



# Fairfax VOTER

## Firearms: The Method Most Often Selected for Homicides and Suicides in Fairfax County

### Introduction to Parts I and II

The long-standing LWVUS position on gun control was the starting point from which our committee studied the impact of firearms in Fairfax County. “The League of Women Voters takes the position that firearm regulation is a public health and safety issue.” This study does not address the question of gun ownership rights because the League stated that this section of its position adopted at the 1994 Convention was nullified by Supreme Court decisions in 2008 and 2010.

As the committee researched this topic, one phenomenon stood out above all the others. Firearms were the method of first resort in both suicide and homicide across the country, in Virginia, and in Fairfax County. This first part of the study shows how consistently firearms are used in the nation and the state for completed suicides and homicides. This part of the study also presents the legal framework by which firearms are governed in Virginia. The second part of the study will deal with firearms in Fairfax County and the impact of state and federal law in Fairfax County.

### Calendar

#### June

- 6-10 LWVUS Convention, Dallas
- 7 **Briefing and At Large meeting**
- 9-12 **Unit meetings**
- 11 Skyline Plaza election
- 13 LWNCA Board meeting
- 14 Flag Day
- 15 Father’s Day
- 18 **Board meeting (old & new/potluck)**
- 25 Last day of school
- 28 Ramadan begins

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## Presidents' Message



Welcome to the warmer weather, green leaves and blooming flowers.

Your Presidents, Board, and individual members have been busy this spring attending many meetings and planning for the fall League activities. There is never a truly down time to just sit back and rest on our "laurels" (and we do have some!). LWVFA has been nominated by the Fairfax County Office of Elections for the Celebrate Partnership Award 2014. Kathy Kaplan received a Citation of Merit by the Fairfax County Federation of Citizens Associations. This award was for her work bringing public awareness to changes in Fairfax County Public Library policies. At the LWV-VA Council meeting, Therese Martin orchestrated a wonderful panel on election laws and polling place problems. Sheila Iskra used Vote411 to create the Spring Voters' Guide for Fairfax City, Vienna, Herndon and Clifton. The candidates' responses to several questions were published in the *Fairfax Times* and on our website. Sidney Johnson and her committee have been planning outreach voter education activities and researching voter registration opportunities.

The delegates at the LWV-VA Council voted to increase the state PMP (per member payment) by one dollar and also voted on a new Uranium Mining Position to be added to the Virginia Natural Resources section. The position states:

The League of Women Voters of Virginia supports the moratorium on uranium mining. The Commonwealth must establish modern, enforceable, and proven effective best practices to protect the health and safety of workers, the public, and the environment before uranium mining, processing, and reclamation occurs. The Commonwealth must ensure that tangible economic benefit exists even if industry can develop modern best practices specific to the unique environment of Virginia. Further, if the Commonwealth adopts best practices approved by an independent assessment team such as the National Academy of Science or other independent scientific organization, it must also provide the staff and funds needed by the Department of Mines, Minerals, and Energy, the Department of Environmental Quality, the Virginia Department of Health, and other state agencies to thoroughly monitor and regulate uranium mining.

The LWNCA (National Capital Area), held their annual convention in early May. In attendance were delegates Rona Ackerman, Pat Nelson-Douvelis, Peggy Knight, Olga Hernandez (LWNCA secretary), Barbara Ewalt (LWNCA director), Sherry Zachry (LWVFA's representative) and your presidents.

The business of the convention went smoothly with the election of several new officers and the acceptance of a new budget. The speaker was Jeanne Allert, Founder and CEO of the Maryland Rescue and Restore Coalition whose mission is to draw attention to the victims of human trafficking. It was a very enlightening and disturbing presentation on the many aspects of human trafficking, a national and global problem.

LWVFA'S delegates to the LWVUS Convention in Dallas, Texas, are Ron and Lois Page, Kathleen Pablo, Cynthia Wrisley and Julie. There is much pre-convention material on the national website for all League members to view. If you wish to make comments, please contact one of the delegates.

A few special dates to add to your calendar: Kick-off (September 6), national and local Registration Day and Week (September 23 - 29), and Women's Roundtable Pre-Session Luncheon (Dec. 2)

Thanks to all of our members who helped LWVFA in any way this year. We appreciate each and every one of you.

May your summer be all that you wish!

*Julie and Helen*

## Domestic Violence Hotline 703-360-7273

### LWVFA Fairfax VOTER 2013 - 2014

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## Community Engagement Urged to Support Later Start Times for High Schools

In 2008, LWVFA studied teenage sleep patterns and the Fairfax County schools start times and took the position that start times should be delayed at all high schools and middle schools in order to provide the best opportunity for student learning and to promote adolescent health and safety. Science has shown that teenagers naturally fall asleep later than other age groups, and that they need 9-1/2 hours sleep each night. Insufficient sleep contributes to poor learning, automobile accidents, and depression.

The Fairfax County School Board adopted a resolution in April 2012 to seek solutions that will establish high school start times at 8 a.m. or later. In

March 2013, a contract was awarded to Children’s National Medical Center (CNMC) to develop a proposal to achieve this goal. CNMC gathered input and collected data from an extensive list of county, school, and citizen groups to

ensure a comprehensive approach. On April 23, 2014, the Fairfax County School Board selected four options for public discussion.

As of May 1, a community engagement process was being planned for late May and early June. League members are urged to go to the website [www.fcps.edu](http://www.fcps.edu) to find the dates and times of these meetings and participate in the process. Once the community engagement process is complete, the FCPS Office of Transportation Services will use feedback from this process to guide the development of a final recommendation. It is anticipated that the School Board

will vote on the options in early fall and that bell schedules could be altered beginning with the 2015-16 school year.

Most high schools currently start at 7:20 and end at 2:05. Some students are at bus stops as early as 5:45 am. Middle schools currently

start between 7:20-8:05 and dismiss between 2:05-2:55. Elementary schools have a wide range of start and end times: starting from 8:00-9:20 with dismissal from 2:40-4:00.

