mr. Lee naming Richard P. Gilbert, chief judge of the Court of Special Appeals, to the vacancy.

Mr. Gilbert is a former law partner of Marvin Mandel, a political liability at this juncture, but he has developed a good reputation on the bench—the judges on the Court of Appeals are quietly lobbying for him—and has been praised in a number of recent newspaper editorials.

Mr. Lee would then be in position to engage in a political version of musical chairs.

He could appoint Judge Solomon Liss of the Court of Special Appeals to Mr. Gilbert's position of chief judge, scoring some points in Baltimore's heavily voting Jewish community.

That would create another vacancy on the Court of Special Appeals that Mr. Lee could fill from the city's Supreme Bench, possibly with a black. After Judge Howard was left off the list for the Court of Appeals, Mr. Lee asked him if he would settle for Mr. Liss's seat on the Court of Special Appeals, but Judge Howard said he was not interested.

Even if Judge Liss's seat went to a white Supreme Bench judge, Mr. Lee

could then appoint another black to the Supreme Bench, further improving his credentials in the black community.

The acting governor could even create a fifth appointment out of the same vacancy by filling the empty seat on the Supreme Bench with a District Court judge.

It all sounds very byzantine, but Mr. Lee and Maurice R. Wyatt, his chief appointments adviser, acknowledge they are thinking along those lines.

A final option for the Court of Appeals seat, Mr. Lee said, would be to fill it from the "WASP establishment," satisfying the state bar association and the pillars of Baltimore's legal community.

Choosing the WASP alternative would mean naming David Ross, a Supreme Bench judge, or M. King Hill, Jr., a partner in the firm of Smith, Somerville and Case, Mr. Lee said.

That seems the least likely course, as Mr. Lee, a ninth generation American with an unmistakably patrician manner, has little need to improve his ties with the "WASP establishment." Even as he outlined this alternative, he had trouble remembering Mr. Hill's name.

"This is a very interesting appointment," Mr. Lee said in what would have to be regarded an understatement. "I think I'll just take my sweet time with it."