

Virginia: Arms Regulation and Political Reconfiguration*

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There are over 300 million firearms in civilian hands in the United States. In 2019 alone, 417 mass shootings were registered.¹ In this climate of escalating armed violence, Virginia finds itself at an interesting political juncture following the victory of the Democrats, who are in favor of introducing tighter firearms regulations via the state's General Assembly.

As an iconic state in the history of the United States, Virginia's new posture will be crucial to generating political, social and cultural change in a country where there are also detractors of policies dating from 2005 that promote free access to assault weapons.

The state of Virginia, a birthplace of values

To understand the influence Virginia wields nationwide, we need to take a look at its political and social evolution. One of the 50 states that shaped

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¹ Gun Violence Archive defines a mass shooting as an incident in which four or more people, excluding the shooter, die or are injured by gunfire. See "Mass Shootings", in Gun Violence Archive, at <https://www.gunviolencearchive.org/mass-shooting> (date of access: February 18, 2020).

the history and makeup of the United States, Virginia was home to the first permanent English settlement in the Americas, hosted the first legislative assembly in the New World and was one of the 13 colonies that fought in the Revolutionary War, eventually being founded as a state in 1788.

It is no coincidence, then, that it has produced eight of America's 45 presidents: George Washington, Thomas Jefferson, James Madison, James Monroe, William Henry Harrison, John Tyler, Zachary Taylor and Woodrow Wilson. These names include some of the founding fathers, authors of the Declaration of Independence—later the Constitution—and the Bill of Rights, and the main proponents of the League of Nations that foreran the United Nations (UN).

According to the 2017 American Community Survey, Virginia has a population of approximately 8.5 million. Traditionally a predominantly conservative state, it was one of the southern states that defended slavery during the Civil War. However, its Hispanic community has grown exponentially in recent years (from 329 540 in 2000 to 790 662 in 2017),² to account for 9.3% of the state's total population.

This demographic shift is mirrored by the state's new political makeup. Today highly contested by both parties, it has gone from being a Republican stronghold to a Democratic one. This is relevant because it has paved the way for debate in a state that is home to security agencies like the Department of Defense, the Central Intelligence Agency (CIA) and the National Rifle Association (NRA), among others.

The NRA is one of the most powerful pressure groups in the United States and has huge influence on Congress.³ In 1975, it founded the Institute for Legislative Action (ILA), its legislative, political and legal lobbying arm, to defend the right of American citizens to purchase, possess and use firearms.⁴ Annual NRA membership fees (US\$45) go into an earmarked fund and are used to make donations to federal and state electoral campaigns.

² See U.S. Census Bureau, American Community Survey 1 Year Estimates, at <https://data.census.gov/cedsci/>.

³ Founded in 1871, the NRA is headquartered in Fairfax, Virginia. Its mission is to defend the right of Americans to possess and carry arms, and to protect the Second Amendment of the United States Constitution.

⁴ Institute for Legislative Action (NRA-ILA), "Election Center", at <https://www.nraila.org/about/election-center/> (Date of access: February 13, 2020).

Candidates are supported depending on the extent to which they fall into line with the NRA's guiding principles in favor of the possession of firearms.

Also, the NRA has the ability to effectively mobilize its members and partners, a strength that translates into the capacity to position issues on the agenda, influence political decisions and obtain electoral votes. The NRA has close to 5 million members that form an organized force, loyal to the ideological causes it defends.⁵

Virginia, the scenario of mass shootings

It was in a context of lax gun controls that Virginia witnessed a mass shooting at Virginia Tech in 2007, considered the most serious massacre on an American campus.⁶ The 23-year-old perpetrator fired some 200 rounds using two guns (a Glock and a Walter P22, both European-made), killing 32 students and injuring 29 others. In 2019, another massacre occurred at Virginia Beach, where the shooter killed 12 people using two short-barreled weapons (a Glock 21 and a Heckler & Koch, also European-made), equipped with a silencer and high-capacity loaders, all purchased legally.

These stories of mass shootings are commonplace in the United States, pointing to the need for more in-depth political debate on the issue. In only 15 of the country's 50 states is a license required to purchase a short-barreled firearm and of these, only seven regulate the purchase of long-barreled weapons: California, Connecticut, Washington, D.C., Hawaii, Illinois, Massachusetts and New Jersey.⁷

The reaction of the private sector to this increase in armed violence has been noteworthy: Delta, United, American Airlines, MetLife, Hertz,

⁵ One example is the NRA National Firearms Museum, where 3000 types of firearms are exhibited in a recreational context that makes light of access to such artifacts.

⁶ Meghan Kencally, "The 11 Mass Deadly School Shootings that Happened since Columbine," in ABC News, April 19, 2019, at <https://abcnews.go.com/US/11-mass-deadly-school-shootings-happened-columbine/story?id=62494128> (date of access: March 20, 2020).

