

General Assembly special session on gun violence halted by Republican majority

by Megan Schiffres

RICHMOND—The General Assembly's special session on gun violence Tuesday, July 9, was adjourned almost immediately by a majority of Republican legislators in both the House and Senate.

After only an hour and fifteen minutes the Senate voted 20-18 to adjourn the special session until November 18, followed by the House which voted 50-46 to adjourn after about an hour and a half of discussion.

The special session was called by Gov. Ralph Northam in the aftermath of the mass shooting in Virginia Beach which killed 12 people and wounded four others. The legislation proposed by Democrats for consideration during the special session included bills that would have required background checks for all firearm sales, prohibited people subject to protective orders from possessing a firearm, given law enforcement and the courts the authority to temporarily separate a person from firearms if that person poses a danger to themselves or others, enhanced the punishment for allowing access to a loaded, unsecured firearm by a child, banned firearms from government buildings, and enabled localities to enact firearm ordinances stricter than state law.

"It is shameful and disappointing that Republicans in the General Assembly refuse to do their jobs, and take immediate action to save lives. I expected better of them. Virginians expect better of them," said Gov. Northam.

Advocates for common sense gun control legislation, including survivors of the mass shooting in Virginia Beach, demonstrated on Capitol Square before the special session convened, calling for the legislation before the General Assembly to bypass committee assignment and be voted on the floor of both chambers.

"I feel like we were robbed, that they didn't do their jobs and I think it's so frustrating," said Julie Lahann, a representative of the pro-gun control legislation group Indivisible NoVA West, after the session was abruptly adjourned.

Both gun control and gun rights advocates lobbied members of the General Assembly in the hours before the special session began, queuing up for entry into the General Assembly Pocahontas building in a line which stretched around the corner. Some gun rights advocates protested the special session by open-carrying loaded firearms outside and throughout the halls of the government building, demonstrating their right to bear arms in government buildings which could have been threatened by legislation proposed to curb gun violence if the special session had continued.

"We do right-to-carry around the Commonwealth for educational purposes. We educate the public on what their rights are," said gun rights advocate Brandon Howard, who organized a pro-gun rally during the special session and lobbied members of the legislature holding an AR-15 rifle.

Despite political pressure to do more than offer thoughts and prayers to victims of gun violence across the Common-



Democratic Sen. Jennifer Boysko of Herndon chants in the midst of a pro-gun control rally held at the entrance of the General Assembly building. Photo by Megan Schiffres



Brandon Howard, a gun rights advocate and member of Right to Bear Arms Richmond, lobbies legislators carrying an AR-15 rifle. Photo by Megan Schiffres

wealth, the General Assembly achieved that. Both chambers passed a series of commendations including House Resolution 4013, celebrating the lives of the victims of the mass shooting in Virginia Beach, and Senate Resolution 4016, commending the Virginia Beach Police Department and Virginia Beach Sheriff's Office, but failed to pass proposed reforms aimed at preventing a tragedy like the one that occurred May 31 from happening again.

On the House floor, several representatives spoke about their own experiences with gun violence and expressed their support for meaningful gun violence prevention legislation in Virginia.

"We need to have real conversations about the ease with which individuals who might be a harm to themselves or others can get a gun while also wanting to help gun owners keep their guns away from those who could harm or hurt others," said House minority leader Del. Eileen Filler-Corn. "Far too many innocent people lost their lives in Virginia Beach just last month. And every week far too many people lose their lives from guns as well. No one should worry when they go to work, when they go to a movie, when they go to a restaurant, when they go to a picnic, that they might not be able to come home to their loved ones."

Del. Barry D. Knight, who represents Virginia Beach,

shooting is incomplete.

Sen. Ryan McDougle, who represents the Northern Neck, made the motion in the Senate to adjourn and also voted in favor of ending the session.

"This was a political ploy by the governor ahead of an election," said Sen. McDougle. "I am pleased that we are now going to go through a deliberate process where we are going to have an actual conversation about legislation and policy to come up with a deliberate-evidence based package instead of one that's just trying to score political points."

