

# GOP hunting for Mary Monahan

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Len Lazarick, The Baltimore Examiner

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Where, oh where is Mary Monahan? The whereabouts of the chief clerk of the House of Delegates is one of the intriguing side issues in today's court hearing over whether the Senate unconstitutionally adjourned for more than three days last month, invalidating all the tax increases and other measures passed afterward during the special session.

Process servers working for the plaintiffs, who include Republican leaders of the House and Senate, tried to track Monahan down throughout the week - hanging out at the State House, visiting her home in Easton and another residence she apparently rents in Annapolis.

Now, lawyer Irwin Kramer, who filed the lawsuit, wants a Carroll County judge to hold Monahan in contempt for deliberately "going into hiding" to evade his questioning under oath about the official paperwork that went between House and Senate when the senators stayed home for several days.

That's all beside the point, argues Attorney General Doug Gansler and seven of his assistants in a 34-page pleading asking Judge Thomas Stansfield to reject the request for a prompt injunction keeping Comptroller Peter Franchot and other state officials from enforcing the new laws. That would do too much harm to the state's budget, they say.

The state's lawyers argue that the constitution's rule requiring the other house's consent for an adjournment of more than three days is meant to keep both House and Senate working on legislation, which they ultimately did.

That would be totally undermined if a group of legislators could invalidate laws by simply leaving town. The lawyers cite multiple cases from other states to back their reading, though it has never been decided in Maryland, Kramer points out.

In any case, journals of the House and Senate prove there was consent, the defendants argue, but that's why Kramer was trying to compel Monahan to testify about the official messages in the journal.

And finally, the defense contends that the Senate didn't adjourn for more than three days at all, since the six days it was away included a Saturday, Sunday and Veterans Day.

In other arguments, the defense says none of the plaintiffs suing is irreparably harmed by the tax increases, because the plaintiffs could have their money refunded if the taxes are eventually overturned. They also say that some of the tax increases, such as the sales tax on computer services, don't go into effect immediately and could be changed in the regular session.