

# Virginia Citizens Defense League, Inc.

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## 2019 Commonwealth's Attorney Candidate Survey

Name:	Position Sought:
Address:	County/City:
City/State/ZIP:	Party:
	Phone: _____
Email: _____	Web Site: _____

1. Virginia does not have any law prohibiting law-abiding citizens from legally carrying a firearm in a public place in open view (open carry). Thus, no permit is required in Virginia to open carry. However, Virginia does require a permit for those who choose to carry a firearm concealed.

Some states recognize that every citizen has the right to carry a gun, openly or concealed, for all lawful purposes. While Vermont neither requires nor issues permits at all, 11 other states (Alaska, Arizona, Arkansas, Idaho, Kansas, Maine, Mississippi, Missouri, New Hampshire, West Virginia, and Wyoming) continue to issue optional permits for those who wish to take advantage of reciprocity agreements with other states. Many are calling this "Constitutional Carry".

**Will you publicly SUPPORT "Constitutional Carry" legislation that would allow law-abiding citizens to carry firearms openly or concealed (at the individual's discretion) for any reason except for the commission of a crime, while still allowing the individual the option of applying for a concealed handgun permit?**

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Virginia law generally prohibits the carrying of guns in both public and private K-12 schools, except for the police (including off-duty, vacationing LEOs from other states) and judges and Commonwealth Attorneys with no firearms training.

So, an untrained judge or even an off duty, vacationing game warden from Hawaii can legally carry a loaded gun into a Virginia school classroom, but a Virginia parent with a concealed handgun permit and training can't even get out of his car! This ban 1) infringes the rights of law abiding Virginians, 2) grants special privileges to citizens of other states who know little or nothing of Virginia law, and 3) makes it almost certain that children and school personnel would remain helpless in the face of a Columbine type of attack by a deranged student or stranger who will ignore the law against bringing a gun in the school.

Even the draconian federal Gun Free School Zone Act specifically exempts concealed handgun permit holders from its restrictions and allows permit holders to carry their firearms into classrooms.

**Will you publicly SUPPORT legislation to more closely conform school gun policy with federal standards by allowing concealed handgun permit holders to have a gun on their person while on school grounds?**

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Virginia law does not prohibit the carry or possession of firearms on college and university property. However, many colleges and universities have established policies prohibiting students and staff from possessing or carrying firearms on campus. Students risk expulsion and staff risk being fired if they violate these policies.

Unfortunately, these “no guns” policies only disarm the law-abiding who are then unable to provide for their own defense, as seen in recent school massacres where such gun control was in effect.

Bills were introduced in both 2006 and 2007 Legislative Sessions to eliminate these college “victim disarmament zones”. They were defeated, ensuring that criminals and murderers will have the upper hand.

As the tragedy at Virginia Tech proved, the “I’m unarmed, please don’t hurt me” approach is not an effective means of self defense, especially when faced with a violent criminal determined to kill. Unfortunately, the police can’t be everywhere all the time and usually arrive after the crime to take a report from any survivors.

**Will you publicly SUPPORT legislation that would prevent public colleges and universities from penalizing students, faculty, staff, and guests with concealed handgun permits who carry on campus?**

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Effective July 1, 2010, concealed handgun permit holders are allowed to carry concealed in all restaurants in Virginia provided they don’t consume any alcoholic beverages while carrying concealed. However, on & off duty Virginia police officers, retired law enforcement officers, vacationing law enforcement from other states, Commonwealth Attorneys, and any judge or justice of the Commonwealth are all exempted from this prohibition. This un-American arrangement creates two classes of citizens: those on the government payroll who get special privileges and the rest of us who don’t.

It seems only appropriate that there should be one standard for whether or not it is appropriate for someone carrying a concealed handgun to consume alcoholic beverages in a restaurant.

**Will you publicly SUPPORT legislation to eliminate this double standard on carrying of concealed handguns in restaurants licensed to sell alcoholic beverages for on premises consumption?**

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Gun-control advocates frequently attempt to discourage gun ownership by creating a patchwork of differing local government ordinances. Most recently, efforts have been made to authorize Roanoke, Richmond, Norfolk, and Fairfax County to enact ordinances restricting the carrying or possession of firearms in certain municipal facilities.