Sen. McDougle, who also sits on the Senate committee on courts and justice where several gun control bills were referred before the special session began, moved to refer the proposed legislation to the Virginia State Crime Commission for consideration after the special session adjourned. The House committee on militia, police and public safety also referred all bills before them to the Virginia State Crime Commission.

"The Crime Commission is made up of legislators and experts in the field that can focus on researching this issue but we can also wait for the



Sen. Ryan McDougle claps as a package of commendations is passed by the Senate. Photo by Megan Schiffres



Possibly the world's cutest protester is held by their mother, a member of the pro-common sense gun legislation group Moms Demand Action. Photo by Megan Schiffres

investigation to conclude," said Del. Ransone.

The commission's findings will be considered when the General Assembly convenes again on November 18.



Gun control proposals ricochet

Gov. Ralph Northam addresses the pro-gun control rally outside the Capitol on Tuesday, July 9, calling on Republicans in the General Assembly to bypass sending proposed legislation to committees and instead send them for a vote on the floor of each chamber. However, Republican legislators halted proceedings. More coverage appears on page A6. Photo by Megan Schiffres



Pro-gun control protesters gather in Capital Square. Photo by Megan Schiffres

Northumberland County declared a Second Amendment sanctuary

by Megan Schiffres

HEATHSVILLE—Bearing orange “Guns Save Lives” stickers proudly on their chests, over 150 members of the community filled the Northumberland courthouse last Thursday for a public hearing on a resolution to make the county a Second Amendment sanctuary.

The crowd filled every available space in the Circuit Court, with supporters of the resolution spilling out into the hallway to form a long line of local gun

owners eager to say their piece.

Following the hearing, supervisors passed the resolution, 4-1, and declared the county a Second Amendment sanctuary. Northumberland has now joined a growing list of over 40 Virginia counties which have taken similar positions, in anticipation of the General Assembly’s legislative session in January when Gov. Ralph Northam plans to reintroduce eight pieces of gun control legislation.

Board members Ronnie Jett, Richard Haynie, Joe Self and Thomas

Tomlin voted in favor of the resolution. Member Jim Long voted against, arguing that the resolution has no legal effect.

“This motion is not going to mean anything because they’ve got to stay within the rule of law in Virginia,” said Long.

Legal scholars across Virginia have agreed that these Second Amendment sanctuary resolutions do not have any legal power to override state or fed

COUNTY, continued on page A3

Northumberland declared a Second Amendment sanctuary

continued from page A1

eral gun laws, and if they are enforced, are unconstitutional.

“It depends on what these resolutions are meant to do. If they’re simply resolutions they may be aspirational or political or advisory, if they’re meant to simply sound off on second amendment rights, they may have no legal consequence,” said University of Virginia constitutional law professor A.E. Dick Howard, when contacted regarding the issue. “Assuming the resolutions have some legal force, if they are saying the county and its officers like the sheriff will not enforce gun laws that might be passed by the General Assembly, then they’re not constitutional. They’re clearly beyond the power of a county board of supervisors.”

The majority of these resolutions, including Northumberland County’s, have expressed general opposition to what they call unconstitutional gun laws which they predict will be passed by the state government next year, and have urged the General Assembly not to accept any legislation that would infringe on its citizens’ right to bear arms. In particular, Northumberland County’s resolution is constitutional because it recognizes that the board has no legislative, regulatory, or enforcement authority related to gun rights, and has no authority over the independent execution of the duties of the Constitutional officers involved in enforcing gun control legislation.

Other counties, including Gloucester, have passed more extreme and potentially unconstitutional resolutions declaring their intention to withhold public funds to law enforcement agencies that restrict or aid in the restriction of Second Amendment rights.

“These resolutions have no legal effect whatsoever. It’s really the gun lobby trying to



Northumberland Sheriff Doc Lyons reads a proclamation expressing his opposition to unconstitutional gun control laws.

scare a lot of people,” said Virginia attorney general Mark Herring, in statements to the press related to the issue. “When the General Assembly passes it in the upcoming session, those laws are going to be enforced and they will be followed.”

The Second Amendment sanctuary resolutions that have been adopted across Virginia have been modeled after resolutions throughout the nation declaring certain cities sanctuaries from immigration enforcement. However, legal experts say supporters of second amendment sanctuaries cannot compare their efforts to immigration enforcement sanctuaries because that comparison does not account for the difference between the responsibility of local law enforcement officers to assist in the implementation of state and federal laws.