**Four Later Start Time Options to be Discussed**

OPTIONS	HS Start	HS End	MS Start	MS End	ES Start	ES End
Middle School “Late”	8:30	3:20	9:30	4:20	7:50 – 9:15	2:25 – 3:50
MS “Early”/ ES 15 min Earlier	8:10 – 8:20	3:00 – 3:10	7:20	2:10	7:45 – 9:10	2:20 – 3:45
MS/HS “Flip”	7:50 – 8:20	2:40 – 2:50	7:20	2:00	8:00 – 9:20	2:40 – 4:00
HS Later	9:15	4:05	8:20 – 8:30	3:10 – 3:50	7:40 – 9:15	2:20 – 3:50

## League Offered Opportunity to Recognize Its Heritage

By Lois Page, LWVFA Secretary



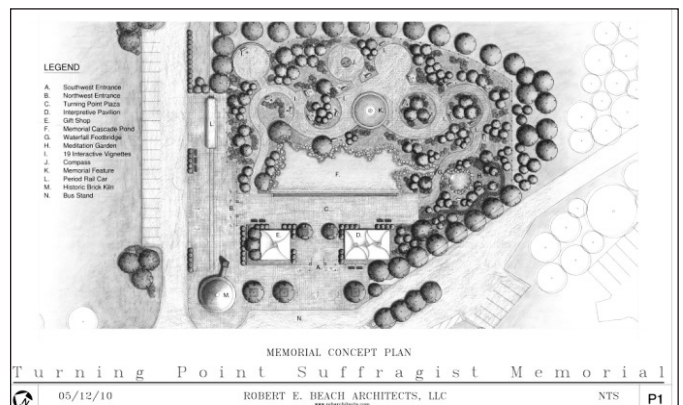
Fairfax County.

LWV-VA’s Board recently endorsed the offer of an opportunity to have its name inscribed on the Donor Wall of the Turning Point Suffragist Memorial, planned for Occoquan Regional Park in southern

League members who sign on to become members of the Turning Point Suffragist Memorial Association at any membership level will have their individual contribution count toward the \$1,000 target that will allow “League of Women of Virginia” to be inscribed on the large Donor Wall in the park-like setting for the memorial. Membership levels start at \$19 for one year; they may be found on the

association website: [www.suffragistmemorial.org](http://www.suffragistmemorial.org). All contributions are tax deductible.

A longer explanation of the mission and goal of TPSMA and the way to have a donation count for Donor Wall purposes can be found on [www.lwv-fairfax.org](http://www.lwv-fairfax.org) and in the upcoming Virginia Voter and the state website [www.lwv-va.org](http://www.lwv-va.org).



## Meet and Greet Candidate Forums Scheduled

LWVFA will be organizing **Meet and Greet Candidate Forums** in September and October for the 2014 elections in the 8<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Congressional districts. Since these districts extend into Arlington, Loudoun and Prince William counties and the cities of Falls Church and Alexandria, we will be seeking partnerships with the Leagues in these counties and cities as well as various community organizations in Fairfax County. Because these districts cover such a large geographic area, we anticipate having two forums for each Congressional district. All certified candidates will be invited to participate.

The Meet and Greet Forums are an opportunity for the voters to meet with their candidates and to learn the candidates' position on various topics. This is also an opportunity for the public to see the League of Women Voters of the Fairfax Area in action. If these forums are to be as successful as the 2013 Meet and Greet forums, early planning and the support of all the LWVFA members are essential.

To volunteer or to learn more about the Candidates' Meet and Greet Forums, contact Peggy Knight by email: [peggy.knight1@verizon.net](mailto:peggy.knight1@verizon.net) or phone: 703-532-4417.

## Voters Services Ready for the Fall Registration Kick-Off

Voters Service will be prepared on September 6 with all the handouts and other materials needed for voter registration and education. The new addition this year will be literature display stands for members to provide to nonprofits and charities that are willing to display information about Photo ID and voter registration. These display stands will have LWVFA labels; we hope to get them back after the election season to use again next year.

There will be plans for coordinating with the Office of Elections in activities for Northern Virginia Voter Registration Week, September 23-30. September 23 itself is National Voter Registration Day.

Members can get ready by taking the Third Party Voter Registration training online after July 1. This training has to be renewed every year; the date is recorded in the state's database. The County will post its schedule of classes on its website, but there will not be as many classes as last year.

Outreach to charities and county activities will supplement the arrangements that units traditionally make to host tables at community festivals, hospitals, libraries, and other public sites. We hope that units are planning as many of these as possible in this critical year when we have to educate the public about the need for photo ID.

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A Gentle Reminder . . .

## Advocacy vs Lobbying— Why Should We Care?

The average person most likely won't see much difference between **ADVOCACY** and **LOBBYING** but to Leaguers—and the IRS—the difference is very important. **Advocacy** involves the push for a point of view and perhaps the effort to turn that point of view into legislation or simply to get other people to agree with your position. **Lobbying** takes over once that point of view has been translated into an identifiable piece of legislation. Lobbyists are attempting to turn that bill into law, or to prevent one from taking effect.

This is important because 501(C)(3) organizations can advocate but they cannot lobby. League Education Funds are 501(C)(3) organizations or corporations. This is why League Boards such as Fairfax as well as Virginia state League have separate minutes and separate budgets. Leagues cannot use Education Fund monies to lobby for legislation. Ed Fund money is confined to voter service and informational efforts.

The League of Women Voters of Virginia received two pass through grants from the League of Women Voters Education Fund to work on public advocacy for voter protection projects -- \$1,000 in 2009 and \$5,000 in 2011. In addition, about \$1,000 remaining from a grant for redistricting activities was applied for use in PAVP activities. These grants cannot be used to lobby for or against legislation in the General Assembly. Money from Operating or General Funds, 501(c) 4 organizations, can be transferred into the Ed Fund if needed but the opposite is not legal.

This distinction was made clear at the recent LWV-VA Council and helped to explain why the State Board asked for an increase in the per member payment this year. All that activity we participated in during the General Assembly had to be paid for out of Operating Funds. These are funds for which contributors cannot take a tax deduction, while they can do so for Education Fund contributions.

