

# 'Old-fashioned' man remembers an uncle

By KAREN E. WARMKESSEL

Frank Murnaghan was kind of wishing that his favorite uncle, James, could have been around to share his good fortune yesterday.

"He and I had a great deal in common," he said of his uncle, who was a justice of Ireland's Supreme Court for many years until his death in 1973. "I'd like him to know about my emulating him in one more respect."

Mr. Murnaghan, 58, a senior partner in the large Baltimore city law firm of Venable, Baetjer and Howard, was referring to his nomination yesterday by President Carter to fill a vacancy on the Fourth United States Circuit Court of Appeals, one of the country's 10 federal appellate courts.

"My uncle was a very powerful force for me," the red-haired lawyer said, noting that he also instilled in him a love of art as well as the law when he visited him in Dublin as a young man.

Mr. Murnaghan still travels to Dublin two or three times a year to visit relatives and to roam the city in search of paintings for the Irish art collection that adorns his apartment in Mount Vernon place.

His admirers say that his world view, wide range of interests and knowledge of the law make him an excellent choice for a judgeship.

"I think it's the outstanding appointment to any court in a very long time, and I'm sure that most of the members of the bar would concur," said Shale D. Stiller, a longtime friend and sometime legal adversary of Mr. Murnaghan.

"He's one of the old-fashioned people. He believes in the importance of excellence. Everything that he has done has always been excellent," Mr. Stiller said.

"He is a thoroughly cultured man. One of the few fellows around that can still quote Latin," another lawyer and friend, Melvin J. Sykes, said. He said that he had frequently tried cases against Mr. Murnaghan.

"He is fair and he is vigorous in his opposition as he is faithful in his friendship. I don't care which side I'm on as long as I have his company, but knowing his ability, it's probably better for my clients if I'm with him than against him."

A member of Mr. Murnaghan's law firm said that he combined the theoretical knowledge of law with a very strong personality and an "effective and quick courtroom presence.

"Those are qualities that you find individually in a lot of lawyers. You find all of those qualities in few lawyers," he said.

Mr. Murnaghan, a native of Baltimore and the son of a Johns Hopkins University mathematics professor, graduated from Harvard Law School, where he was a member of the *Law Review*, in 1948.

He served as an assistant attorney

general for Maryland from 1952 to 1954, when he joined the Venable law firm. He has handled chiefly civil cases and specialized in libel law.

A Democrat who has championed liberal causes, Mr. Murnaghan has served in a wide variety of civic and public offices.

He was named chairman of the city Charter Revision Commission in 1963 by Mayor Theodore R. McKeldin, a Republican.

In 1967, Mr. Murnaghan announced his candidacy for mayor, but dropped out of the race after a few weeks after it became apparent that he could not marshal enough support to beat Thomas J. D'Alesandro 3d, then the City Council president.

While a candidate, however, he proposed to put together a citywide ticket that included Jewish and black candidates.

Referring to Baltimore's black population, he said, "If 40 per cent of the community's population is to take an active role in city affairs, they must be represented on a citywide basis."

Mr. Murnaghan was appointed as president of the Baltimore city school board later that year by Mayor D'Alesandro, who called the appointment "the most critical appointment of my administration."

He served as board president during a period in which the city schools were beset with racial tension and sometimes violence. One of his pet projects was the setting up of an integrated experimental school near the Johns Hopkins Hospital, but the plan fell through.

Mr. Murnaghan resigned in February, 1970, in a policy dispute with the school board following an outbreak of violence at Eastern High School.

Dr. Thomas D. Sheldon, who was city school superintendent from 1968 to 1971, remembered that during the difficult times, Mr. Murnaghan "always kept his cool.

"Sometimes in the heat of battle people tend to disintegrate in the quality of their thinking. He didn't do that," he said.

Dr. Sheldon, who is now president of Utica College in New York state, said that Mr. Murnaghan "never let his emotions—even though you knew he felt very strongly about something—interfere with his intellect."

Mr. Murnaghan has also been closely affiliated with the Walters Art Gallery and the Peabody Institute, where he has served on the board of directors.

Of his nomination to the circuit court, Mr. Murnaghan said that being named to the bench was something most lawyers dreamed of but never really expected to happen.

"We lawyers have a lot of fun in the courts, but it's really the judges that make the system function."