“The difference with sanctuary cities around the country in this immigration context is that the U.S. Supreme Court has held that the federal government does not have the power to commandeer state and local officials to enforce federal law,” said Howard.

“If it does raise a constitutional question, it’s very different in kind from the questions raised by resolutions of so-called

second amendment sanctuary counties in Virginia. So I don’t think those who would defend the counties can invoke the parallel of what may or may not be happening in sanctuary cities across the county. I just think that’s an inaccurate comparison.”

Public comments

Sixteen members of the public spoke in favor of the proposed resolution during Thursday’s hearing, including Northumberland County Sheriff Doc Lyons who said he would not enforce unconstitutional gun control legislation during his remaining term in office. Board members also congratulated Sheriff Lyons on his retirement during the Thursday meeting of the board.

“The Northumberland County Sheriff wishes to express his intent to stand as a sanctuary county for Second Amendment rights and to oppose, within the limits of the Constitution of the U.S. and the Commonwealth of Virginia, any efforts to unconstitutionally restrict those rights and to use such legal means at my disposal to protect the rights of the citizens of Northumberland County to keep and bear arms including through legal action, the power to spend public funds, the right to petition for redress of grievances, and the power to direct deputy sheriffs

of Northumberland County do not enforce any unconstitutional law,” Sheriff Lyons said.

As Constitutional officers sworn to uphold the laws of the U.S. Constitution and Constitution of Virginia, local sheriffs like Lyons have no choice but to enforce gun control legislation regardless of their personal feelings about the laws’ constitutionality. The question of constitutionality, experts say, is up to the courts to decide.

Although he declared his intention to fight the enforcement of what he called unconstitutional gun control laws through the power of his office, Sheriff Lyons clarified later that he would uphold his constitutional duty to enforce the laws of Virginia regardless of whether additional gun control legislation is passed. Northumberland County’s sheriff-elect, Johnny Beauchamp, said he also intends to uphold his constitutional duty to enforce state laws when he comes to office in January.

“As a deputy for 20 years, every time I’ve taken the oath the first line is to uphold the Constitution of the U.S. and the Constitution of Virginia. I’ve done that throughout my career and as sheriff I will continue to do so,” said Beauchamp.

Heathsville resident and founder of the Virginia Hunters Coalition Ken Kirk also spoke in favor of the resolution, arguing that the Second Amendment is the county’s only defense against a tyrannical government.

“The second amendment wasn’t established for hunting. It wasn’t established so I can protect my home. The Second Amendment was to defend against tyranny,” Kirk said.

Many supporters of the resolution who spoke during the public hearing repeated a claim that Gov. Northam is introducing legislation that would require all gun owners to register their firearms with the state government.

“We cannot allow a governor who took an oath to protect the Constitution of the U.S. and the Constitution of Virginia, we cannot allow him to violate his oath of office and with one stroke of his misguided pen, make law abiding citizens like us felons. And that’s what he wants to do,” said Heathsville resident James Day.

However, Gov. Northam has not proposed such legislation and the eight bills he has promised to reintroduce this January

mirror gun control legislation that has already been enacted in other states, such as requiring a background check on all gun sales, limiting handgun purchases to once every 30 days, requiring lost or stolen firearms to be reported to police, allowing courts to confiscate firearms from people who are a danger to themselves or others, and a ban on assault rifles across the Commonwealth.

Four members of the public expressed opposition to the proposed resolution during the meeting Thursday, including Macedonia Baptist Church senior pastor Rev. Dr. Linwood Blizzard, who argued the resolution unjustly and unconstitutionally gives local law enforcement officers the power to choose which state and federal laws to enforce.

“Second Amendment sanctuaries attempt to move the power of interpreting gun ownership from the high levels of government to local levels,” said Rev. Blizzard. “Subjective interpretation of gun laws will ultimately create a further disparity when it comes to race and gun ownership, and the potential for intimidation without recourse as the sheriff subjectively enforces the state law.”