# Firearms: The Method Most Often Selected for Homicides and Suicides in Fairfax County

By Judy Helein, Christine Muth, Sidney Johnson, Sheila Iskra

## Part I: Background

### The League of Women Voters' Statement of Position on Gun Control, as adopted by 1990 Convention and amended by the 1994 and 1998 Conventions

The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background check, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification. The League supports a ban on "Saturday night specials," enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

### Timeline of the League's activities on gun control as presented on the LWVUS website <sup>2</sup>

- 1990—The Convention adopted gun control position by concurrence.
- 1991—The League supported legislation banning semi-automatic assault weapons.
- 1992 and 1993—The League supported the Brady bill, which instituted a five-day waiting period and background check for the purchase of handguns.
- 1994—The Convention voted to amend the position on gun control based on federal court decisions limiting the meaning of the Second Amendment's "right to keep and bear arms." This section of the position was nullified by the Supreme Court decisions in District of Columbia v. Heller, 2008 and McDonald v. Chicago, 2010.
- 1998—The Convention again amended the position with: "The League supports regulating firearms for consumer safety."
- 1999-2001—The League worked to close major loopholes in current law. Although the Senate passed legislation mandating background checks for all gun show purchases, the House derailed this and other attempts to control gun violence, including child safety locks on guns.
- 2000—The LWVUS endorsed the Mother's Day 2000 Million Mom March
- 2004—The League opposed the Protection of Lawful Commerce in Arms Act, which would grant special protection for the gun industry by barring city, county or individual lawsuits against gun manufacturers and dismiss pending cases.
- 2004—The League supported legislation to extend the Assault Weapons Ban, which expired in September and
- 2004---Supported language to close the Gun Show Loophole to require all dealers to run criminal background checks at gun shows.
- 2000s—The League opposed congressional attempts to repeal District of Columbia gun safety laws.

### Firearm safety as a public-health concern

Kristin A. Goss, Ph.D., Co-President of the Arlington (VA) League of Women Voters and Associate Professor of Public Policy Studies and Political Science at Duke University, published *Disarmed: The Missing Movement for Gun Control in America* in 2008. She provided a brief history, summarized here, of the development of public health professionals' involvement with gun safety.

In the 1970s, medical and public-health officials began to study firearm use from an epidemiological perspective. Previously it had come under criminal justice. Physicians in New York and Washington D.C., among others, intervened in the gun control argument, characterizing guns as “pathogens” and violence as a “modern plague,” a preventable disease.<sup>3</sup> Many doctors responded to surveys agreeing with the public-health position, and many researchers published articles justifying it.

In the 1980s, federal authorities consolidated this approach. Under the Surgeon General, Dr. C. Everett Koop, the Centers for Disease Control and Prevention (CDC) established the Violence Epidemiology Branch. The branch became part of the CDC’s Center for Injury Prevention and Control in the early 1990s. The Center became the only consistent conduit for federal research grants in this area.

The National Rifle Association (NRA) began in the mid-1990s to lobby successfully to have this research defunded, claiming that the Center was taking a deliberately political stance against gun ownership. Toward the end of the ’90s and throughout the next decade, the CDC’s support for research into violence with firearms dwindled to nothing. The withdrawal of research support was due, not only to the activities of gun rights lobbyists, but also to the lack of interest in this research and data by gun control advocates at that time, according to Goss.

### **The national setting: Firearms are used more often than any other single method in homicide and suicide in the United States**

Mass shootings—Columbine, Aurora, Newtown, Navy Yard, Fort Hood—arouse public indignation and fear. However, “while tragic and shocking, public mass shootings account for few of the murders or non-negligent homicides related to firearms that occur annually in the United States,”<sup>4</sup> according to a report by the Congressional Research Services.

Moreover, deaths from suicide consistently outweigh deaths from homicide.

In 2009, the age-adjusted suicide rate for the total population (11.8 per 100,000 population) was approximately twice as high as the age-adjusted homicide rate (5.5). Persons ages 18–24 years had the highest rate of homicide in 2009, whereas persons aged 45–54 years had the highest rate of suicide. The suicide rate was higher than the homicide rate among those ages  $\geq 25$  years, and this difference increased with age. For persons ages

25–44 years, the rate of suicide was nearly twice the rate of homicide, whereas for those ages  $\geq 65$  years, the rate of suicide was nearly seven times the homicide rate.<sup>5</sup>

In 2011, according to preliminary data published by the CDC, there were 38,285 suicides; 19,766, or 52%, were firearm-related. For comparison, 11,101 homicides were firearm-related out of 15,953 homicides, almost 70%.<sup>6</sup>

Data from one or two years do not establish a trend, but they do give an indication of prevalence and a consistent pattern of suicides outnumbering homicides across the nation. Overall in Virginia, during the years 1999–2007, suicides accounted for the majority of firearm deaths (4,361), followed by homicides (2,772).<sup>7</sup> In the second part of this report, the Northern Virginia counties will be shown to have the same pattern.

Researchers have disagreed about the association between the prevalence of firearm ownership and homicide. One reason for that is that researchers are often measuring different things. For example, in 1993 Arthur Kellermann’s group, then based at the University of Tennessee, using data collected by the CDC, demonstrated that there was an association between gun ownership and homicide at home.<sup>8</sup> Gary Kleck, of the University of Florida, publishing in the same year, argued that an increased prevalence of firearms does not lead to an increase in violence, but he was looking at all homicides, not just those in the home.<sup>9</sup> These two researchers have criticized each other’s methods and conclusions. In this study methods are not addressed; an attempt has been made to represent a variety of views.

