

Five urged for appeals court post

By DeWAYNE WICKHAM

The chief judge of the Maryland Court of Special Appeals and four other men were recommended to acting Governor Lee yesterday for appointment to the state's highest court.

The five candidates to replace retiring Judge Frederick J. Singley, Jr., on the Court of Appeals are: Richard P. Gilbert, chief judge of the Court of Special Appeals; Judge Solomon Liss, of the Court of Special Appeals; Judge David Ross and Judge Harry A. Cole, of the city's Supreme Bench; and M. King Hill, an attorney with a Baltimore law firm.

The racial makeup of the list, submitted by the Appellate Judicial Nominating Commission, was immediately attacked by local black leaders who charged the panel with being "insensitive" to blacks.

State law requires that the Court of Appeals be composed of six associate judges, one each from Maryland's six judicial circuits. Since Judge Singley held the seat designated for the Sixth Judicial Circuit,

which is Baltimore, his successor must come from the city.

Although Baltimore is 54 per cent black, there has never been a black named to the Court of Appeals.

While reportedly 6 of the 13 applicants for the position are black, Judge Cole is the only black on the list from which Mr. Lee will make the appointment.

"I don't understand that," said state Senator Robert L. Douglass, (D., 45th, Baltimore). "I thought more blacks would make the list."

Mr. Douglass, who is chairman of the state legislative Black Caucus, said his group recently met with the acting governor to discuss their interest in seeing a black appointed to the vacancy.

"We discussed this business of qualifications [of the black candidates] and he said Joe [Supreme Bench Judge Joseph C.] Howard was the kind of guy that needed to be on the court," the senator said.

However, Judge Howard was excluded from the list after undergoing an intensive

interview during which nominating commission members queried him repeatedly on charges that he is a "racist," according to a source close to the selection process. The vote reportedly was 7 to 6 against Judge Howard.

While Judge Howard refused to discuss the selection process yesterday, Mr. Douglass acknowledged that Mr. Lee also questioned the racism charges.

"But we dispelled that misconception," Mr. Douglass said.

The reaction from the president of the Baltimore branch of the National Association for the Advancement of Colored People, was also one of disappointment.

"I certainly think that more than one black should have been included [on the list]," Enolia V. McMillan said.

Likewise, Charles J. Josey, Sr., head of the political action committee of the Monumental Bar Association, said members of the state's black bar group were "disturbed" by the racial makeup of the list.