

192 of 224 DOCUMENTS

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HEADLINE: Md. Gun Referendum Must Be All Or Nothing, Attorney General Says;
New Law's Foes Can't Have It Both Ways, Curran Contends

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BODY:

Opponents of Maryland's unique new gun control law cannot ask voters to overturn the part of the law they dislike without killing the part they want to keep, Maryland Attorney General J. Joseph Curran Jr. said in an opinion issued today.

The National Rifle Association and other groups opposed to gun control plan to take to referendum the part of Maryland's law that establishes a board to decide which guns are legitimate for sale in the state and to prohibit the rest, an attempt to outlaw the cheap handguns known as Saturday night specials.

But the groups backing the petition drive do not want to include on the ballot the part of the new law that reverses a landmark Maryland court decision that manufacturers and sellers of such handguns can be held liable by the victims wounded by the guns.

Curran said the groups trying to have the handgun board part of the law placed on a Nov. 8 referendum in effect cannot have it both ways.

The bill is a "classic example of legislative compromise," Curran said, and because neither section of the bill would have passed on its own, allowing only one part to be struck down by voters would "void the intent of the lawmakers."

Gun control opponents were unfazed by Curran's opinion. "We're going to go ahead full steam with the referendum," said Richard Gardiner, assistant general counsel for the NRA.

Others opposed to gun control said it would be worth sacrificing the reversal of the court decision, known commonly as the Kelley decision, if it meant the overturn of the handgun control legislation, seen by both sides as an idea other states or even Congress might adopt.

"On a balance of Kelley versus this handgun board, there is no comparison," said Neal Knox of The Firearms Coalition. " . . . As far as I'm concerned, it's full speed ahead."

The coalition of gun groups advocating the referendum has met the first test toward putting it on the ballot in November. The Maryland Committee Against the Gun Ban last month turned in more than 22,000 signatures, twice the number needed at that stage of the process. State law requires the signatures of 33,044 registered voters by July 1 to

place an issue on referendum, and both sides in the fight expect the committee to meet the goal.

The law, the first of its kind in the country, establishes a nine-member board that will decide which handguns are legitimate for sport, law enforcement and self-protection, and prohibit the manufacture and sale of all others. The measure also will prohibit so-called plastic guns, those weapons not easily detected by airport and courthouse screening devices.

In the 14-page opinion requested by Gov. William Donald Schaefer, Curran said neither the handgun board nor the reversal of the Kelley decision would have passed the General Assembly without one being tied to the other. And he told reporters he knew that was true because, as one of the state's leading advocates of gun control, he was one of the people who suggested the compromise.

Curran's role in the bill's passage was one reason gun control opponents were skeptical of today's opinion. "It is outrageous he didn't recuse himself," Knox said.

But Curran said politics did not play into his decision and that the opinion was researched and written by his staff the same as more than 60 others in the past. He noted that the opinion said it was important that the issue be taken to referendum.

"They're clearly making this a national test and we're saying, yes, people ought to have a right to vote on this," Curran said.

The NRA's Gardiner said the organization was abiding by language in the Maryland Constitution that gives petitioners the right to take "an act or any part of an act" to referendum.

Curran acknowledged that, but said that in this case there would not have been an act without the seemingly contradictory provisions of the bill that were "fused" into a compromise.

Gardiner said it was not likely that the NRA would challenge Curran's opinion until after the referendum. If the voters chose to uphold the law, the issue would be moot.

GRAPHIC: PHOTO, CURRAN SAYS A VOTE ON PART OF THE LAW WOULD JEOPARDIZE A DELICATE COMPROMISE. LUCIAN PERKINS