

**The Breakfast Club**  
**Constitutional Minute for 14 December 2021**

**Ten Questions to Ask Candidates for State Office in Virginia**

1. What, in your opinion, is the purpose of government?

Discussion: Like candidates for Congress, a candidate for state office who does not understand the basic purpose of government should never be elected to office; they are unlikely to learn the correct answer once in office because they will be thrust into a state assembly or some department packed with others who are similarly clueless. Government is instituted to secure our rights and create an ordered and safe society, not to feed, clothe and house us; to promote the general welfare, not provide it. Listen carefully to how the candidate answers.

2. Can you define the word: “federalism” for us?

Discussion: Nearly everyone understands the word federalism as meaning power shared between national and state governments, but few Americans have thought much beyond that. A good candidate will at some point in his answer reference the 10<sup>th</sup> Amendment; the national government was intentionally given limited powers, the rest were to remain with the states and the people. It is the *balance* of power that is critical to a correct understanding of federalism.

3. In what way(s) does the Virginia Declaration of Rights differ from the US Constitution’s Bill of Rights?

Discussion: Elected state officials in Virginia take an oath to support both the U.S. Constitution and the Virginia Constitution. It is therefore important they understand both equally well. The Virginia Declaration of Rights (DOR) was approved 29 May 1776, more that 15 years before the U.S. Bill of Rights (BOR) was ratified. Authored by George Mason, the DOR contains protections not found in the BOR (have you compared the two documents?). Madison tried to put some phrases from the Virginia DOR into the BOR but they were cut during the editing process. Candidates should have more than a passing familiarity with Virginia’s Declaration.

4. Can the Governor, Lt. Governor or Attorney General in Virginia be impeached?

Discussion: Article IV, Section 17 of the Virginia Constitution states: *“The Governor, Lieutenant Governor, Attorney General, judges, members of the State Corporation Commission, and all officers appointed by the Governor or elected by the General Assembly”* can all be impeached. Going beyond the U.S. Constitution’s *“Treason, Bribery, or other high Crimes and Misdemeanors,”* a Virginia official can also be impeached for *“offending against the Commonwealth by malfeasance in office, corruption,[and] neglect of duty....”* There is also a provision in the Virginia Code ([Section 24.2-233](#)) that allows a circuit court, upon petition, to remove from office any elected officer or officer who has been appointed to fill an elective office and who resides within the jurisdiction of the court. A previous [Mayor of Portsmouth](#) was twice removed from office this way. The [Mayor of Virginia Beach](#), a Republican, is currently facing a recall attempt.

5. Where does the State of Virginia derive the authority to operate a public school system?

Discussion: There is no authority in the U.S. Constitution for a *national* public school system, but every state has one. The states get the authority to operate these systems in their state Constitutions, of course. The 1869 Virginia Constitution (Article VIII) gave Virginia the authority to set up a public education system and we've had one ever since. Until the 1970s, however, [Virginia's public schools were segregated](#). In 1954, *Brown v Board of Education of Topeka, Kansas* required desegregation of schools across the nation and Virginia slowly followed suit. By the way, how well versed is the candidate in important Virginia and American history?

6. Do you believe the state should be the exclusive provider of children's education in Virginia?

Discussion: Education has become a "hot-button" issue across the nation. Children are being indoctrinated in socialist/racist theory and alert parents are choosing other options than public schools. Will this candidate support these other options, to include school choice vouchers, private schools and homeschooling? VA laws affecting homeschooling are discussed [here](#).

7. If Roe v. Wade is reversed, as many expect will soon happen, how should the issue of abortion be handled here in Virginia? Under what conditions, if any, should abortion be allowed?

Discussion: Candidates for state office must have thought this out in advance. And you the voter must be prepared to lend your support to candidates who share your views.

8. Do you believe there are multiple sexes, or only two: male and female? Who or what decides a person's biological sex? Should public schools notify parents when school children under their care pose questions on this issue to teachers and staff?

Discussion: Another "hot-button" issue. In some Virginia localities, school children are actively encouraged to explore their gender identity and parents are purposely excluded from the conversation. How does the candidate feel about this? Candidates must be confronted with all issues they will encounter in office, even the uncomfortable ones.

9. Are there any conditions under which the state government should not obey a federal law or mandate?

Discussion: This goes back to the question of federalism, but also raises a principle called the "Doctrine of the Lessor Magistrate" which calls on government officials at all levels to exert their moral obligation to protect those under them from unconstitutional or immoral laws. In 1798, James Madison and Thomas Jefferson wrote [treatises](#) opposing enforcement of the patently unconstitutional Sedition Laws. Today, Blue states often encourage sanctuary cities for illegal immigrants and some cities in conservative states are beginning to become Second Amendment sanctuaries. How does the candidate feel about this issue (called nullification)?

10. How would you proceed to ensure free and fair elections in this state?

Discussion: So many "hot-button" issues, so little time. Over the last two years, Democrats in control of the Virginia Assembly have enacted manifold changes to Virginia Election Laws, some that have weakened voter ID requirements and promoted absentee/mail-in balloting. What changes to current laws would the candidate support?