The year 1993 was a high-water mark of research into firearm use as a public-health issue. After that, funding for further research by the CDC was curtailed by an NRA-supported amendment in the Omnibus Consolidated Appropriations Bill of 1996 that prohibited the CDC from devoting funds to any research that might support gun control. This amendment effectively dried up most of the research funding into the role of firearms in public health.<sup>10</sup> The National Research Council (NRC) documented the incomplete or inconsistent data on such fundamentals as gun ownership, firearms markets, and injuries as well as deaths. This lack of data about gun ownership and gun use deprived policymakers of a solid basis for making good decisions.<sup>11</sup> Some important data collection did continue. The CDC created the National Violent Death Reporting System in 2002.<sup>12</sup> Non-federal organizations have reviewed available research and data, but have found inconsistencies that prevented them from making recommendations.<sup>13</sup>

There has been general agreement about the relationship of gun ownership to the rate of suicide. Kleck acknowledged that "...gun prevalence may influence the choice of method in suicide and also the overall frequency of suicide. Gun prevalence was positively associated with both total suicide rates and gun suicide rates and negatively, though non-significantly, related to the non-gun suicide rate."<sup>14</sup>

The NRA stated that there isn't a correlation between gun ownership and suicides. It pointed to the fact that Japan has a higher suicide rate than the U.S. and they are a "gunless" society. (Most suicides in Japan are from hanging.)<sup>15</sup> Gun availability is not the only factor contributing to suicides, but the close association between the ease of access to firearms in the U.S. and the increase in suicides using firearms cannot be ignored.

### Firearms and Unplanned Suicides

A World Health Organization (WHO) report attributed the variation in methods of suicide to cultural influence but emphasized that people would choose methods that came to hand. "Readily available poisons and firearms facilitate unplanned suicide acts, which are typical of impulsive suicide. Consequently, they increase the suicide frequency. It is noteworthy that the proportion of suicides in individuals with a background of severe mental illness is distinctly below average in firearm suicide."<sup>16</sup> That is, suicide cannot always be attributed to mental illness.

No one knows exactly how many households own guns in the United States. That makes it difficult to establish a relationship between the number of those households and the rate of suicide or homicide. Studies by Andrew Anglemeyer, Justin Briggs and Alexander Tabarrok explain why is difficult to get a true assessment of gun ownership in the United States. There is no national registry, so researchers obtain approximate totals by using surveys and proxy measures, such as the Behavioral Risk Factor Surveillance System (BRFSS), Google searches for gun-related terms, and firearm purchase data. Anglemeyer, of the University of California at San Francisco, found that there was a greater association between firearms and the frequency of suicide than between firearms and the frequency of homicide.<sup>17</sup> Briggs and Tabarrok, of George Mason University, used a combination of measures of gun ownership in each state and rates of suicide to quantify the latter relationship.

"...while there are signs of substitution from gun to non-gun suicide, the overall effect [of Ordinary Least Squares regression across several measures of

gun possession] remains positive. Taken together, these point estimates infer that a 1% rise in the prevalence of guns causes a mean increase of between 0.5 and 1.0 percent in suicides."<sup>18</sup>

Matthew Miller's group asked whether suicide by firearm could be distinguished from other manifestations of suicidal behavior. They determined that states in which gun ownership was high also had high rates of completed suicides by firearm, but rates of suicide attempts with other means did not correspond to the extent of gun ownership in the states. These researchers at the Harvard School of Public Health used the BRFSS survey as their source for gun ownership information; they did not discuss the difficulties of assessing the actual number of households with guns. The study concluded "that the availability of lethal means is associated with risk of death by suicide above and beyond the baseline risk of suicidal behavior."<sup>19</sup> As the WHO study noted, cultures influence choices of method. In other cultures, the most easily accessible method may be different.

There is a common belief that anyone who wants to attempt suicide will find a means to accomplish his or her goal. The NRA's fact sheet on suicide says,

Some would suggest that the rate of suicide may indeed be higher among firearm owners than non-owners. Gun owners are notably self-reliant and exhibit a willingness to take definitive action when they believe it to be in their own self-interest. Such action may include ending their own life when the time is deemed appropriate.<sup>20</sup>

It may be that people who complete suicide with firearms seem to have greater determination only because they actually accomplish their intentions, whereas those who attempt suicide by other means are less likely to complete it. Gun suicides are 85% fatal, while other means of suicide fatalities rates are below 5%, according to the Harvard School of Public Health. Suicides are often impulsive decisions, and guns require less preplanning than other methods of suicide, and they are deadlier.<sup>21</sup>

An idea of the range of deaths from firearms in the United States can be obtained from the Kaiser Family Foundation State Health Facts website, which has a table showing state by state the death certificate data maintained by the CDC. The average rate for the United States was 10.1, and the rate for Virginia was 10.8, a little above the mean.<sup>22</sup> This website does not publish data or commentary on the reasons for the

variations in death rates across the states.

### **Overview: What are Virginia’s laws on firearms and how do they affect public health and safety?**

In the area of firearms, as in other areas, Virginia law is composed of its Constitution, statutes (set forth in the Code of Virginia), judicial case law or common law, and local ordinances, such as those of the Code of Fairfax County. Opinions of the Office of the Virginia Attorney General are a source for the interpretation of existing Virginia law. A person authorized by statute, including the Governor, a member of the General Assembly, and the head of a state agency, may ask the Attorney General for an official opinion on the law. Members of the general public are not authorized to do so.<sup>23</sup>

The Virginia State Police, which has responsibility under Virginia law for, among other things, any necessary firearms background checks, maintains a website with selected provisions of Virginia firearms laws and provides answers to frequently asked questions about the implementation of laws for which it has responsibility.<sup>24</sup> The website mainly explains the legalities of gun ownership and carrying regulations. It does not address gun safety, but the Fairfax County Police Department does have a web page explaining safe storage of guns and ammunition.<sup>25</sup>

Much of the federal and state statutory coverage of firearms is outside the scope of this study, but the common-law understanding of using deadly force in self-defense and suicide are relevant here. Firearm possession by persons who have been convicted of domestic violence crimes has also been a legislative and judicial concern.

### **Legal status of deadly force in self-defense, suicide, and homicide in domestic violence**

After a homicide, it is not always clear whether there has been pre-meditation or whether the act was spontaneous, reducing the degree of guilt. To accommodate that question, there are levels in law of first- and second-degree murder and voluntary and involuntary manslaughter. The most vexing problem, however, is whether the homicide was committed in justifiable self-defense, entitling the perpetrator some protection from the law. In some states, legislators have enacted “stand your ground” laws to provide enhanced legal protection.

