

The judge's clothes

Supreme Bench's Robert Bell takes a ribbing about his youthful looks

At a distance the figure is distinguished mostly by an off-white stinky-brimmed hat, a thick, drooping mustache and a neat ensemble of clothes that cling Glad-Wrap snug around a wiry frame.

There are also an assortment of turquoise rings and an astrological medallion that combine to give Robert M. Bell more the appearance of a smooth-talking businessman than of a Supreme Bench judge in Baltimore.

"I get some ribbing and snide remarks from people about my clothes and jewelry," he said over dinner one evening. "In some respects I guess I go against the historical image of how a judge is supposed to look. They're supposed to be less noticeable in a crowd than I happen to be, older of course and honored at having been allowed to occupy such a position.

"People don't realize that the individual, not the image, is the judge."

At closer range the judge's eyes become his most dominate facial feature. Peculiarly wide and round, they seem to be constantly decoding information, analysing it for speed, accuracy, truth.

On this particular evening Judge Bell—who was the youngest member of the District Court when he was appointed 5 years ago and is now the youngest member of the Supreme Bench—is discussing his work—explaining on the one hand his tendency toward leniency, defending on the other his penchant for the unorthodox.

But the mood, if not the conversation, is dominated by the spirit of the then-upcoming primary. For Judge Bell it represents his first challenge since being appointed to the Supreme Bench in January.

"... And if I lose," he is saying with a cool practicality, "I suppose I'll return to private practice..."

"The reason I applied for the judgeship in the first place," he recalled, "was because somebody told me there were only three black judges in a city at least 58 percent black. So I applied. I was rejected the first time—I think it was because I was so young. A few months later I applied and the committee approved me."

It turned out that the 36-year-old judge, a graduate of Morgan State University and the Harvard Law School, not only warded off challengers in the primary but was the top vote-getter among judicial candidates on both Democratic and Republican ballots.

"Frankly, I was surprised it turned out that way," he said from his chambers. "I'd like to think that this is a reflection on the type of campaign, the friends I've made over the year. I don't know what it means in political terms, though, and I suspect the general election will be a lot tougher."

For the time being, however, the Baltimore-born judge is taking the election re-

sults as a vote of approval for his courtroom style—one alternately described as "scholarly" and "easy" and yet nearly always controversial.

Since going on the bench in 1975, Judge Bell has been criticized frequently for his tendency to rule in favor of the defendant in many tight situations.

Said a former state's attorney, "In a close case, he'll find for the defendant, perhaps because of his upbringing in the ghetto. He's seen it all. He knows what goes on in the streets, so he tries to use alternatives to jail..."

For his part, Judge Bell said his upbringing sensitized him to certain situations people find themselves in, although the bottom line of his philosophy is a strict, fair and common-sense administration of justice, he said.

"I grew up in East Baltimore—still live a few blocks from where I grew up, in fact—so, sure, I know about the peculiar things that happen in the inner city," he said. "I'm sure there are those who see me as a 'black judge.' I'm not sure what that means. When I take the bench I look at each case and ask, 'Am I going to decide on the nature of crime, or on evidence?'"

"... A judge can't give up common sense. But I believe in fair application of the law. I have to be fair and I must have courage to make tough, honest decisions. We need more honesty in the judicial system," he said.

The judge's reputation for controversy has its genesis in a 1975 case when Robert Bell, then a 31-year-old District Court judge, dismissed an entire docket of solicitation-for-sex cases, creating tension between himself and city police officers.

"The officers were not presenting evidence that proved beyond a reasonable doubt that the [prostitutes] actually committed the crime. It was as if they were writing traffic tickets. If they needed to reach a certain quota, they just sat on a corner. Or less scrupulous ones would take someone into court whether they committed a crime or not because they realized that the judge would take their word... I had to demand more."

Asked if he has changed his mind about those police procedures in the last five years, Judge Bell said, "No, in fact, I'm more deeply entrenched in what I was in 1975."

