

http://www.baltimoresun.com/news/local/bal-md.kirk25may25_story?coll=bal%2Dlocal%2Dheadlines

Kirk sought court's help in blocking new map

Letter on redistricting asks judge to intervene

By Michael Dresser
Sun Staff

May 25, 2002

Del. Ruth M. Kirk made an undisguised attempt to persuade Maryland's top judge to intervene on her behalf in a redistricting case before the Court of Appeals, according to the text of a letter released by the court yesterday.

The letter from Kirk, a Baltimore Democrat, to Chief Judge Robert M. Bell was one of five improper contacts by legislators reported by the court this week. The others came in the form of telephone calls.

The court has said that Bell stopped reading Kirk's letter as soon as he realized its subject. The Maryland Code of Judicial Conduct bars judges from considering any communication regarding pending litigation.

In the letter, Kirk told Bell that the way her 44th District was redrawn by Gov. Parris N. Glendening was "deplorable." Previously located entirely in the city, the district now stretches from West Baltimore to Dundalk.

The letter went on to denounce "backroom brokering" that protected the seats of three fellow Democrats, Sens. Thomas L. Bromwell, Barbara A. Hoffman and Michael J. Collins.

The April 30 letter noted that at least two of the three, Bromwell and Collins, had dropped their plans to run for re-election and were moving into other jobs.

"I think this has been very unfair to the people we represent and I thought it important that you fully understood the logistics of the events that transpired so that if in any way you were able to correct the misdeals that occurred, you might intervene on our behalf," wrote Kirk, a five-term delegate.

Kirk did not return a telephone message yesterday. She said this week that she is not a lawyer. She did not know it was improper to seek to influence a judge on a pending case, Kirk said.

The other legislators who contacted judges about redistricting suits denied trying to influence a pending case.

Senate President Thomas V. Mike Miller said that he had conversations with two appellate judges in which he criticized them for a procedural ruling they had previously made.

Sen. Ida G. Ruben of Montgomery County and Sen. Ulysses Currie of Prince George's County said they merely made inquiries about the court's procedures in the case.

The contacts by the lawmakers, all Democrats, have prompted Republicans to charge that there may have been a concerted attempt to influence the court on challenges to the plan adopted in the General Assembly session that ended last month.

The contacts have been criticized by officials ranging from Glendening to Republican gubernatorial hopeful Rep. Robert L. Ehrlich Jr.

The co-chairman of the Assembly's ethics committee, Del. Kenneth C. Montague Jr., said that as far as he knows the panel has never addressed the issue of legislators contacting judges about a case.

He said he expects the subject to come up when the committee meets Wednesday, but said he could not predict whether the panel will take action.

Michael S. Steele, chairman of the Maryland Republican Party, said that while he, too, deplores the way the 44th District was redrawn, Kirk's letter was clearly "inappropriate."

"That's an argument you make before a judge as a petitioner. Kirk was not a petitioner," Steele said. "If you're a legislator in state government, you would think that at some point in your tenure, you would know the difference between the branches."

Copyright © 2002, The Baltimore Sun