

From a name in law books to top of Maryland bench

Bell's career started with role in bias case before Supreme Court

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SUN STAFF

Robert Mack Bell started his career on the wrong side of the law. But the law came around to his way of thinking.

It was June 17, 1960, and Bell, then a 16-year-old Dunbar High School student, walked with 11 friends into the segregated Hooper's Restaurant at Charles and Fayette streets, sat down and demanded to be served.

They were arrested and later convicted of violating the state's trespass statute and fined \$10 each. But the students — represented by Juanita Jackson Mitchell and Thurgood Marshall — fought racism all the way to the U.S. Supreme Court and got their convictions overturned in the case known as Bell vs. Maryland.

Piece of living history

"It's not too many law school students who have a legal case named after them," said William Reynolds, a professor at the University of Maryland School of Law who went to Harvard Law School with Bell. "He'd walk down the hall and people would say, 'There's Bob Bell of Bell vs. Maryland.'"

When Bell was named yesterday as Maryland's top judge, he replaced Robert C. Murphy — who had fought for the other side in Bell vs. Maryland.

Murphy, then a deputy state attorney general, was one of the lawyers who defended the constitutionality of Maryland's trespass laws.

"Bob Bell is an excellent example to young people that you can go as far in this life as you are committed to struggle," said Del. Howard P. Rawlings, a Baltimore Democrat who is House Appropriations Committee chair-

man.

"The most important thing here is that he can say, 'Here I am, I went to public schools and grew up in inner-city Baltimore, and out of sheer determination and commitment to excellence, I have risen to the highest position in the judiciary,'" Rawlings said.

A long journey

A 53-year-old single man who drives a Jaguar and lives in an Inner Harbor condominium, Bell has come a long way from the de-segregated streets of 1960s West Baltimore. Known for his flair in clothing, quick wit and liberal outlook, he seems never to have lost his respect for working people.

When the Court of Appeals reversed punitive damages this month assessed against asbestos firms, Bell wrote the lone dissenting opinion, saying the damages were justified because the firms had to have known that workers were being poisoned.

And when the court ruled that a police officer making a traffic stop has no automatic power to detain passengers when no crime is apparent, Bell wrote the opinion.

One criticism of Bell has been that he dissents too often, choosing to go his own way on a seven-member court where building consensus is considered key. Some say his dissent reflects his firm convictions.

"He's very candid and articulate, and he obviously takes his oath as a judge very seriously," said Henry R. Lord, a 25-year friend and a partner at Piper & Marbury, the Baltimore firm Bell joined after law school.

Others characterize Bell's style as even-handed.

'Not bitter,' Mfume says

"His whole life is replete with overcoming, but he's not bitter about what happened back then," said Kweisi Mfume, president of the National Association for the Advancement of Colored People. "He's very balanced in that respect."

Friends describe Bell in his youth as determined to move ahead despite the obstacles of racism. He was president of the Dun-

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bar High School Class of '61, then graduated from Morgan State in 1966 and Harvard in 1969.

He has said that one of the people he admired most in life was a high school classmate, Reginald Francis Lewis, who died in 1993.

Lewis, a class vice president at Dunbar, went on to become one of America's richest men as the chairman and chief executive officer of TLC Beatrice International Holdings, the nation's largest black-owned business.

Bell, however, steered away from the business world. After practicing at Piper & Marbury, he was appointed to the District Court in 1975, Baltimore Circuit Court in 1980 and the Court of Special Appeals in 1984. He joined the Court of Appeals, Maryland's highest court, in 1991.

Business concerns

Before his appointment yesterday, some in the business community expressed concerns that Bell would be too liberal for the job as chief judge. But he was widely supported by African-American leaders, who have praised Bell as one of the most influential members of the Maryland judiciary since Thurgood Marshall.

Baltimore Mayor Kurt L. Schmoke recently wrote to Gov. Parris N. Glendening, suggesting that an important moment in Maryland history would be lost if Bell weren't chosen. Mfume reiterated that point.

"One could only wonder when the opportunity would come around again," said Mfume, who has known Bell for 20 years.

Bell will not discuss his stands on legal issues in public. But those familiar with the court say he opposes the death penalty, often criticized as disproportionately carried out against black defendants.

Bell has said little in recent years about Bell vs. Maryland, which has become a footnote in many constitutional law texts. But he said in a 1994 interview that the arrest at Hooper's left a lasting impression on him.

"The angry faces are something I'll never forget," Bell said.

The restaurant closed down years ago.