

# Murnaghan for the 4th Circuit

Francis D. Murnaghan, Jr., has been an attorney for *The Sun* for nearly a quarter of a century. So we know him better than we know most nominees for high judicial position. He is a legal practitioner and constitutional scholar of outstanding ability, which in itself is reason enough for his nomination by President Carter to be a judge of the U.S. Court of Appeals for the Fourth Judicial Circuit. But Frank Murnaghan will bring a wider experience to his new position through his active role in the politics and civic life of Baltimore. He was chairman of the city's Charter Revision Commission in the 1960s, president of the city school board and a leading figure in the election of Senator Sarbanes in 1976 and Governor Hughes in 1978.

If there will be any objection to his nomination it will be because of his close ties to ranking Maryland Democratic politicians. Yet with the exception of one brief flirtation, quickly abandoned, with the idea of running for Mayor in 1967, Mr. Murnaghan has not promoted himself for elective public office. His eye was long on the Fourth Circuit, which he describes as "sort of a pinnacle of a lawyer's career." In light of what many consider the regressive direction of the Supreme Court, chiefly as a result of President Nixon's appointments, it is well that a lawyer with Mr. Murnaghan's progressive instincts has a seat of the Circuit Court that embraces Maryland, Virginia, West Virginia, North Carolina and South Carolina.

No one can predict how a judge will judge on the basis of his past record as a lawyer and a citizen. As practicing journalists in an era when First Amendment protections for press freedom are under attack, we can not be sure we have a champion on the Fourth Circuit. A Judge Murnaghan would have different responsibilities and a different perspective on these issues than a lawyer Murnaghan. We can be sure, though, that Mr.

Murnaghan will be able to add his broad understanding of First Amendment issues to the deliberations of the one bench that stands between the District Courts of Maryland and the Supreme Court. Because the First Amendment is not so much a special protection of the press as of the public's right to know, this is an area of expertise much needed in high judicial circles.

We consider Mr. Murnaghan's selection a distinguished one, and we hope he will be speedily confirmed by the Senate.