Use of deadly force in self -defense has been a concern in

the Virginia General Assembly in recent years, as it has in many states, because of efforts by gun rights groups to enact “stand your ground” laws, and because of the Trayvon Martin shooting case in Florida. According to the Center to Prevent Gun Violence, a majority of states (27) have “shoot first “ or “stand your ground “ statutes,<sup>26</sup> promoted by the NRA,<sup>27</sup> allowing deadly force in self-defense in public places with no duty to retreat first, as had been the case under common law.

Seven additional states, including Virginia, allow the use of deadly force in public with no duty to retreat, through the totality of their laws. Again according to the Center, the law in these seven states is different from the “shoot first” type of statutes in that self-defense must be raised as part of a criminal trial, and self-defense is not immunity from prosecution, as it is in Florida under “stand your ground.”<sup>28</sup> In other words, the law in these states is an expansion of the “castle doctrine,” named for the old English common-law doctrine that “a man’s home is his castle” which he is entitled to defend from intruders. (A full discussion of this doctrine is outside the scope of this paper.)

In Virginia, legislators have tried for several years to strengthen the common-law protection by embodying the castle doctrine in code. As reported in Watchdog.org’s Virginia Bureau, since 2010 a bill has been introduced in the General Assembly every year to codify common law (i.e., case law) by proponents who think having a specific provision in the Code of Virginia will strengthen the castle doctrine in Virginia. Opponents, including some gun rights groups such as the Virginia Civil Defense League, fear the language of such a new law would risk years of common-law case interpretation favorable to the use of self-defense in the home or “castle.” Some versions of the bills introduced have included language exempting persons who use deadly force in self-defense from civil law suits for damages. Opponents, again including some gun rights groups, have questioned the need for such language, noting that there is not a history of such lawsuits in Virginia. The last time such a bill was introduced was in 2013, when it was tabled once again.<sup>29</sup>

Suicide is considered a crime under common law in Virginia, though the person’s property is no longer forfeit to the state, as it used to be. Under English common law a person had to be of responsible age and of sound mind to be considered a suicide. Today, there is much more complex view of the motivations and mental states underlying suicide, leading some to question the criminalization of the act itself.<sup>30</sup>

During the General Assembly session of 2014, Delegate



Robert Krupicka (D-Alexandria) introduced HB 79, an attempt to abolish the common-law crime of suicide. The Criminal Law sub-committee of the Committee for the Courts of Justice tabled it for this year.<sup>31</sup> Although the legislators would not abolish the crime of suicide, they have made it clear that they wish to reduce and prevent suicide; the General Assembly passed Resolution 312 in 2003 that established a program, Suicide Prevention Across the Life Span Plan for the Commonwealth.<sup>32</sup> The effect of this plan and the coordinated practices of Fairfax County law enforcement and social service providers will be discussed in Part II.

The U.S. Congress made it a felony at the federal level in 1996 for a person convicted of a misdemeanor crime of domestic violence to possess a firearm or for a person to provide a firearm to someone convicted of such a misdemeanor.<sup>33</sup> There have been persistent questions about how this prohibition might be applied and enforced in states whose statutes are not aligned with the federal government's provision.<sup>34</sup> A bill was introduced in the 2014 legislative session to prohibit persons convicted of these crimes from possessing firearms in Virginia, but it was tabled. A new decision by the Supreme Court appears to have resolved the question in favor of the supremacy of the federal statute.<sup>35</sup>

### Pre-Emption and the Dillon Rule

A necessary consideration in the regulation of firearms between different levels of government is the doctrine of "pre-emption"—that is, the exercise of authority by a higher level of government to prevent or restrict a lower level of government from exercising authority in that same area. As the Law Center to Prevent Gun Violence sets forth on its website, pre-emption by the federal government of state government authority occurs when a properly enacted, constitutional federal law must be followed by the states--i.e. the federal law has been enacted pursuant to one of Congress's limited constitutional powers, and the Supremacy clause of the U.S. Constitution makes it binding on the states. But the federal law must express the intent to pre-empt the states.<sup>36</sup>

In general, Congress has not pre-empted the authority of the states to act in the area of firearms regulation. Consequently, states are free to pass their own laws and regulations concerning firearms so long as they do not directly and irreconcilably conflict with a federal law. Concerning state government pre-emption of local government authority in the firearms area, Virginia is one of many states that has a broad pre-emption statute that limits the authority of local governments.<sup>37</sup> For example, HB 992, a bill to allow local

libraries to ban firearms on their premises failed in the legislature this year.<sup>38</sup>

More broadly still, Virginia is a "Dillon rule" state, named for a rule of interpretation articulated by Judge John Dillon of Iowa. States are either "home rule" or "Dillon rule." Municipalities in "home rule" states have broad police powers to regulate the public, health, safety, and welfare. Municipalities in Dillon rule states are more limited. Fairfax County states on its website that it is an "urban county executive" form of local government and identifies in accordance with Virginia case law three categories of powers it possesses under the Dillon rule: powers specifically conferred by the Virginia General Assembly; powers that are necessarily or fairly implied from a specific grant of authority, and those powers that are essential to the purposes of government--not simply convenient. Also in accordance with the Dillon rule, the website identifies the rule of statutory interpretation that, if there is any reasonable doubt as to whether a power has been conferred by the state, the power has not been conferred. The League of Women Voters of the Fairfax Area in 2004 published a detailed study of the Dillon rule.<sup>39</sup>

### Conclusion of Part I

This study has demonstrated so far that firearms were the method of first resort in both suicide and homicide across the country. The study committee was not able to discuss questions of accidental injury from firearms, and the use of firearms in assault, robbery, rape and other non-lethal crimes because consistent data over a long period of time were not available. The data about the relationship of gun ownership to homicide and suicide, though uneven and inadequate because of reduced funding, were still sufficient to lead many researchers to concurrence about the relationship in suicide, if not in homicide. This part of the study also presents the legal framework by which firearms are governed in Virginia.

The second part of the study will deal with firearms in Fairfax County and the impact of state and federal law in Fairfax County. It will show that Fairfax presents the same pattern of firearm dominance in domestic violence homicides and in suicides. Law enforcement and medical and social service practitioners are coordinating their systems to improve prevention by more-effective screening and intervention procedures, better access, and public education about firearm safety and the risks to families of keeping firearms in the home.