**Will you publicly OPPOSE any bill that allows localities to restrict the carrying or possession of firearms by law-abiding citizens in recreation centers, libraries, or other local government facilities?**

Yes \_\_\_\_\_ No \_\_\_\_\_

6. Like most states, Virginia preempts localities from enforcing their own homemade gun control ordinances to prevent gun owners from running afoul of a patchwork of criminal laws. But even though statewide firearms preemption was enacted in Virginia way back in 1987, and was further clarified and strengthened in 2002, 2003, and 2004, localities continue to enact and enforce local gun control ordinances. As recently as Spring 2007, the City of Norfolk enacted a “gun ban” and then proceeded to arrest a law-abiding individual for violating this invalid local ordinance.

Individuals who violate the law are subject to mandatory penalties. But localities, even when losing in court when these illegal gun bans are challenged, merely MAY have to pay reasonable attorney fees, expenses, and court costs to citizens who prevail in declaratory actions.

**Will you publicly SUPPORT legislation that would REQUIRE localities to pay reasonable attorney fees, expenses, and court costs to citizens who prevail in declaratory actions against illegal gun bans?**

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Gun-control advocates have made a concerted effort to demonize gun shows as a place where criminals have ready access to firearms. However, according to a 2016 U.S. Department of Justice report, only 0.8% of criminals got their guns from gun shows.

In Virginia, the State Police maintain strict control over all gun shows and dealers are required to ensure that all their firearm transfers are approved by the State Police whether the transfer is consummated at a gun show or at the dealer’s place of business.

The terms “gun show loophole” and “unlicensed gun dealer” have been fabricated to mislead the public into believing that gun shows permit gun transfers that would be forbidden anywhere else. There is nothing that can be done legally at a gun show that cannot also be done legally outside of a gun show.

Closing the imaginary “gun show loophole” is just the first step in a campaign to criminalize all non-dealer private gun transfers.

**Will you publicly OPPOSE any legislation designed to ban non-dealer private gun transfers (whether at gun shows or outside of gun shows)?**

Yes \_\_\_\_\_ No \_\_\_\_\_

8. In addition to efforts to close the non-existent “gun show loophole”, gun-control advocates have recently started pushing “universal background checks” in an effort to criminalize all non-dealer private gun transfers. The only way to implement and enforce private seller background checks is to implement gun registration so the government knows who has what guns and when any transfers take place.

In addition, under the “universal background check” scheme, the Right to Keep and Bear Arms would be the only right enumerated in the US Constitution that would require permission from the government to exercise that right.

**Will you publicly OPPOSE any “universal background check” legislation?**

Yes \_\_\_\_\_ No \_\_\_\_\_

9. A few states, such as California, have implemented Red Flag laws, also called Gun Violence Restraining Orders (GRVO) and Extreme Risk Protection Orders (ERPO). The fact that the accused is left free and unsupervised instead of the Court mandating psychiatric observation, detention, or supervision proves that these are really gun-confiscation laws disguised as “gun-violence prevention” or “suicide prevention” laws and are being pushed hard at both the state and federal levels.

Red Flag laws allow a judge to direct the police to confiscate a person's firearms merely on the word of another that the gun owner is a danger to himself or others. The accused does not get any due process, or even any notice, before the police show up at his door to remove all his firearms at gunpoint. Only after a period of time can the gun owner petition the court to return his firearms. The court can deny the petition for as long as they choose.

Red Flag laws strip a citizen of not only his right to keep and bear arms, but also his right to due process and presume guilt in advance of a crime being committed.

**Will you publicly OPPOSE any Gun Violence Restraining Orders legislation?**

Yes \_\_\_\_\_ No \_\_\_\_\_

10. Gun-control advocates have attempted to ban various classes of firearms and related items such as:

- semi-automatic copies of popular military rifles and carbines (strictly due to their cosmetic appearance when they are, in fact, identical in function to standard semi-automatic hunting rifles)
- inexpensive and affordable handguns (frequently demonized with the racist and fear inducing "Saturday Night Special" label)
- high-capacity magazines (standard capacity magazines misrepresented as “high-capacity” based solely upon an arbitrary definition of what is “high-capacity”)
- expensive, top shelf guns (like .50 caliber rifles)
- etc.