⁷ "Gun Laws by State. The Complete Guide," in Guns to Carry, at <https://www.gunstocarry.com/gun-laws-state/> (date of access: February 18, 2020).

Enterprise and FedEx are just some of the companies that have terminated their cooperation agreements with the NRA, while Walmart and Dick's Sporting Goods have stopped selling assault rifles, magazines and toys that resemble assault weapons, and have raised the legal minimum age for purchasing short-barreled weapons in their stores to 21.⁸

In Virginia, the gun control debate recently opened with the new democratic face of the state government. This being the home state of the NRA and, given the favorable political circumstances, it is the perfect moment for actors, voices and sectors to come together to position recent state legislation as a benchmark on the issue. Armed violence is affecting both sides of the border and despite the NRA's motto, guns do kill people.

The new democratic face of Virginia

Factors such as demographics and the social fallout of mass shootings have brought about political change in Virginia in recent years and the parties have regrouped in both the state's urban centers and suburban zones.

Virginia was considered a Republican stronghold from the presidential elections of 1972 right through to 2004. After the election of Barack Obama in 2008 and in the electoral processes thereafter, voters have leaned toward the Democratic Party⁹ and it has remained a blue state. In 2018, the Democrats won seven of Congress's 11 federal districts and the two Senate seats.¹⁰ It should also be remembered that Virginia represents 13 Electoral College votes.

⁸ Beatriz Navarro, "La Asociación Nacional del Rifle ve peligrar su hegemonía en el debate de las armas", *La Vanguardia*, March 4, 2018, at <https://www.lavanguardia.com/internacional/20180304/441240736545/debate-armas-estados-unidos-asociacion.html> (date of access: February 18, 2020).

⁹ Tara Law, "These Presidents Won the Electoral College—but not the Popular Vote", in *Time*, May 15, 2019, at <https://time.com/5579161/presidents-elected-electoral-college/> (date of access: February 14, 2020).

¹⁰ Nathaniel Rakich, "Special Elections Foreshadowed a Blue Wave In 2018. What Are They Saying Now?", in *FiveThirtyEight*, April 15, 2019, at <https://fivethirtyeight.com/features/special-elections-foreshadowed-a-blue-wave-in-2018-what-are-they-saying-now/> (date of access: February 14, 2020).

In this overview of the state of Virginia, it should be acknowledged that the Democrats now dominate all three levels of state power—governorship, assembly and senate—, something that took more than 20 years to achieve.¹¹ As a result of this realignment of political preferences in favor of the Democrats, Ralph S. Northam won the governorship in 2018, and the Democrats claimed victory in the General Assembly and the state Senate in 2019 (56 and 21 seats, respectively).¹² Virginia’s General Assembly is comprised of 140 congressional members, 100 of whom are state delegates and 40 members of the state Senate.

It should be noted that the mass shooting at Virginia Beach contributed to the 2019 electoral victory of the Democrats, who proposed a draft bill regulating the sale of firearms in the state. According to a survey conducted by the George Mason University, gun control was the main driver of the campaign and the massacre a tipping point that prompted 2.2 million Virginians to vote for Democratic candidates.

In 2020, as the United States prepares to take its census, demographic changes and the growth of minorities will indubitably be reflected in the rearrangement of state districts. In Virginia, we can envisage an impact, firstly on a federal level, which will translate into the reassignment of budget resources to take into account population changes and secondly, redistricting, which will affect the representation of local and federal districts in elections after 2020.¹³ Consequently, it is feasible to predict that the state of Virginia will continue to favor the Democrats in years to come.

This being a presidential election year, it behooves us to consider the state’s political perspectives. Nationwide, there is a trend toward the Democrats, albeit not as marked as in 2018 when they took control of the House

¹¹ Department of Elections-Virginia Government, “Summary of Virginia Registration & Turnout Statistics,” at <https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/> (date of access: February 14, 2020).

¹² Department of Elections-Virginia Government, “2019 November. General Official Results: General Assembly,” at <https://results.elections.virginia.gov/vaelections/2019%20November%20General/Site/GeneralAssembly.html> (date of access: February 14, 2020).

