

Virginia Citizens Defense League, Inc.

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2016 Federal Candidate Survey

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

1. Federal law (18 USC 930) forbids gun carry in government buildings, but not on land open to the public. Despite a new federal law invalidating National Park regulations against gun carry on National Park land when the gun carrier complies with state law, many other federal agencies still generally ban gun carry on land open to the public (e.g., Post Office parking lots). Finding one's self on this land turns a law abiding gun owner with a permit to carry a concealed handgun into an unwitting criminal.

Will you SUPPORT legislation invalidating all agency regulations, which ban gun carry on land open to the public when such gun carry complies with state law?

Yes _____ No _____

2. Eighteen (18) "shall accept" states now accept all other states' concealed handgun permits (or require no permit to carry handguns concealed). Recent efforts in Congress to simply mandate that states accept all states' concealed handgun permits have failed. By contrast, in 2007 the Congress passed the National Instant Check System (NICS) Improvement Act requiring states to share with NICS all relevant state criminal conviction and mental health adjudication records necessary to ensure accurate processing of Brady Act gun purchase background checks. States that fail to meet the NICS Improvement Act standards are only subject under the Act to funding penalties of 3-10% of the funds otherwise authorized to the state under the Byrne Justice Assistance Grant (JAG) program. By linking such federal mandate to a "non-coercive" percentage of certain federal subsidies, Congress' action avoids a constitutional challenge.

a. Will you SUPPORT legislation to encourage "shall accept" policies by imposing minor funding penalties on states which do not accept all other states' concealed handgun permits?

Yes _____ No _____

b. Will you SUPPORT national reciprocity legislation?

Yes _____ No _____

3. The federal Gun Free School Zones Act (GFSZA) was enacted in 1996 and makes the possession of a firearm within 1,000 feet of school property a felony. It provides several exceptions to the possession prohibition, including one for individuals possessing a valid license to carry a firearm issued in the state in which the school is located, and BATFE has issued an opinion stating that this text should be strictly construed to mean just that – permits only good in state of issuance

However, the GFSZA was enacted when there were very few States that had a concealed handgun permitting system, and even fewer had reciprocal agreements for recognition of other state-issued permits. This situation has changed radically in the intervening 15 years. Now, almost all states have agreements or laws in place for reciprocation or recognition of other State handgun carry permits or licenses.

So, while a Virginia issued concealed handgun permit is recognized as a valid license to carry a concealed handgun in a large number of states, the permit holder could face federal criminal charges if he strays into a federal gun free school zone in all of those states except Virginia.

Will you SUPPORT legislation to modify the GFSZA to exempt concealed handgun permit holders from the GFSZA firearm possession ban if the state in which the school is located recognizes the permit?

Yes _____ No _____

4. The GFSZA also makes it unlawful to discharge a firearm within a gun free school zone. Unfortunately, there is no exemption to the discharge prohibition for an individual acting in lawful self-defense, lawful defense of others, or lawful defense of property.

Will you SUPPORT legislation to modify the GFSZA to exempt individuals acting in lawful self defense, lawful defense of others, or lawful defense of property from the discharge ban?

Yes _____ No _____

5. The GFSZA creates a 1,000-foot gun-ban in all directions from the perimeter of school property. A circle with a radius of 1,000 feet contains over 72 acres of land! Of course, the property of schools can be large with many being built on over forty acres of land (such as two recent high schools in Loudoun County, Virginia), creating a very large prohibited zone.

Congress enacted this ban, even though the Supreme Court had stated the year before in U.S. v. Lopez (1995) that the Commerce Clause could not be used to justify banning firearms on school property (or 1,000 feet beyond it).

a. Will you SUPPORT legislation to eliminate this 1,000-foot zone?

Yes _____ No _____

b. Will you SUPPORT a repeal of the Gun Free School Zones Act, allowing state and local law to regulate the carry of firearms on or near schools?

Yes _____ No _____

6. 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 2001 U.S. Department of Justice report, only 0.7 of 1% of criminals got their guns from gun shows.

The terms "gun show loophole" and "unlicensed gun dealer" have been fabricated to mislead the public into believing that gun shows permit firearm 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. The so-called "gun show loophole" is no loophole at all. All dealers must perform EXACTLY the same background check at gun shows that is required at their place of business.

Closing the imaginary "gun show loophole" is just the first step in a campaign to criminalize all private gun transfers and create a de facto gun registry.

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

Yes _____ No _____

7. 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 enforce private-seller background checks is to implement universal gun registration so the government knows who has what guns and when any transfers take place. The only way to enforce universal gun registration is to implement universal compliance inspections.

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 OPPOSE any "universal background check" legislation?

Yes _____ No _____

8. In 1994, Congress banned 180 types of semi-automatic firearms based on appearance or accessories. These so-called "assault weapons" are mechanically and functionally identical to other semi-automatic one-shot-per-trigger-pull firearms, all of which are useful for hunting, target shooting, collecting, and self-defense. In order to keep these banned firearms on the market, manufacturers made simple cosmetic changes to them. The law was allowed to sunset in 2004.

Will you OPPOSE any law banning any type of semi-automatic firearm or limiting magazine capacity?