**Will you publicly OPPOSE ALL gun bans?**

Yes \_\_\_\_\_ No \_\_\_\_\_

11. With the recent push by the federal government to ban various types of guns and magazines, and with talk of registration and even confiscation, it is very important that Virginia protects its citizens as much as possible from having constitutional rights unlawfully stripped away.

**Will you publicly SUPPORT legislation to prevent any agency, political subdivision, or employee of Virginia from assisting the Federal government of the United States in any investigation, prosecution, detention, arrest, search, or seizure, under the authority of any federal statute enacted, or Executive Order or regulation issued, after December 31, 2019, that infringes on the individual Right to Keep and Bear Arms by imposing new restrictions on private ownership, private transfer of firearms, firearm magazines, ammunition, or components thereof?**

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Most firearms experts recognize that mechanical devices, such as trigger locks, create an extremely dangerous condition, whereby a gun can be fired accidentally. These dangerous "lock up your safety" devices may render a firearm ineffective when most needed and leave an individual or family defenseless and vulnerable to attack. Additionally, trigger locks create a false sense of security similar to that created when child safety caps were mandated which resulted in a significant increase in child poisonings when parents came to rely on the "safety" caps rather than education to protect their children.

**Will you publicly OPPOSE government mandated use of trigger locks or other such hazardous "safety" devices which have the effect of making it difficult, if not impossible, to have a gun available to defend your home and family?**

Yes \_\_\_\_\_ No \_\_\_\_\_

13. Most experts agree that "ballistic fingerprinting" is not a valid fingerprinting of firearms but rather just a snapshot in time because the markings on the shell and bullets change over time with use, parts replacement, and/or intentional modifications.

Two studies done for the California Department of Justice concluded that ballistic fingerprinting is not a viable methodology. Most recently, a Maryland State Police report on Maryland's ballistic fingerprinting program called it expensive and ineffective. It is not only a waste of taxpayer dollars, but prohibitively increases costs for hobbyists and sportsmen. In addition, the head of the Maryland State Police testified before a Maryland House committee that the mandate to collect ballistics information hasn't helped solve any crimes.

**Will you publicly OPPOSE any legislation designed to impose these useless and expensive "feel good" ballistic fingerprinting schemes in the Commonwealth?**

Yes \_\_\_\_\_ No \_\_\_\_\_

14. In 1989, the Supreme Court of Virginia (SCOVA) MANDATED, in Diffendal vs Commonwealth, that "Moreover, the force used must be reasonable in relation to the harm threatened." However, in 1995, the General Assembly changed concealed weapons permits from "weapon" permits, to "handgun" permits, stripping Virginians of ANY less than lethal option, despite SCOVA's mandate. This puts case law and the Code of Virginia in direct conflict with each other, and creates a dangerous liability for all carriers in Virginia, open or concealed.

**Will you publicly SUPPORT less-lethal options for Virginia's citizens by restoring Virginia's concealed handgun permit back into a concealed weapons permit, as it was prior to 1995?**

Yes \_\_\_\_\_ No \_\_\_\_\_

15. Recently, there has been an effort to ban suppressors based upon one illegal use of this firearm accessory, even though there are well over one million legally owned suppressors in the United States that are used safely and responsibly by law-abiding citizens.

Unfortunately, too many people believe Hollywood movies that, for dramatic effect, vastly overstate the noise reduction capability of a suppressor. When a gun is fired, three sounds are produced – the supersonic crack of the bullet, the muzzle blast of gasses created by burning gunpowder, and the cycling of the weapon. A suppressor reduces only one of these sounds – the muzzle blast. Even with a suppressor, most common rifles and pistols are still very loud. Suppressors lower the sound level for most firearms from much louder than a jet plane taking off down to the level of a jackhammer.

A suppressor helps prevent long-term damage to the hearing of a shooter, hunter, or nearby people. It also reduces environmental noise levels affecting nearby residences & businesses.

**Will you publicly OPPOSE any legislation to ban the sale or possession of suppressors in the Commonwealth?**

Yes \_\_\_\_\_ No \_\_\_\_\_

Feel free to attach additional comments to this survey. Please consider keeping a copy of the survey and your answers for your records.

<b>Candidate Authorization</b>	
My signature affirms that the answers given above accurately represent my beliefs as a candidate for elective office.	
Candidate's Signature	Date