

Key senator may call shots on 'smart gun' legislation

Blunt chairman Baker dislikes aspects of bill

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Gov. Parris N. Glendening professes optimism about his well-publicized proposal to make handguns safer, but its fate may rest in the hands of a country lawyer who owns a gun and describes a key provision of the bill as "Mickey Mouse."

Sen. Walter M. Baker, the sometimes cantankerous chairman of the Judicial Proceedings Committee, is in a position to kill the measure or to water it down to the point of irrelevance. Or, with prodding from Senate President Thomas V. Mike Miller, he could broker a compromise that would let the governor claim some measure of victory.

"He's clearly the pivotal player at the moment," says Sen. Christopher Van Hollen Jr., a leading proponent of the legislation. "Any bill that can get out of Judicial Proceedings can survive the entire legislative process. That's always

been the bottleneck on this issue."

Baker, a Cecil County Democrat, says he admires the governor's goals and wants to pass a gun-safety bill. But his idea of a good bill is a far cry from the bold, first-of-its-kind "smart guns" legislation Glendening has made a centerpiece of his legislative agenda.

The governor wants to push the industry to develop safety technologies; the senator wants to wait until the technology is in hand before requiring its use.

The bill, which comes up for a hearing Wednesday, must run the gantlet of Baker's committee before it can reach the Senate floor or the House of Delegates.

Judicial Proceedings is easily

the most conservative committee in the General Assembly. It has long been the graveyard of liberal-leaning bills, including the gay rights legislation Glendening tried to get passed last year.

Ruffling feathers

Baker, the panel's chairman since 1987, is one of the most colorful characters in the Maryland Senate. The 73-year-old former prosecutor, first elected in 1978, resembles the stereotype of an old-fashioned Southern senator. In debate he is often blunt and sarcastic, punctuating his points with the twitching of his enormous eyebrows and some of the most expressive body language in the General Assembly.

His fellow senators respect his intelligence and independence, but his sarcastic remarks and undiplomatic statements can ruffle feathers. His disparaging comments recently about the Finance Committee provoked that panel's chairman, Sen. Thomas L. Bromwell, to call Baker a "bully."

Bromwell apologized the next day, but he is not the only one in Annapolis to express such sentiments. Baker is well known for his willingness to cut off a rambling witness or to kill a bill by never giving it a hearing.

Miller says Baker is the most conservative of the 33 Democrats in the 47-member Senate, farther to the right than many Republicans.

But Baker can be unpredictable. He describes himself as a moderate and has taken politically risky positions in favor of abortion rights.

Governor's proposal

Some gun-safety advocates have discussed ways of bypassing Judicial Proceedings, but any such defiance of its autocratic chairman would almost certainly fail without the support of Miller, who is of a mind with Baker on smart guns. Both say they want to pass a bill, and neither wants the legislation the governor proposed.

Among other provisions, the Glendening bill would require all handguns sold in Maryland as of 2002 to be equipped with built-in trigger locks. One such product requires a personal identification number to unlock it.

A commission would be appointed to certify when personalized firearms — guns that could recognize authorized users by characteristics such as fingerprints — are available from gun manufacturers. That panel would report to the governor, who could then require the use of that technology as early as July 1, 2003.

Baker says he would have no objection to requiring personalized handguns if the technology were available. But the chairman — a fierce protector of legislative prerogatives — has no interest in delegating the authority to decide when that time has come.

"I think that's the job of the General Assembly to determine when the technology becomes available," Baker says.

He is especially scornful of the trigger locks in the governor's bill, calling them "Mickey Mouse things" that would be less safe than an external lock.

With the built-in device, he says, it can be hard to tell whether the gun is locked. He also believes that gun owners, fearing that they will forget a lock's combination, will leave guns in the ready-to-fire position.

Baker says he has given Glendening his proposed changes to the legislation and that the ball is in the governor's court. Glendening won't discuss his conversations with Baker, but for now the differences between the two appear to be all but irreconcilable.

Cooperation

This political odd couple have defied expectations before, however. In 1996, they came to an agreement on a bill restricting handgun purchases to one per person per month. Baker, previously a roadblock to gun-control legislation, braved the wrath of the National Rifle Association to steer the legislation through the

Senate. In return, Glendening promised to make it the last major gun initiative of his first term. He held to that vow despite calls from his allies to seek stronger bills.

Since then, the governor has treated Baker with considerable deference. Even at the most emotional moments of last year's failed effort to win civil rights protections for gays and lesbians, Glendening refused to blame Baker, who had promised his support if the governor could round up the votes.

In 1998, Glendening appointed Baker's son, Stephen J. Baker, to a judgeship. At the time, Senator Baker expressed public fury over speculation that the move was part of a political trade-off, a rumor that the governor denied.

"I love Walter Baker, I really do mean that. I respect him as much as any other legislator down here," says Glendening.

Baker, who served on the task force that drafted the gun-safety bill but dissented from many of its recommendations, says he and the governor get along well. "We don't have no quarrel over this bill," he says.

The committee's hearings are expected to attract impassioned advocates on both sides. Grieving parents will tell how their children were killed in accidents or suicides with handguns. Gun-rights activists will portray the legislation as a threat to their constitutional rights.

It is unlikely that anything they say will make a difference.

Four lawmakers on the 10-member committee, all Democrats, are considered potential supporters of Glendening's bill. Four are among the most conservative, pro-gun Republicans in Annapolis.

The swing votes are Democrats Baker and Sen. Philip C. Jimeno of Anne Arundel County, and neither is prepared to accept the proposals at the heart of the governor's bill.

Baker and Jimeno say the farthest they will go is to require handguns to be sold with external trigger locks, hardly the landmark legislation the governor has proposed. Glendening says such a measure would not be acceptable, but Miller says he might not have a choice.

"A bill requiring technology that does not exist cannot be mandated at this time," Miller says.

Baker says he could accept oth-

er provisions of the bill, including one to impose tougher penalties on criminals found possessing guns and another to ban juvenile offenders from owning guns until they are 30.

He says he could support another provision that would require ballistic "fingerprinting" of each new handgun before it is sold.

That proposal, which would create a database of each gun's characteristics, is intended to let police trace firearms used in crimes. But unlike Glendening, Baker wants the state rather than the gun buyer to bear the cost.

The senator also says he could back the bill's requirement that gun buyers take a safety course, but not a provision requiring them to pass a test. He fears that if the test were made too difficult, it could become a de facto gun ban.

No amendments

Baker stresses that any deal would have to include an assurance that gun-control advocates in the Senate and House would not add amendments after the bill left his committee, the same price he exacted for his support of the one-gun-a-month legislation.

Glendening says he's going to continue to insist on a "good strong bill." But any proposal he views as strong is unlikely to garner the six votes it traditionally takes for the committee to approve a bill.

Miller, who had previously supported the six-vote rule, said last week that if the committee ends up with a 5-5 vote, he will ask the chairman to bring the bill to the floor anyway.

Baker, who can choose whether to schedule a vote, says that will not happen.

"There will never be a 5-5 vote in my committee," he says.