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## Suicide in Military Service

Suicide among our returning troops is a particular concern. Since 2008, suicide has been monitored in a standardized way across all the services by the services’ suicide prevention programs and the National Center for Telehealth and Technology, which publishes annual reports. The report says that 301 service members died by suicide in 2011. “Service Members most frequently used firearms to end their lives (n= 172, 59.93% for all firearms, n= 141, 49.13% for non-military issue firearms), or hanging (n= 59, 20.56%)”<sup>1</sup>

Nearly half of those suicides involved personally-owned weapons. There has been some confusion about whether superiors may ask military personnel whether they own personal firearms and whether they may keep records about ownership. Section 1062 of the National Defense Authorization Act of 2011—backed by the NRA<sup>2</sup>—prohibited such questions and record keeping, but there are exceptions. Subsection (c) (2) states that this prohibition does not apply to creating and maintaining records about “matters related to whether a member of the Armed Forces constitutes a threat to the member or others.”<sup>3</sup> Because of the confusion, Jo Ann Rooney, the principal deputy for the undersecretary of defense, had to issue a memo stating, “It is therefore concluded that the standard professional practices of health care providers, social workers, counselors, and similar personnel to obtain and record information on privately owned firearms and other lethal weapons in order to prevent or reduce risk of self-harm or harm to others are unaffected by Section 1062.”<sup>4</sup>

A good example of a successful program to reduce military suicide rates is shown by the Israel Defense Force (IDF), according to an article in the *Times of Israel*. There was a serious suicide rate among its young soldiers. To combat this problem, IDF in 2005 instituted a new multifaceted policy of more intense investigation of problem cases, greater involvement of both commanders and mental health professionals, and reducing permissions for soldiers to bring their weapons home over the weekends. These changes reduced the total suicide rate by 40%. In 2013, IDF experienced a 50% decline from 2012 and a 75% reduction in suicides from 2010.<sup>5</sup> This example, though reported from another country, is another indication that the ready availability of firearms is one inducement to suicide.

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## Firearms Discussion Questions

1. How did the LWVUS's positions on gun safety adopted in the 1990's change with the Supreme Court's decisions in 2008 and 2010 on the subject? What is the LWVUS position now?
2. In the 1970s and 1980s Firearms Safety was viewed as a "public health issue." Why was research into the use of firearms greatly restricted in the 1990s?
3. Discuss the relationship between guns and suicide. If there were fewer guns, do you believe that the number of suicides would drop? What about the Japanese example cited in the article?
4. As mental health issues are examined, should gun ownership be examined as part of the problem on an individual level, a community level, a societal level?
5. What restrictions do states face in enacting regulations of firearms? What is Virginia's position on use of deadly force?
6. What questions remain in your mind in considering firearm use as a public health and safety issue?

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### LWVFA Honored by Office of Elections . . .

## Celebrate Partnerships Award 2014 – Community Resource Connector

*A note from Cameron Quinn, Fairfax County Registrar, to let us know they've nominated the Fairfax LWV for one of the County's Partnership Awards. Winners will be announced on May 29 at Mason Inn. Thank you for all that you all do to support the Office of Elections (among other county agencies!).*

For over thirty years, the Fairfax County Office of Elections has had tremendous support from the League of Women Voters Fairfax Area (LWVFA), a nonpartisan organization dedicated to civic education & participation.

Voter Registration Day is a key annual voter education event observed nationwide. It is always a challenge to pull staff out of the office during this peak election time. The success of this event has been due, on a large part, to the LWVFA. While the Office provides staff and planning, the execution is significantly amplified by the time, talent and commitment of LWVFA volunteers.

This past October, the LWVFA not only provided volunteers to assist with Voter Registration Day in several locations around the county, but also assisted in the logistics of recruiting and placing volunteers at strategic venues to distribute information and encourage voters to be engaged and prepared for the upcoming election. Julia Jones, Helen Kelly, Sidney Johnson, Olga Hernandez and Therese Martin consistently reach out to the Fairfax County Office of Elections and ask, "What can we do? How can we help? We are here to assist you." Their efforts help us reach first time voters, new citizens, minorities and the elderly so they have the opportunity and the information to exercise their right to vote. Their assistance is invaluable to the Fairfax County Office of Elections.

The LWVFA's commitment to civic participation and education provides our community with extremely valuable volunteer assistance to the Fairfax County Office of Elections. Some of what they do supplements what the office could be doing to register voters, and recruit election officers, but for insufficient resources. Some of what they do goes beyond the perceived role of government into voter education, such as their "Meet the Candidates" events, and other efforts to engage citizens in both sides of policy discussions around broader policy areas, including transportation, K-12 education and other key topics. This incredibly valued partner is a key community resource connector for Fairfax County.

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## LWVNCA Invites Leaguers to Participate in Discussion of Common Area Issues

What does the League of Women Voters of the National Capital Area mean to you? Would you like to meet other local League members? Talk about issues in common like membership, fundraising, how the LWVNCA can play a significant role for local Leagues?

We want to encourage local members, not only local League Board members, to join us on Saturday, August 2, 10 a.m.-3 p.m., in the conference center at NRECA, 4301 Wilson Blvd, Arlington, VA. Each League can name three members and their LWVNCA representative to this lively and informative gathering.

No cost to attend or for parking, lunch on your own at Ballston area eateries. Please advise Rona Ackerman at the LWVFA office if you'd like to attend. For any questions, contact: Diane Hibino, LWV/Montgomery County, MD, [trihib@verizon.net](mailto:trihib@verizon.net) or 301-263-9876.

State Council News Briefs . . .

## Elections Panel Kicks Off Grant Implementation

By Lois Page, Secretary

One of the highlights of the LWV-VA's 2014 Council in Fairfax was the panel of three election experts as arranged by Therese Martin, Coordinator and grant writer for the latest Public Advocacy for Voter Protection (PAVP) grant. LWV-VA recently was awarded \$9,000 by LWVUS to promote improvements and fairness in the election process in Virginia.

