

Chairman of Md. House panel continues fight against harsher DUI laws

By [Ashley Halsey III](#)

Washington Post Staff Writer

Thursday, April 8, 2010

With the legislative session dwindling down to a precious few days, the man everybody knows simply as "the chairman" shuffled through the mounds of paperwork on his desk in search of fresh evidence to make his case.

Other than the guard in the marbled lobby, Joseph F. Vallario Jr. (D-Prince George's) was virtually the last person in the House office building. His staff was long gone, and the powerful committee he has controlled for 27 years had adjourned to nearby Annapolis eateries.

But Vallario wasn't quite finished with his argument against efforts to toughen Maryland's laws against drunken driving.

"I just want to be sure we do the right thing," he said.

Doing "the right thing" about drunken driving, which killed more than 150 people in Maryland in 2008, has captured considerable attention during a 90-day legislative session otherwise dominated by a massive budget crisis that leaves almost every state program and agency bloodied. The quest has involved powerful lobbyists on each side, futile backroom efforts at compromise and a pair of mini-rebellions against the chairman by his committee members.

More than anything, however, it has demonstrated that with his back to the wall and stripped of his usual cadre of allies, Vallario has the power and determination to stand his ground.

Early in the drunken driving debate, one of Vallario's closest allies said the outcome wouldn't be ordained "until we get in that backroom and Joe pulls out his list of the bills that are going to get passed."

The issue seems simple enough: Advocates for tougher drunken driving laws say the

roads will become safer if first-time DUI offenders are required to install a breathalyzer ignition device in their car. Lobbyists for the alcohol industry, led by the legendary Bruce Bereano, say it's too harsh a punishment for the "one-sip-over-the-line" crowd that might contemplate a second glass of wine over dinner.

Bereano and the chairman have known each other for years. The other group lobbying against the interlock breathalyzer -- defense lawyers -- also is well known to Vallario because he is one of them.

They are pitted against another powerful lobby: Mothers Against Drunk Driving, which has made mandatory use of interlocks for first-time offenders the centerpiece of its annual agenda in legislatures across the country.

From the outset, MADD recognized that getting a bill through Vallario's House Judiciary Committee was their greatest obstacle.

The first true inkling of his influence came on the Senate side, where a bill identical to the one in the House was introduced.

"We got the word from our leadership that if 'PBJ' was in our bill when it got to the House, then the chairman just wasn't going to go for it," said one senator who was involved in shaping the bill.

"PBJ" -- probation before judgment -- is the option taken by most first-time drunk drivers in Maryland. It allows them to avoid conviction, usually in return for completing counseling and paying fines. Good DUI lawyers recommend PBJ to their clients.

MADD wanted the interlock for first-timers given PBJ. The defense lawyers and alcohol lobbyists testified that they did not. Although the Senate Judicial Proceedings Committee voted to include PBJ, the bill was amended on the Senate floor to appease the chairman once it reached the House.

Meanwhile, Vallario's committee held a long hearing on three different House bills that would mandate use of interlocks.

MADD loaded the hearing with testimony from Vallario's constituents. Bereano led several lobbyists from the liquor industry, with supporting testimony from defense lawyers.

Afternoon turned into evening, and by the time the hearing ended, it was clear that there were sharp differences within a committee that generally responds to the chairman's guidance.

Aware of unrest on the judiciary committee and mindful of the public attention it had received, House Speaker Michael E. Busch (D-Anne Arundel) summoned Vallario and the key players to his office this month.

Vallario said that in addition to exempting PBJ defendants from the interlock mandate, he wanted another concession. Instead of requiring interlocks for people over the .08 legal limit for blood alcohol, he wanted the limit bumped up to .15, protecting the "one-sip-over" violators. One of the bill's key sponsors, Del. Benjamin F. Kramer

(D-Montgomery), left the room in anger.

Busch, who appoints committee chairmen, ended the meeting with two commands: Form a "study group" of committee members that could agree on a compromise, and don't allow the disagreement to spill into a publicly embarrassing debate.

Vallario summoned several key committee members and discovered that, with elections looming and MADD wielding considerable public influence, getting a compromise to his liking wasn't going to be possible. So, he expanded the "study group" to add some members who might agree with him.

They didn't, and the committee never acted on the House bill.

Now, with five days left in this year's session, the Senate version of the bill -- sans PBJ -- is before the House committee.

Shuffling through his desk the other evening, Vallario finally came upon the file he had compiled to convince his committee members that .15, almost twice the legal blood-alcohol limit, was the proper threshold for imposing an interlock.

First there was a letter from the Wine & Spirits Wholesalers of America that said the average blood alcohol level of people in fatal accidents was .18.

Then there was a letter from the Licensed Beverage Distributors of Maryland that said a mandate would undercut "the bedrock of our judicial process -- the role of the judge."

A third letter came from Leonard R. Stamm, a defense lawyer who had testified against the bill on behalf of the Maryland Trial Lawyers Association. It listed nine different objections, including that mandatory interlocks would cost people who drive for a living their jobs.

One of the documents that Vallario found most persuasive was a list showing that 11 states allow interlocks for first-time offenders, but in 27 states, only first-time offenders above a .15 blood-alcohol level must use them. The second was a graph that showed that drunken driving fatalities in Maryland were dropping faster than in New Mexico, a state which mandates interlock use after a first offense.

"I have just been getting this information out to my committee," Vallario said. "I want us to be sure we do the right thing."