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AN INDEPENDENT NEWSPAPER

Voting on Judges in Maryland

ONCE AGAIN, some voters in Maryland will be asked at the polls to decide a contest that shouldn't have to happen at all. In this instance, in fact, the voters will be presented with exactly the choice they voted on last March—as part of a bad system that pits sitting judges against all manner of challengers. To make it worse, the challengers have turned what was a seamy campaign the first time around into an even grubbier attempt to trash two perfectly well-qualified, active circuit court judges in Howard County. The judges who deserve to be retained are **Diane O. Leasure** and **Donna Hill Staton**, each of whom has served professionally, is supported by Marylanders from both political parties (as it should be when it comes to this kind of contest) and deserves to be retained.

They are being challenged by two applicants who were passed over by the governor: Lenore R. Gelfman, a district judge, and Jonathan Scott Smith, an attorney. Because neither two-person team was able to win both primaries in March, the general election is a rematch. It is also a rehash of tacky campaign material from the Gelfman-Smith team, spiked with new low attacks on the sitting judges. The challengers in these instances always enjoy one advantage: They can blast a judge's record of decisions on almost any flimsy grounds—while sitting judges who respect their canon of ethics must refrain from getting down and dirty politically.

If challengers charge that the two on the bench are soft on crime—which has been one of the challengers' central campaign themes this time, the

sitting judges should not stoop to promising to convict and hang more defendants as a way to prove toughness. And they have not. Yet challenger Smith, who is not a judge, is free to crow that he would step up use of the death penalty, life imprisonment without parole and mandatory no-parole prison sentences for repeat offenders—and never mind what the facts of any case might be.

Promises, platforms and reckless charges should never be the stuff of these judicial ballot choices—which is why election races are a bad way to uphold a qualified, fair and independent judiciary. Judges Leasure and Staton presented themselves with dignity in what should be a choice free of partisan undertones. The nonpartisan issue for Marylanders is whether the sitting judges in each instance merit retention. Nothing here suggests otherwise. Judges Leasure and Staton clearly deserve to be retained.

Other judges' names will be on the ballots around the state, and in every instance, these sitting judges deserve yes votes on the question of whether they should be retained:

■ *Court of Appeals:* Irma S. Raker, Montgomery County (7th Appellate Circuit).

■ *Court of Special Appeals:* Ellen L. Hollander, at large (statewide); James P. Salmon, Prince George's (4th Circuit); James R. Tyler, Baltimore and Harford (2nd Circuit); William W. Wenner, (Frederick, Washington, Allegany, Carroll, Howard and Garrett counties (3rd Circuit)).