Panelists included moderator Leslie Reynolds, Executive Director of the National Association of Secretaries of State and a seasoned poll worker in Arlington; Kimball Brace, President of Election Data Services, Inc, member of Prince William's Bipartisan Election Commission on the Election Process and an avowed election "date geek;" Judy Brown, General Registrar for Loudoun County, one of the fastest growing counties in the U.S.; and Brian Schoeneman, Secretary of the Fairfax County Electoral Board and member of the Fairfax Bipartisan Election Process Improvement Commission.

The panel presentation and Q and A comments were videotaped by James Southworth, executive producer of "Inside Scoop" and a member of the Fairfax Public Access Board of Directors. They can be viewed in total on YouTube at [http://youtube/bnXWG\\_VeOhU](http://youtube/bnXWG_VeOhU) Viewers may access this readily by going to the LWV-VA website [www.lwv-va.org](http://www.lwv-va.org).

**Local Leagues are urged to include a meeting to present the video and discuss the issues. LWV-VA is also planning a statewide forum on election law developments, including the Photo ID issue, on September 20. Details to follow.**

Panelist Judy Brown, whose job requires maintaining voter registration lists, said that online voter registration is a great step forward. It allows for 24 hour access to register, cuts down on paper work and data errors. More than 63,000 people have registered online in Loudoun since implementation but not all had the required signature on file. She looks forward to new registrants being able to register online at the DMV window since applicants will also be able to supply a signature there.

Brown also detailed the effort she goes through—involving multiple phone calls and letters—before a voter is removed from the rolls. People fail to realize that if they move away and perhaps register to vote elsewhere, they must reregister when they return. A number of previously removed voters

did show up at the last election, many of whom has simply had their Social Security numbers entered incorrectly. Adequate resources are needed to maintain voter lists.

A major point made by panelist Kimball Brace is the many ways states differ in their handling of elections and the significant differences in the size of voting precincts. Only 15 counties of the 3,000 in the country have more than a million voters and of course several of these are in northern Virginia. There are 10,072 election jurisdiction in the country, the average size being 1,492. He pointed out that in the 2012 election, Prince William had 77 precincts with a number of them over 5,000 voters. In the largest precinct the last voter cast a ballot at 10:45 p.m. In the spirit of always taking advantage of a crisis, Brace added that the embarrassment that this caused led the Supervisors to add 15 new precincts.

Brace warned that the change to optical scan paper ballots, which is about to happen statewide, will require considerable training of both officials and voter. He urges that a series of training videos for election workers, no more that 5 minutes long each, should be developed.

Brian Schoeneman agreed that voters are still confused by the optical scan voting machines which will be totally implemented in the next elections in Fairfax. Voters tend to think that the touch-screen models, now no longer accepted in Virginia due to lack of a paper trail, are more up to date. They were suspicious during the last election that the optical scanner was instead a trash can or a paper shredder. But Shoeman stated how much of a relief it was to have the paper ballots to examine during last year's recount of a close election.

He also mentioned the long lines during the 2012 election. More trained staff continues to be key. A total of 2,500 workers are needed for many elections. He feels the increased pay for the long day required has helped recruitment considerably. He is concerned that the average age of election workers at 62, with 30% over 70, indicates a need to continue to recruit younger people. Fairfax now has a paid election worker recruiter. Another huge need is poll workers with language proficiency.

The main activities to fulfill the PAVP, which must be completed by March 31, 2015, have the following objectives: 1) Improve polling place management, 2) Expand early voting, 3) increase access to voter registration opportunities, and 4) oppose photo ID and documentary proof of citizenship.

## “Let’s See -- I First Joined the League in . . .”

*What is your answer to Executive Director Rona Ackerman’s question of longtime members:*

Please let me know what year you first joined the League, any League. This question seems to be triggering some great memories for people (the year my child . . . Or, the year we moved to . . .) I’d love to hear yours! *Here is one response:*

Dear Rona Ackerman,

I’m sorry I can’t give you a year--for many years I was a member at national level only, and probably lapsed by a year or more when the family was moving, so the national office may not have that record either.

It wasn’t until I retired (late 90s or 2000?) that I was able to join the local unit (Mount Vernon Day), so I expect you have this date on record. It was really only then that I feel I “joined”--and what a wonderful and diverse group I have found in this “unit”. --I enjoy so much hearing the perspectives that come from the life experience of each person, and we all appreciate receiving the excellent reports that provide a basis for consideration.

Yesterday (April 9), after I spoke (as an individual) at the BOS hearings on the Fairfax County proposed budget plan, I stayed to hear the speaker for the LWV-FA -- and I was so impressed by the quality of the testimony. Thoughtful, well-researched. . . . A big thank you to all who contributed to her presentation!

Louise Cleveland

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## Volunteers Needed: Be a League Observer

An observer:

1. Monitors public meetings and reports on issues of concern to LWVFA. Potential observations include, but are not limited to:
  - a. Fairfax County Board of Supervisors
  - b. Fairfax County Public Schools Board
  - c. City of Fairfax Council
  - d. City of Fairfax School Board
  - e. Town Councils in Clifton, Herndon, and Vienna
  - f. Fairfax County Public Library Board
  - g. Fairfax County Board of Elections
  - h. Fairfax County Court

2. Attends meetings in person, watches as they are broadcast, or records meetings to watch at a convenient time.
3. Reviews minutes and/or related documents if necessary, or if unable to view meeting.
4. Becomes familiar with League positions so that issues upon which we can take action/advocate are readily recognized.
5. Takes notes and relays relevant information to the Observer Corps Coordinator. These include, but are not limited to:
  - a. Issues that need action or advocacy
  - b. Issues that can be used in developing questions for voter guides
  - c. Issues that are potential LWVFA program topics
  - d. Issues that should be communicated to our members
6. Wears a League button and introduces him/herself to the public officials if attending a meeting in person.

**Interested? Let us know. Contact Rona at [league@lwv-fairfax.org](mailto:league@lwv-fairfax.org) or 703-282-2262.**

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## Emergency Shelter for Victims of Domestic Violence

Did you know that 283 eligible households were turned away from Artemis House in FY13? Artemis House is a shelter in Fairfax County for victims of domestic violence. Additionally, 128 households were turned away from Bethany House in FY13. Bethany House is a nonprofit 501-C-3 organization providing emergency and shelter services. While all victims who are determined to be in imminent danger will be housed in some way, the shortage of bed space in the county continues to limit the number of victims who can access emergency shelter.

