



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

GUNS AND GUN LAWS

Blown call on gun bill

Posted by James Alan Fox, Crime and Punishment June 9, 2010 03:00 PM

You've seen the replay and heard the controversy: Detroit Tiger's pitcher Armando Galarraga lost his bid for a perfect game when umpire Jim Joyce mistakenly called a runner safe at first although he was clearly out by at least a half-step. Blown calls can be so aggravating, but not just in sports. One happened yesterday at the Massachusetts State House.



Governor Deval Patrick--blown call went against him

As I reported in my [last posting](#), the members of the Joint Committee on the Judiciary were being polled concerning House Bill 4102, which included a series of measures proposed by Governor Patrick to reduce gun violence. On Tuesday afternoon, the votes were counted: 4 in favor and 4 opposed, along with several non-votes. Lacking a majority, an adverse report on the legislation was transmitted to the House clerk for official recording.

It was a blown call. Whoever tallied the votes counted only those submitted by the House members of the Joint Committee (possibly because it carried a House designation) and mistakenly left off those cast by the Senate members. The true vote was 6 in favor and 4 opposed. However, by the time the procedural blunder was discovered, the erroneous outcome had already been recorded and set in legislative stone. Game over.

Just like the Tiger's hurler, Governor Patrick was jobbed and robbed. Baseball Commissioner Bud Selig couldn't reverse history, nor can anyone at the State House. Galarraga has no recourse but to return to the mound hoping he may sometime taste perfection. And, apparently, Governor Patrick may also have no recourse but to re-file his gun legislation and hope for better luck next time.

5 pm Update: There's some scrambling going on at the State House, trying to right the wrongful tally of votes. House rules allow for failed bills to be recommitted to committee. Also, an adverse report on a bill may be replaced--by vote at a subsequent level--with a positive report. And, of course, there's always the strategy of tacking on the gun provisions as an amendment to some other active bill. It remains to be seen what the ultimate fate of this legislation will be. Like a cat, this bill may have more than one life.