National and state-level gun control advocacy groups including the Coalition to Stop Gun Violence oppose Second Amendment sanctuary counties on the

grounds that they do not express the majority opinion of Virginians and could create a dangerous precedent by encouraging local governments and individual citizens to break the law.

“The voters spoke loudly and very clearly on November 5th. They voted for candidates committed to preventing gun violence and embracing policies and laws that do that,” said Coalition to Stop Gun Violence senior advocacy director Lori Haas. “I think that supervisors and these boards that are giving the impression that the citizens in their counties can ignore the law is dangerous and could be exposing these board members, individually and collectively, to litigation.”

House subcommittee passes by Equal Rights Amendment indefinitely

by Megan Schiffres

RICHMOND—Brandishing signs that read “Women Are Watching,” “Kill the ERA + lose your seat,” and “Men for Equality,” over 150 women and men crowded into a House committee room Tuesday morning to show their support for the ratification of the Equal Rights Amendment in Virginia.

“The equality between men and women is a core fundamental American value that I hope we can all agree on. We are here because the courts currently treat gendered discrimination more leniently than discrimination based upon race, national origin and religion,” said Del. Jennifer Carroll Foy of Woodbridge, co-patron of one of the resolutions before the House to ratify the Equal Rights Amendment (ERA). “The equality of 160 million women and children are dependent upon what you do or do not do here during this legislative session.”

The House privileges and

elections subcommittee #1 considered four resolutions to ratify the ERA. Members of the subcommittee were booed and jeered by the gathered crowd, made up of mostly older women proudly wearing purple Ratify ERA buttons, when they voted 5-2 to pass by all four resolutions to ratify the ERA indefinitely.

The Democrats on the subcommittee that supported the resolutions, Del. Mark Sickles of Fairfax and Del. Schuyler VanValkenburg of Richmond, were overruled by the Republicans on the subcommittee, Del. Ransone of Westmoreland, Del. Riley Ingram of Hopewell, Del. Hyland Fowler of Glen Allen, Del. John McGuire of Louisa and Del. Mark Cole of Fredericksburg, who voted in favor of passing by the resolution.

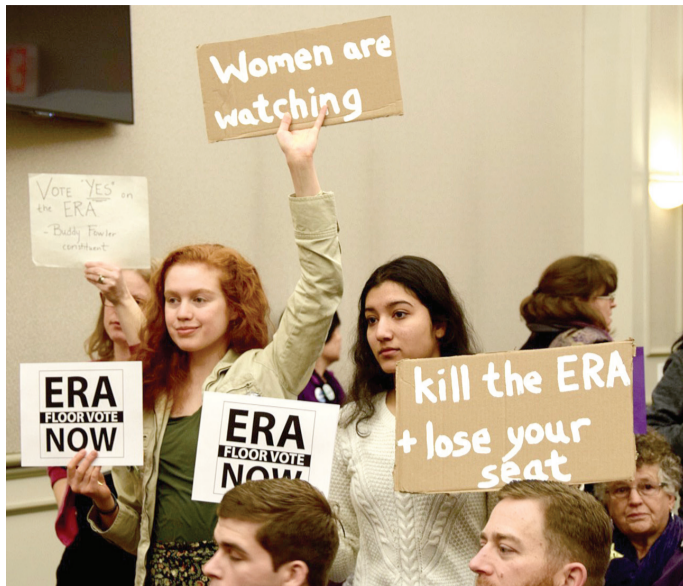
“This is about Constitutional values and Constitutional structure, because what the Constitution does is set up the terms of our debates on policy and politics,” said Del. VanValkenburg. “What the amend-

ment does is set the terms of the debates, and so we think the terms of the debate should start on the premise of equality and that’s what got lost today and that’s what we didn’t pass.”

Del. Ransone, who chairs the subcommittee, said she voted against the ERA because she hasn’t personally experienced discrimination on the basis of sex.

“Today I’m going to vote against the resolution before us because I think it’s simply not needed,” said Ransone. “I want to talk to the young girls in the audience. What I would say to them is that you can do anything you want. If you set your mind to it you can make it happen, just like the women who serve in this body with me.”

The crowd of ERA supporters responded to Del. Ransone’s explanation that the amendment isn’t necessary with shouts of “Yeah, if you’re white,” “We deserve a vote” and “We don’t all live in a Disney movie.”