A year later Judge Bell was involved in another controversy. A man killed his wife one day after the judge granted him probation on assault charges.

Today Judge Bell says there was no evidence that the husband "had a mental problem," but he admits the man may have been a poor risk for probation.

"We all make mistakes," he said, commenting on the broader subject of judicial infallibility. "I think that if you have a doubt, no matter how slight, you should resolve it favorably on the part of the de-

pendant rather than against, so you won't have to apologize."

Judge Bell says he disapproves of the tendency among judges to hand down decisions based on suppositions. "We can't act on supposed reactions," he said. "The issue is not whether or not the parole board can release a guy in a certain amount of time. I'll let the parole board do its job; I won't second-guess it. Nor will I increase a sentence by two or three years in anticipation of the board's action. That type of thing happens all the time."

He added: "Jail is not the place for a lot of folks, but I have no difficulty sending folks to jail. My job is to decide the case on its merits. I have no control over the institution [jail]."

Robert Mack Bell was born in Rocky Mount, N.C., in July of 1943 and moved to East Baltimore with his family when he was 2. Before enrolling at Morgan, he attended Dunbar High School, walking a thin line between street and square life.

"I was lucky to get out intact," he said, "but I wasn't super-smart. A lot of kids were smarter than me; they were just at the wrong place at the wrong time at some point. Fortunately I had a strong mother and father who pushed real hard and sacrificed for me."

Judge Bell said he continues to live in the community "because when you move out you lose touch with what's happening. And kids see me. They see a judge and see that I'm a regular guy. It's possible that I might replace one pimp as a role model."

Directly after receiving his law degree, Robert Bell returned to Baltimore and began working for the firm of Piper and Marbury. In 1975 he became a District Court judge, a post he held for the next five years.

"I never really appreciated what went into being a judge until then," he said. "It's not easy to go out and sit in judgment of your fellow man until you have to do it. Justice is a very sensitive thing—and you have to learn that a very big part of justice is mercy. Everything that comes before you does not deserve the ultimate punishment. Even in murder cases, you find circumstances in which the crime deserves less than the ultimate penalty."

Judge Bell said that his major problem—because of his age—was commanding the respect of tough, seasoned trial lawyers.

"I had to work hard to get their respect early on, and at first it was a problem. The litigator would accept the word of older judges," he said. "But you learn quickly that if you let them bully you, you'll have problems forever. Once you establish those ground rules you don't have a problem—no resentment."

added, "that they make everyone else stiff. Attorneys don't have to stand when they're in my chambers, and all of that. I want them to feel comfortable and feel free to talk to me, although I don't want them to get the impression they can call me Bob."

When he reflects on his interest in the law, Judge Bell recalls the February, 1960 lunch-counter demonstrations in Greensboro, N.C., when college students began registering resentment over segregated facilities.

"Everything happens slow in Baltimore," he said, "but finally it caught on, and we set up a demonstration at two downtown stores [in 1961]. My group went into one store and they wouldn't serve us. . . [They were told the store was closed, he said.] We were arrested for trespassing."

Later that day, Mr. Bell and the other students were booked and released. The trial was set for the next day and they faced a maximum fine of \$50 for trespassing. "We were defended by Robert Watts [now a judge on the Supreme Bench] and Juanita Jackson [Mitchell] and the prosecutor was James W. Murphy [also a Supreme Bench judge now].