Emergency shelter is an important option for victims who are escaping violent relationships. Shelter provides victims with the space and time to stabilize their lives, including receiving trauma-informed crisis intervention and support services as well as addressing basic needs, including legal and advocacy needs. Shelter also helps keep victims safer during the potentially lethal separation period (statistically, victims are at most risk of being killed during the first three months following the separation, and the risk remains high for up to a year following separation, when it then levels off).

Barbara Nunes, Domestic Violence Chair  
*Information prepared by the Fairfax County Office for Women & Domestic and Sexual Violence Services.*

## This Month's Unit Meeting Locations

### Topic: Firearms: Most Often Selected for Homicides and Suicides

Members and visitors are encouraged to attend any meeting convenient for them, including the "At Large Meeting" and briefing on Saturdays when a briefing is listed. As of May 1, 2014, the locations were correct; please use phone numbers to verify sites and advise of your intent to attend. Some meetings at restaurants may need reservations.

#### Saturday, June 7

##### **10 a.m. At-Large Unit and Briefing**

Packard Center  
(in Annandale Community Park)  
4026 Hummer Rd.  
Annandale 22003  
Contact: Judy, 703-725-9401

#### Monday, June 9

##### **1:30 p.m. Greenspring (GSP)**

Hunters Crossing Classroom  
Spring Village Drive  
Springfield 22150  
Contact: Kay, 703-644-2670

#### Tuesday, June 10

##### **10:30 a.m. Centreville-Chantilly (CCD)**

Sully District Gov. Center  
4900 Stonecroft Blvd.  
Chantilly 20151  
Contact: Olga, 703-815-1897

#### Wednesday, June 11

##### **9:30 a.m. Mt. Vernon Day (MVD)**

Mt. Vernon Dist. Government Center  
2511 Parkers Lane  
Alexandria 22306  
Contact: Louise, 703-960-0073

##### **9:30 a.m. McLean Day (McL)**

Star Nut Café  
1445 Laughlin Ave.  
McLean 22101  
Contact: Peggy, 703-532-4417 or  
Sharone 703-734-1048

##### **10 a.m. Fairfax Station (FXS)**

7902 Bracksford Ct.  
Fairfax Station 2039  
Contact: Lois, 703-690-0908

##### **7:30 p.m. Reston Evening (RE)**

Reston Art Gallery at Heron House  
Lake Anne Village Center  
Reston 20190  
Contact: Lucy, 703-757-5893

#### Thursday, June 12

##### **9 a.m. Reston Day (RD)**

2615 John Milton Dr.  
Herndon 20171  
Contact: Rona, 703-476-5758

##### **9:30 a.m. Springfield (SPF)**

7827 Anson Ct.  
Springfield 22152  
Contact: Anita, 703-451-1048

##### **1 p.m. Fairfax/Vienna (FX-V)**

Oakton Regional Library  
10304 Lynhaven Pl.  
Oakton 22124  
Contact: Bobby, 703-938-1486 or  
Liz, 703-281-3380

##### **7:45 p.m. Mt. Vernon Evening (MVE)**

Paul Spring Retirement Community  
Mt. Vernon Room  
7116 Fort Hunt Road  
Alexandria 22307  
Contact: Jane, 703-960-6820

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## No Meetings Until September - Enjoy Your Summer!

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The League of Women Voters of the Fairfax Area (LWVFA)  
 4026-B Hummer Road, Annandale, VA 22003-2403  
 703-658-9150. Web address: www.lwv-fairfax.org

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**The LWVFA Fairfax VOTER ©  
 June, 2014  
 Julie Jones, Co-President  
 Helen Kelly, Co-President  
 Ron Page, Editor  
 Liz Brooke, Coordinator**

The League of Women Voters is a nonpartisan political organization that encourages the public to play an informed and active role in government. At the local, state, regional and national levels, the League works to influence public policy through education and advocacy. Any citizen of voting age, male or female, may become a member.

The League of Women Voters never supports or opposes candidates for office, or political parties, and any use of the League of Women Voters name in campaign advertising or literature has not been authorized by the League.

### LWVFA MEMBERSHIP APPLICATION

(Dues year is July 1 through June 30. Current dues year ends June 30, 2014.)

**Membership Category:** Individual \$65 \_\_\_\_; Household (2 persons-1 VOTER) \$90 \_\_; Donation \$ \_\_\_\_  
 Student \$32.50 \_\_\_\_; (Coll. Attending \_\_\_\_\_)

**Membership is:** New \_\_\_\_; Renewal \_\_\_\_; Reinstate \_\_\_\_; Subsidy Requested \_\_\_\_

**We value membership. A subsidy fund is available, check block above and include whatever you can afford.**

**Dues are not tax deductible. Tax-deductible donations must be written on a separate check payable to LWVFA Ed. Fund.**

**Please Print Clearly!**

Name \_\_\_\_\_ Unit \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip + 4 \_\_\_\_\_

Phone (H) \_\_\_\_\_ (M) \_\_\_\_\_ E-Mail \_\_\_\_\_

**Thank you for checking off your interests:**

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> County Govt      | <input type="checkbox"/> Voting Procedures     | <input type="checkbox"/> Health Care       | <input type="checkbox"/> Schools            |
| <input type="checkbox"/> Fiscal           | <input type="checkbox"/> Environmental Quality | <input type="checkbox"/> Human Services    | <input type="checkbox"/> Other (Specify)    |
| <input type="checkbox"/> Public Libraries | <input type="checkbox"/> Land Use Planning     | <input type="checkbox"/> Judicial Systems  | <input type="checkbox"/> Affordable Housing |
| <input type="checkbox"/> Transportation   | <input type="checkbox"/> Water                 | <input type="checkbox"/> Juvenile Problems | <input type="checkbox"/> Domestic Violence  |

Mail to: LWVFA, 4026-B Hummer Road, Annandale, VA 22003-2403