Yes _____ No _____

9. In 1968, Congress established categories of persons prohibited from possessing firearms including those convicted of crimes punishable by a term of imprisonment of more than one year (the common law definition of a felony offense).

Twenty-eight years later, in 1996, Congress passed the Lautenberg Misdemeanor Domestic Violence Gun Ban. This amendment to an appropriations bill added to the categories of prohibited persons those who had been convicted of misdemeanor offenses as minor as disciplining a child or having a heated argument with a spouse or other family member. This ban applies even when the defendant is not entitled to a jury trial nor given notice that a conviction would result in loss of firearm rights for life. This law effectively disarms individuals for life as states do not have a mechanism to restore firearms rights removed by federal law. Finally, this law is ex post facto for individuals who were convicted decades before the law went into effect.

a. Will you SUPPORT modifying the Lautenberg Misdemeanor Domestic Violence Gun Ban to prohibit possession of a firearm only if the person is both (1) afforded a right to a jury trial for the offense, and (2) warned by the judge, prior to entering a guilty plea, that a guilty plea will result in loss of gun rights for life.

Yes _____ No _____

b. Will you SUPPORT the repeal of the Lautenberg Misdemeanor Domestic Violence Gun Ban?

Yes _____ No _____

10. The BATFE has been cited in recent years (1) for putting gun dealers out of business through trumped up paperwork "offenses," (2) for arbitrarily banning firearms and components from importation by bureaucratically reclassifying them, and (3) for converting semi-automatic firearms into machine guns in order to set up innocent Americans for prosecution. In addition, BATFE has implemented outrageous programs, such as "Fast and Furious", in an effort to encourage support for more gun control.

Will you use your position to rein in the BATFE?

Yes _____ No _____

11. The Gun Control Act of 1968 (GCA 68) first established the federal prohibition against purchasing a firearm outside a person's state of residence. In 1986, Congress permitted the purchase of shotguns and rifles from dealers outside a person's state of residence, but handguns still may not be purchased outside a person's state of residence.

In 1993, Congress passed the Brady Act. The National Instant Check System (NICS) portion of the Brady Act makes the "in state only" provision of GCA 68 for buying handguns obsolete. In 1968 there was no way for a national background check to be performed in a reasonable time, so forcing people to buy handguns near their home may have had some merit. Today, national background checks can be performed in seconds.

Will you SUPPORT removing the "in state only" provision of the Gun Control Act of 1968?

Yes _____ No _____

12. The Gun Control Act of 1968 requires gun dealers to keep records on gun purchases (ATF Form 4473) for 20 years even though the statute of limitations for a criminal prosecution is only five (5) years. This is an invasion of gun owner privacy and results in a federal system of decentralized registration. Further, the requirement burdens gun dealers with maintaining files on gun owners for decades.

Will you SUPPORT legislation to reduce the time that gun dealers must keep firearms transfer records from 20 years to 5 years?

Yes _____ No _____

13. Shortly after the US Supreme Court held in District of Columbia v. Heller that the right to bear arms was an individual right protected by the Second Amendment, federal district courts struck down the federal law mandating that persons arrested for certain crimes forgo all firearms rights if released on bail. This requirement to relinquish firearms rights without any conviction or individualized determination of dangerousness was held to violate the due process clause of the Fifth Amendment.

Nonetheless, some members of Congress continue to propose that persons on any of a number of alleged federal "lists," drawn up by federal bureaucrats without judicial oversight, such as the no-fly list, or the so-called the "terrorism watch list," be denied firearm purchases by NICS without due process.

Will you OPPOSE any effort to deny Americans their firearm rights based upon government watch lists drawn up by bureaucrats without judicial oversight and due process?

Yes _____ No _____

14. The Hughes Amendment to the Firearm Owners Protection Act of 1986 prohibits civilian ownership of any fully-automatic firearm that was not registered prior to May 19, 1986 – even though no crimes have ever been documented involving legally owned fully-automatic firearms in over 60 years.

Will you SUPPORT legislation that would repeal the Hughes Amendment and allow law abiding gun owners to register new machine-guns with BATFE?

Yes _____ No _____

15. Congress is continually besieged with a variety of new legislation, supposedly to combat crime or make our children safer, but in reality does neither. Instead, the legislation is designed to restrict our right to keep and bear arms. Would you:

a. **OPPOSE** legislation raising the federal legal age for possession of a handgun from 18 to 21 years of age?

Yes _____ No _____

b. **OPPOSE** legislation that would limit the number of handguns a buyer can purchase a month?

Yes _____ No _____

c. **OPPOSE** legislation that would require or allow any agency of the Federal Government firearms ownership registry?

Yes _____ No _____

d. **OPPOSE** any bill that bans firearms chambered in .50 caliber or less?

Yes _____ No _____

e. **OPPOSE** any bill that imposes punitive taxation on ammunition or firearms?

Yes _____ No _____

f. **OPPOSE** any bill that increases the amount of time that the FBI can retain the names of gun owners who have been run through the National Instant Check System?

Yes _____ No _____

Feel free to attach additional comments to this survey.

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