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Same-sex marriage bill in peril

Co-sponsors surprise delegates by holding up passage

By Julie Bykowicz, The Baltimore Sun

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Prospects for gay marriage in Maryland are in jeopardy after several delegates said Tuesday that they are no longer certain they support it.

Legislation to recognize same-sex marriage, which sailed to relatively smooth passage last week in the state Senate, hit unexpected turbulence in a key House committee on Tuesday, when two of the bill's co-sponsors staged a walkout rather than vote in favor of it.

House leaders spoke at length to the two Democrats, Dels. Jill Carter of Baltimore and Tiffany Alston of Prince George's County. But as the House Judiciary Committee ended its work for the day, the impasse remained.

"Right now we are waiting to see what the issues are surrounding the bill," said House Speaker Michael E. Busch, who met with Judiciary Committee members throughout the day. It was unclear whether the committee would try again Wednesday to vote on the measure.

House leaders and same-sex marriage advocates were stunned by the turn of events Tuesday. Typically, co-sponsorship is a sign of enthusiastic support.

"This is coming completely out of the blue," said Del. Keiffer J. Mitchell Jr., a Baltimore Democrat and outspoken supporter of same-sex marriage. "I've never heard of a co-sponsor trying to hold their own bill hostage."

Carter, a delegate since 2003, said she continues to support same-sex marriage but wants to draw attention to city education funding cuts and to her own bill about child custody in divorces, two issues she said are "more important, or at least equally important."

But Alston, a newly elected member, said she now feels torn about the proposal itself.

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"It's a very important, deeply personal issue," she said. "I need time to think it through. I need time to pray."

Republicans on the committee, meanwhile, complained that Democratic leaders were making special accommodations for a controversial proposal that they said Maryland residents ultimately do not support.

With only Alston and Carter missing Tuesday morning, the committee had enough members present to vote — and might have voted the bill down if the roll had been called.

"The rules are the rules, unless you're in the majority," said Del. Michael D. Smigiel, an Eastern Shore Republican. "It must be good to be king."

Every vote on the Judiciary Committee is critical: Twelve are needed to move legislation to the full House, and the legislation had 12 co-sponsors.

Passage in the 141-member House remains uncertain. House leaders had said they were bracing for a rocky floor debate on an issue that the chamber has not considered before.

The House bill originally attracted 59 co-sponsors; 71 votes are needed for passage.

Alston isn't the only co-sponsor who appears to be having second thoughts.

Another judiciary member, Del. Sam Arora, also new this year, said he plans to vote for the bill in committee but has not made clear that he will vote for it on final passage.

"This bill deserves an up-or-down vote, so I'm voting to send it to the floor," the Montgomery County Democrat said. He indicated that he would announce his intentions before the floor vote.

Earlier, Del. Melvin L. Stukes withdrew his co-sponsorship of the bill, titled the Religious Freedom and Civil Marriage Protection Act, when he learned that it would extend full marriage benefits to gay couples. The Baltimore Democrat said he thought it provided only for civil unions.

The bill's pathway in the House already has proved more convoluted than in the Senate.

Senators voted 25-21 on Thursday to approve the proposal, after just a few hours of debate and no serious filibuster attempt.

Afterward, senators congratulated themselves on the calm tone of the floor debate.

Discussion about gay marriage kicked off Friday in the House with an eight-hour hearing. On Tuesday morning, House Judiciary Chairman Joseph F. Vallario Jr. announced that his panel would have a special voting session within the hour.

Twenty of the 22 delegates took their seats in the committee room. Not present were Alston and Carter.

Phone calls and a personal search by Del. Curt Anderson, a Baltimore Democrat, did not turn up the

missing lawmakers in time. Vallario dismissed the committee for lunch but said delegates should be prepared to vote at the end of the day.

Carter said she had decided to view the same-sex marriage legislation more holistically.

While she believes in the civil rights of gay couples who want to marry, she said, she wants to "send a message to leadership" that there are other critical issues, too.

"It's important, but there's other very important things," she said.

Carter said lawmakers should be devoting their energy to restoring education funding cuts to Baltimore and Prince George's County. Gov. Martin O'Malley's budget plan calls for the city to receive about \$15 million less in education money than formula-based increases call for. Prince George's would get about \$16 million less than expected.

Baltimore students and parents protested cuts Monday night in Annapolis; Carter was not present.

Carter said she also wants an up-or-down vote — as gay marriage was slated to receive — on her own bill to provide a presumption of joint custody of children to divorcing couples. The bill sat in the Judiciary Committee's drawer last year, she said.

Carter said there's no need to act quickly on gay marriage because the 90-day session is only about half over and lawmakers are in their first year of a four-year term.

She said she is "absolutely" willing to take a hit for withdrawing her support on gay marriage if it makes a larger point about her favored issues.

"I'm trying to leverage the vote to get something for my constituents," she said.

Many of the staunchest education funding advocates also support same-sex marriage.

"Marriage licenses for same-sex couples and public education funding are top priorities of the ACLU of Maryland," said Meredith Curtis, a spokeswoman for the group. "One issue cannot be held above another, and both must be championed by our leaders this session."

As the House committee reconvened after lunch, Carter and Alston quickly exited the hearing room to meet with Busch and others in leadership.

Busch, who supports same-sex marriage, said afterward that no deals were made, but he spoke to the delegates about the House's approach to policy and the budget.

"You can't be in a position in Annapolis to determine that a policy issue is driven by a budget issue," the Anne Arundel County Democrat said.

He dismissed Carter's assertion that the same-sex marriage bill is on the fast track.

"I don't think anybody has tried to rush anybody."

But Republicans said they believe Democrats are under pressure from leadership.

"Arms are being twisted, and deals are being made," said Del. Don H. Dwyer Jr., an Anne Arundel Republican who has called himself "the face of the opposition" to same-sex marriage.

"It's just not right. How this vote breaks down will show, are we listening to the will of leadership, or to the will of the constituents?"

O'Malley, a Democrat, has said he would sign a same-sex marriage bill if it reaches his desk. Opponents would then likely begin to gather the roughly 55,000 signatures needed to get the issue on the ballot, giving Maryland voters the final say.

Recent statewide polls have shown growing support for same-sex marriage, but a clear preference for the intermediate step of civil unions. Lawmakers have not proposed a civil unions plan this year.

As the Judiciary Committee's work on crime bills neared its end Tuesday, delegates believed they would be voting on the same-sex marriage bill. But at about 6 p.m., Vallario abruptly announced, "We're not going to be voting today."

The Prince George's County Democrat does not support same-sex marriage. He said he was "'kind of surprised" at the last-minute trouble the bill faced.

He said he is uncertain whether the committee will vote Wednesday. Asked whether he believes his panel will approve gay marriage, Vallario said, "I didn't see the movie, so I don't know how it ended."

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