¹³ Ella Nielsen, “Democrats Just Pulled off a Huge Win, Taking Control of Virginia’s State Legislature,” in Vox, November 2019, at <https://www.vox.com/policy-and-politics/2019/11/5/20944109/virginia-elections-legislature-results-democrats> (date of access: February 14, 2020).

of Representatives in Washington, D.C. Add to this growing discontent with the Electoral College system, under which the candidate who get the most direct votes does not necessarily win. It is interesting to note that, in recent surveys, 53% are in favor of a constitutional amendment to instate the “one person, one vote” principle, while 43% prefer the current system.¹⁴

Finally, there is clearly a direct correlation between the high level of education of the population of Virginia and its recent Democratic leanings. Many of its over-25s have a university degree and jobs are concentrated in the tech sector. Also, suburban zones have become sympathetic to the Democrats, which explains the increasing polarization of local politics: the rural counties remain red, while urban and suburban centers have turned blue. This phenomenon could influence the outcome of the November elections and if the projections pan out, this will be the fourth presidential election in which the Democrats can count on Virginia’s 13 Electoral College votes from the very beginning of the race.

Virginia and the dispute over Second Amendment sanctuaries

On January 20, 2020, in Richmond, Virginia, voices from other states, including Texas, California and Florida, joined those of radical groups from Virginia in the Capitol. In an atmosphere fraught with tension, the Gun Rally mobilized over 20000 people in the state’s political heart in protest against the new gun control laws.

Ironically, the event took place the same day as celebrations to commemorate the birth of Martin Luther King, America’s most renowned civil rights leader. The protesters were mainly white males bearing short- and long-barreled guns, decked out in military garb and brandishing signs demanding respect for their Second Amendment constitutional rights. So threatening was

¹⁴ Hart Research Associates/Public Opinion Strategies, “Study #19175: NBC News/Wall Street Journal Survey”, April-May 2019, available at <https://assets.documentcloud.org/documents/5989185/19175-NBCWSJ-April-May-Poll.pdf> (date of access: February 17, 2020).

the situation that the authorities were forced to implement a state of emergency protocol as a preemptive measure.¹⁵

A corollary of the rally was a touchstone of Governor Northam's campaign: gun control legislation. The political circumstances made it possible for the Democrats to draw up eight commonsense safety bills in December 2019. These bills were based on five basic points: 1) limit gun purchases to one a month; 2) conduct detailed background checks, including criminal records and psychological profiles; 3) ban arms in parks and public spaces; 4) endorse the ban on semiautomatic weapons, silencers and high-power magazines, and 5) red flag laws that allow police to confiscate firearms from people deemed by a judge to be a danger to themselves or others.¹⁶

The bills were passed by the local Congress on January 20, 2020, on so-called *Lobby Day*, the process continued in the Senate and the first bill, a red flag law, passed. As regards the other seven bills, penalties and the risks law enforcement officers are exposed to are currently being debated, among other points, and these are expected to be passed by the Senate in the first half of 2020.

The new Democratic legislation sparked off extreme reactions among conservative groups of all types, from the most tolerant to the most radical. In response, counties like Culpeper offered injunctions against Northam's new gun control laws, proclaiming themselves "Second Amendment sanctuaries". Amid popular uproar, they openly called for social disobedience, claiming that bearing guns is "a God-given right".

In other, more serious cases, groups like The Base, a white supremacist organization, advocated domestic terrorism against the enemies of the United States,¹⁷ while diverse social actors formed the Virginia Citizens Defense

¹⁵ "Senado de Virginia aprueba ley de armas de fuego," in MSN Noticias, January 22, 2020, at <https://www.msn.com/es-us/noticias/estados-unidos/senado-de-virginia-aprueba-ley-de-armas-de-fuego/ar-BBZepY> (date of access: February 13, 2020).

¹⁶ Timothy Williams, Sabrina Tavernise, Zolan Kanno-Youngs and Sarah Mervosh, "Amid Tight Security, Virginia Gun Rally Draws Thousands of Supporters," *The New York Times*, January 20, 2020, at <https://www.nytimes.com/2020/01/20/us/virginia-gun-rally.html> (date of access: February 13, 2020).

¹⁷ "Senado de Virginia aprueba ley de armas de fuego."

League (VCDL), which defends the constitutional rights of American citizens to bear arms and associates these with President Trump's campaign slogan "Make America Great Again".¹⁸

Conclusion

Virginia has joined the 18 states that require thorough background checks. According to studies conducted by Gun Policy, in the 30 states where laws governing the purchase and possession of firearms are laxer, death rates due to armed violence are five times higher than in those that have opted for tighter controls.

The passing of these bills is especially significant in the present climate created by President Trump's government, characterized by an ideological radicalization that has seen a reemergence of the xenophobia and discourses of hate we thought we'd left behind after the world wars of the 20th century.

This is why we, the authors, welcome the political changes taking place within the state of Virginia, which has opted for a more progressive gun control agenda. If this set of forward-thinking bills is adopted, the state could well set the bar on a federal level in the United States.

¹⁸ Virginia Citizens Defense League, "Red Flag' Laws Are a Serious Threat to our Liberty-Spread the Word NOW!", at <https://www.vcdl.org/RedFlag> (date of access: February 13, 2020).