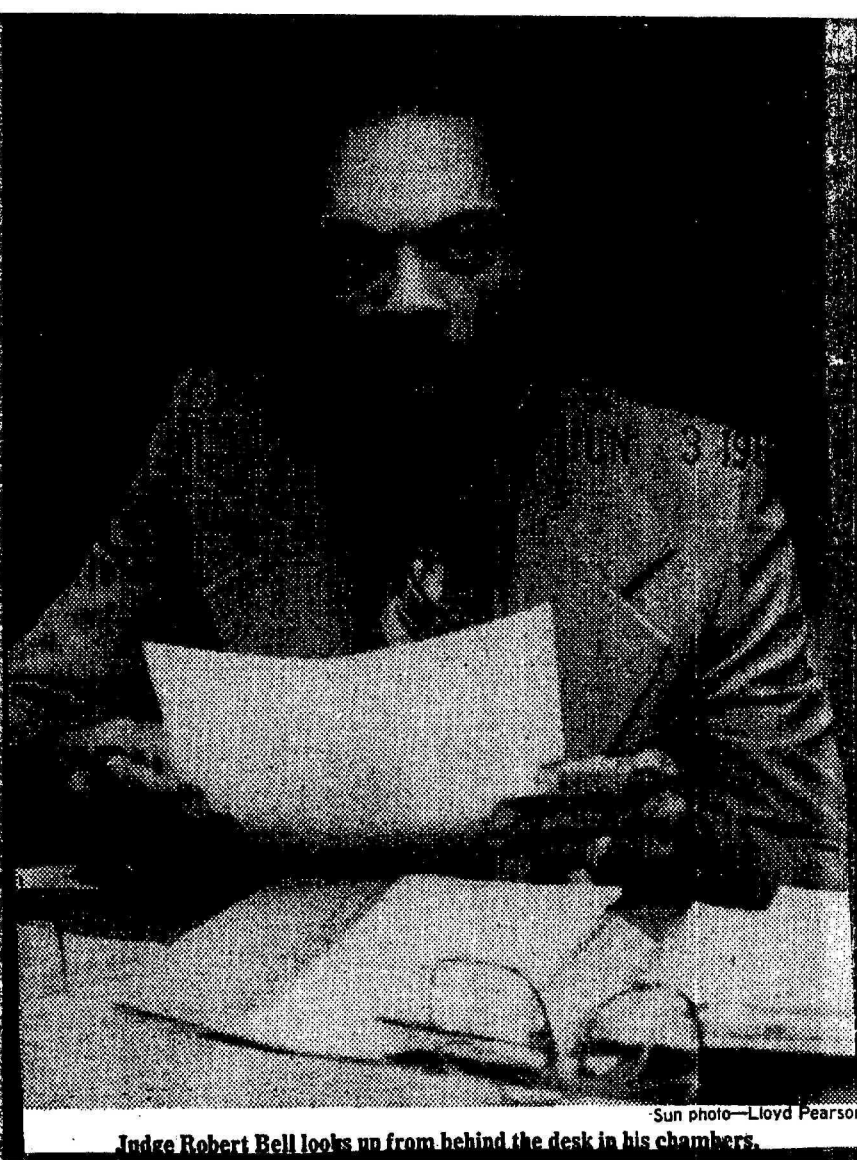
"The trial was held in the same building I'm sitting in now, and we lost," Judge Bell recalled. "The judge fined us \$10 and gave us suspended sentences. It went to the Court of Appeals and from there to the Supreme Court [in 1964]. By that time the public accommodations law had been passed, so the Supreme Court voted three to overturn the decision, three to affirm, three to send it back to the Court of Appeals."

Seven weeks later, the conviction was overturned and Robert Bell no longer had a criminal record.

The ghost of his criminal past came back to haunt him one more time, now-ever. "I was in my second year [at Harvard Law] taking constitutional law when the dean of the law school happened to go over the data on my admissions application and realized that I was the guy referred to in Bell vs. State of Maryland. He liked that."

Does he ever discuss the case with Judge Murphy, now that almost two decades have passed?

Robert Bell stands up, puts on the off-white, stinky-brimmed hat, looks at the questioner with those wide, expressionless and peculiarly round eyes, and says in his most somber judicial manner: "No."



Sun photo—Lloyd Pearson

Judge Robert Bell looks up from behind the desk in his chambers.