Supporters of the Equal Rights Amendment hold their signs high so members of the House committee can read their messages.

Eileen Davis, co-founder of Women Matter, a group dedicated to ratifying the ERA, said Virginia is long overdue in ratifying the amendment and quoted the amendment’s author, Alice Paul, in her argu-

ment in support of its ratification.

“Unless women are prepared to fight politically, they should be prepared to be ignored politically,” said Davis. “And we’re not prepared to be ignored any-

more. The time is up on that.”

Although the subcommittee passed indefinitely on the ERA, the resolutions to ratify the amendment are not technically dead. The House committee on privileges and elections still has the opportunity to consider the resolutions and send them to the House floor. Although Del. Cole, committee chairman, said he has not yet decided whether the resolutions will be heard, according to committee member Del. Sickles, he expects the resolutions to ratify the ERA will be brought up during the next meeting of the House committee on privileges and elections.

“I think with this type of attention that it’s getting, I think there’s an expectation that it’ll be brought before committee,” said Del. Sickles.

The next meeting of the House privileges and elections committee is scheduled for 9:30 a.m. Friday, January 25, in House Room 3 at the Virginia Capital.

Del. Ransone says she will vote against ratification of Equal Rights Amendment

by Megan Schiffres

RICHMOND—A bipartisan resolution to ratify the Equal Rights Amendment in Virginia passed the Senate last Tuesday.

The amendment states simply: “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. This amendment shall take effect two years after the date of ratification.”

Although it’s passed the Senate five times since 2011, the amendment has never cleared the House. Last year the same legislation was left in the House privileges and elections committee and was defeated in the Senate committee on rules.

The resolution to ratify the Equal Rights Amendment (ERA) was referred to a House privileges and elections subcommittee on Monday, January 21. The subcommittee chairman, District 99 Del. Margaret Ransone, says she will not support the ratification of the ERA in Virginia.

“I’ve always voted no on the amendment,” said Del. Ransone.

The ERA was approved by Congress in 1972, but in order for it to be added to the Constitution, 38 states must first ratify the amendment. Last year Illinois became the 37th state to ratify the amendment, so if Virginia votes to ratify, it would be a historic moment in the nation’s history and for the women’s equal rights movement in America.

“I would be very proud if Virginia’s the 38th state to ratify the ERA and I think we’ve got a great chance to do it this year,” said Gov. Ralph Northam.

The ERA was first written in 1923 by Alice Paul, an American suffragist and feminist, and presented at the 75th anniversary of the First Women’s Rights Convention.

In her remarks as she introduced the amendment in Seneca Falls, N.Y., Paul stated, “We shall not be safe until the principle of equal rights is written into the framework of our government.”

Senate Resolution 284 was introduced by a coalition of bipartisan legislators and co-sponsored by a Republican Glen Sturtevant of Midlothian.

“Ratification of the ERA would mean lasting and established protections for women in the Constitution that would provide a basis for ensuring things like equal pay and generally equal treatment before the law,” said Sen. Rosalyn Dance of Petersburg, co-patron of Senate Resolution 284. “Every day’s delay by the House to take action lessens our chances of reaching our goal. However, I am optimistic that my colleagues in the House will see the immense support for the ERA that was reflected in the Senate proceedings and will ultimately make the right choice.”



It must be approved by the House to move forward, but first must be accepted by the subcommittee. According to Del. Ransone, the bill will be heard by her committee.

The House committee on privileges and elections has already been referred three different resolutions to ratify the ERA this session including House Joint Resolution 579, introduced by Del. Jennifer Carroll Foy of Woodbridge, House Joint Resolution 577, introduced by Del. Sam Rasoul of Roanoke, and House Joint Resolution 583, introduced by Del. Jeion Ward of Hampton. Although all three of these resolutions were pre-filed last year, months before the start of the session, they also have been referred to the subcommittee.

Del. Hala Ayala of Woodbridge, chief co-patron of House Joint Resolution 579, said Virginia is long overdue in ratifying the amendment.

