



Sun photo—Ralph L. Robinson

FRANCIS D. MURNAGHAN, JR.

# Murnaghan nominated to U.S. court

By CURT MATTHEWS

Washington Bureau of The Sun

Washington—Francis D. Murnaghan, Jr., a 58-year old Baltimore lawyer, was nominated yesterday by President Carter to be a federal judge on the United States Court of Appeals in Richmond.

The nomination will be sent within the next day or so to the Senate Judiciary Committee, which must consider and ap-

*An "old-fashioned" judicial nominee recalls an uncle's influence.....A12*

prove Mr. Murnaghan's appointment before it can be confirmed by the full Senate, the normal confirmation procedure for all new federal judges.

Mr. Murnaghan, who is a senior partner in the firm of Venable, Baetjer & Howard in Baltimore, was selected by President Carter from among five candidates recommended to the President in March by a judicial selection panel.

The U.S. Court of Appeals in Richmond (Fourth Circuit), which handles appeals from federal district courts in Maryland, Virginia, West Virginia, North Carolina and South Carolina, currently has seven members. If confirmed as expected by the Senate, Mr. Murnaghan will become the first of three new judges added to the appeals court under legislation passed last year by Congress.

Mr. Murnaghan was born in Baltimore and received a bachelor of arts degree from the Johns Hopkins University in

# Murnaghan, city lawyer, is named to federal bench

MURNAGHAN, from A1

ary chairman of the Hughes for Governor Committee, the fund-raising and campaign operation supporting the election of Harry R. Hughes.

Mr. Murnaghan additionally is a close associate of Deputy Attorney General Benjamin R. Civiletti, the second-ranking official in the Department of Justice, where all judicial nominees picked by the selection panels were screened and final recommendations prepared for Mr. Carter's consideration. Mr. Civiletti was also a partner in the firm of Venable, Baetjer & Howard before entering the government.

The four other candidates proposed by the judicial selection panel for one of the three vacancies on the court of appeals were Judge John R. Hargrove, of the Baltimore Supreme Bench, and Judges Alexander Harvey 2d, Frank A. Kaufman and Herbert F. Murray, all on the U.S. District Court for Maryland.

Mr. Murnaghan said yesterday in a telephone interview that he saw no problems stemming from his law practice or political activities that might stall his Senate confirmation. He noted that the only special-interest group he has represented in dealings with the government in recent years has been the Maryland Citizens for the Arts.

His law practice has mostly involved civil litigation and he is known as a specialist in libel law. He regularly represents *The Sunpapers* in libel cases and First Amendment issues.

Regarding the process that led to his nomination, Mr. Murnaghan said that he was initially asked by the federal judicial selection panel to complete a questionnaire and allow himself to be considered for appointment to the appeals court. However, he added that if the panel had not asked him to be a candidate for the post, he would have asked to be considered.

The nomination of Mr. Murnaghan means that the federal appeals court in Richmond apparently will remain without a black judge. It is presumed that President Carter will select nominees for the remaining two vacancies from candidates

presented by selection panels in West Virginia and North Carolina, and neither has recommended a black.

President Carter has pressed hard to nominate more blacks and women to the federal judiciary and so far he has recommended seven women, including a black woman, for the appeals courts, but no black men. The three vacancies on the appeals court in Richmond were among 35 such judgeships created under the Omnibus Judgeship Act of 1978.

Only one of the five candidates recommended by the Maryland judicial selection panel, Judge Hargrove, is black.

The President still has an opportunity to select a woman for the Fourth Circuit bench in Richmond because one of the candidates recommended by the judicial selection panel in West Virginia is Virginia Mae Brown, currently vice chairman of the Interstate Commerce Commission.

When the Circuit Judge Nominating Panel for the Fourth Circuit presented its slate of five possible nominees last March, Kathleen Carter, of Baltimore, a member of the panel, said that no women were included because none could be found who was qualified. She noted that women have only recently been brought into the system of legal education and law practice that could lead them to positions in the federal judiciary.

Before passage of the Omnibus Judgeship Act, which President Carter said was "a unique opportunity" to lessen the dominance of white males in the federal judiciary, there were only 29 blacks and 9 women among the 529 federal judges.

Commenting yesterday on Mr. Carter's nomination of Mr. Murnaghan, Senator Sarbanes said, "Both as a lawyer and as a citizen, Frank Murnaghan has demonstrated the highest standards of integrity, intelligence and character. He understands the fundamental role of the law in our society and its significance to the individual."

A source at the Senate Judiciary Committee said it was difficult to predict when Mr. Murnaghan's confirmation hearings would take place. The confirmation hearings will be held after Mr. Murnaghan completes the committee questionnaire and the panel investigates him.