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## William L. Marbury's Letter to E. Wayne Thode With Enclosed Article, "How Baltimore Pushes a Judge Through the Hoops"

William L. Marbury

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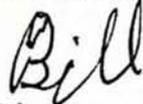
AIR MAIL

Professor E. Wayne Thode  
University of Utah Law School  
Salt Lake City, Utah 84112

Dear Wayne:

I acknowledge your memorandum of May 1st and am pleased to note the change which has been made on page 15 of the final draft. In yesterday evening's paper an article appeared which illustrates in a very pointed way some of the problems which our judges have to face under the elective system. I am enclosing a copy of the article.

Yours sincerely,



William L. Marbury

WLM:la  
Enclosure

cc: Members of the Committee and  
Professor Geoffrey C. Hazard, Jr. (with enclosure)

Baltimore Evening Sun - May 2, 1972

# How Baltimore Pushes a Judge Through the Hoops

By RICHARD O'MARA

ON a recent Sunday Marshall A. Levin began his day at 9 A.M. at a meeting of Teamsters Local 355 at 39 South street. At 10 A.M. he was shaking hands among the Beth Jacob Congregation on Park Heights avenue. At 11 A.M. he was at the Mercantile Club on Cold Spring lane. At 1 P.M. there was more handshaking at a bullroast on Pulaski highway. Around 4 P.M. he spoke to the Baltimore Business Women's Association on Holabird avenue. Some time between 5 and 6.30 P.M. he met the members of the Pulaski Brigade at their meeting in the 1600 block Eastern avenue. Then he went home, one more victim of the system Maryland inflicts upon its judges.

Rather plaintively, Marshall Levin said not long ago that all he ever wanted to do was "to study the law and get paid for it." When Governor Mandel appointed Marshall Levin a judge on the Supreme Bench last year, he had finally gotten what he always wanted. Now there is a chance he will lose it. That is why his Sundays are

so hectic—and his Saturdays, and all the days of his week. Judge Levin is running hard to hold onto his judgeship.

Trying just as hard to displace him are Thomas Ward, an attorney and former city councilman, and Archie Williams, also an attorney. Mr. Williams is black and Mr. Ward is white and that is why there is a strong possibility Judge Levin, who is white, and hence subject to a two-way split among white voters, may lose his job. As lawyers say, there is precedent.

In 1970, Milton B. Allen, Baltimore's state's attorney, won his post by drawing a concentrated black vote to himself, while the white vote in the city split among several white candidates. In 1969, Judge Joseph Howard, Judge Levin's colleague on the court, got on the bench as the only black candidate in a field of five. Now Mr. Williams hopes to duplicate Mr. Howard's strategy.

He is calling upon black people to vote for him precisely because he is black. About that he is unequivocal: "My campaign is a crusade to elevate the status of the black community." It is a tactic designed to evoke deep feelings of pride among black people awakening politically. Other inducements include a survey by the *Afro-American* that shows that only 8 of the 176 judges in all state courts are black, also that as many as 90 per cent of the criminal cases before Baltimore's criminal court involve black people.

As for qualifications, Mr. Williams asserts that he is as well versed in law as Judge Levin. So does Mr. Ward.

In his campaign, Thomas Ward emphasizes two main issues: crime in the streets and the environment of the city. He speaks of pollution, noise control, historic preservation and so on. He thinks the local courts should be more active in these areas. Mr. Ward makes much of the fact that he lives in the inner city, and the incumbent judges do not. He also charges that the Supreme Bench is in part responsible for "the very serious crime situation," owing to what he describes as "its leniency in dealing with repeating offenders." Neither Mr. Ward nor Mr. Williams have attacked Judge Levin personally or his

work on the court.

Judge Levin, for his part, has a good deal of institutional, labor and organizational political support. Among those organizations supporting him are the Baltimore City Bar Association; the Women's Bar Association of Maryland; the AFL-CIO Amalgamated Clothing Workers of America; Teamsters locals 557 and 426, freight and taxi drivers, respectively; 44 maritime unions under the umbrella of the Baltimore Port Council, and various clubs and civic organizations. On top of all that Judge Levin has a local public relations firm, Image Dynamics, working for both him and his running mate, Judge Richard P. Gilbert, incumbent on the Maryland Court of Special Appeals. Judge Gilbert's position is not considered threatened.

With all this Judge Levin is

able rises from Mr. Ward's charges of leniency toward offenders. "People are vengeful on the street," the judge says. "They want capital punishment. They want stiff sentences handed out." To counter any false impressions that he is a soft judge, the incumbent carries around and distributes at the drop of an accusation of mollicoddism a batch of newspaper clippings which reflect his rather hard-nosed attitude toward drunk drivers, gun carriers and the dubious practice of plea bargaining.

All that is standard churning in a city of changing political complexion. What sets Judge Levin's case apart from the standard, and where the public interest is imperiled, is the ill effect which this political wrestling exerts upon the courts both at short and long range.

and insinuations of favor-doing, that they are prepared to make future concessions in the courtroom in exchange for the backing of various political factions. As a result, the integrity of the bench suffers. Yet if a judge refuses to campaign, the chances are multiplied that he will have a short career. Beyond that, what of the chilling effect upon good lawyers otherwise tempted to accept judicial appointments when they watch Judge Levin pulled and hauled about—and then, perhaps, beaten?

This year the Legislature failed to approve a bill which would have taken judges out of elective politics; because of that Judge Levin, who has deeply impressed his colleagues with his ability during his five months on the court, is out on the hustings, when he should be in his courtroom, home and office, studying the law.

Mr. O'Mara is a member of the editorial staff.



Archie Williams



Thomas Ward



Judge Levin

worried, and for two reasons: first, as mentioned earlier, he is white; in an increasingly polarized city, and in a three-way race with two whites and one black, being white is a political liability. Still, Judge Levin has a long record of involvement in civil rights and welfare issues and he expects some black people to remember this in the privacy of the voting booth.

"I will get some black votes," he predicts. Specifically, he anticipates the endorsement of Fred Punch, head of the Hospital and Nursing Home Workers Union, and Dennis Crosby, the president of the Baltimore Teachers Union.

The other issue where Judge Levin feels he may be vulner-

Between now and the primary election May 16, Judge Levin (who is running in both the Democratic and Republican primaries) expects his campaign schedule to grow more crowded. As it does it is likely that his courtroom efficiency will diminish. If it did not the judge would be less than human. Thus, the campaign will force a direct and deleterious drag on the quality of justice dispensed in Baltimore. The longer range or indirect effect is not good either.

More than any other public officials, judges should enjoy an independence as near absolute as possible. Judges who are forced by the system to conduct political campaigns become vulnerable to charges