“Virginia’s had a history of being on the wrong side of history. We have an opportunity to right some of those wrongs,” said Del. Ayala. “I would say to my fellow Republican legislators who are still apprehensive about this that we’ve had this on our state Constitution for over 20 years and no blue-toothed monster has come out, none of these arguments that they bring up have occurred, and now is the time. We’ve got to stop putting in these delay tactics.”

Section 11 of the Virginia Bill of Rights states: “The right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall be abridged.” However, only the government is prohibited to discriminating on the basis of sex through this amendment to the state’s Constitution, and the separation of sexes is not considered discrimination under the existing state Constitution.

The chairman of the house privileges and elections committee, Del. Mark Cole of Fredericksburg, said he would vote against ratifying the ERA if it were to be heard by the committee, due to concerns he has about the amendment’s potential infringement on religious liberties.

“Part of the reason the old ERA failed was not because people want to discriminate, but because there were concerns about potential unintended consequences where judges might order churches to violate their beliefs,” said Del. Cole.

Organizations such as the Family Foundation, an organization that lobbies for socially conservative policies in Vir-

Even if the ERA is ratified by Virginia, it still faces legal challenges to its validity. When the amendment was passed by Congress in 1972, it gave states until 1979 to ratify. That deadline was later extended to 1982, but by then only 35 states had ratified it. Since then, not only has the amendment been stagnant, but five states have retroactively rescinded their ratification.

ginia, oppose the ratification of the ERA due to concerns that it could give progressive organizations a Constitutional argument to support a woman’s right to an abortion.

“The ERA seems like an innocuous concept. It’s a vaguely worded Trojan horse to bring about wide-sweeping liberal policies at a U.S. Constitutional level,” said president of the Family Foundation Victoria Cobb.

She is concerned that the vague wording of the ERA could cause the separation of the sexes, such as in prisons, the military, or religious rituals, to be challenged by progressives in court, said Cobb.

Del. Cole introduced a resolution on January 9 to urge Congress to rewrite the Equal Rights Amendment “with language that addresses the concerns over religious and privacy rights” to be ratified by the states. This resolution

has been referred to the House committee on rules.

Del. Cole, who also chaired the House privileges and elections committee last year, refused to assign any of the three resolutions to ratify the ERA that were referred to the committee last year.

According to a poll released by the Wason Center for Public Policy at Christopher Newport University last month, 81% of voters polled support the ratification of the ERA.

Supporters of the ERA argue a Constitutional amendment is necessary to ensure the equal treatment of women under the law and warn that Republican legislators who block its ratification will face difficult re-election campaigns in November.

“Legislation can be changed every year with the changing of seats and we are not going to have gender equality up for grabs that way,” said Kati Horning, campaign coordinator of

the VA Ratify ERA campaign. “The ERA is almost 100 years old and 2019 is our year to get it done.”

If ratified, supporters say the amendment would subject cases of gender discrimination to the same level of judicial scrutiny, strict scrutiny, that is now applied to cases of race, religion and country of origin discrimination. Gender discrimination cases are now given an intermediate level of scrutiny under the law.

“Currently the court uses a standard that is not the strictest standard to evaluate whether a law, practice or policy treats women and men differently from each other,” said Virginia Commonwealth University political science chairman Deirdre Condit. “It has to be an important state interest, not compelling and it has to be a reasonably drawn law to meet that interest.”

However, even if the ERA

is ratified by Virginia, it still faces legal challenges to its validity. When the amendment was passed by Congress in 1972, it gave states until 1979 to ratify. That deadline was later extended to 1982, but by then only 35 states had ratified it. Since then, not only has the amendment been stagnant, but five states have retroactively rescinded their ratification.

Now, over 30 years after the deadline Congress imposed has passed, legislators are hoping that if enough states ratify the amendment, Congress will once again extend the deadline for ratification.

If that happens, the judiciary will have to decide whether the states that un-ratified the amendment since 1979 have the power to rescind their ratification of the amendment, in order to determine if it will become officially part of the U.S. Constitution.

“We are literally in uncharted territory because we have not had an amendment to the Constitution generated through this circuitous route and we don’t really have a mechanism for challenging its validity,” Condit said. “It becomes an original jurisdiction question at the level of the Supreme Court.”