

## Bacon's Rebellion

Democracy Thrives in Sunlight

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# Some Virginia Senate Democrats Vote in Committee to Define Deviancy Down

Posted on [January 28, 2022](#) by [sherlockj](#) | [11 Comments](#) |

By James C. Sherlock

The primary obligation of government has always been to protect its populace from harm.

That is the basis of the social contract. The people give up absolute individual liberty to achieve group safety.

Necessary restrictions on government power started in English-speaking countries with the Magna Carta. In the United States Constitution they are codified in the Bill of Rights.

House and Senate bills have been filed that will permit the Attorney General to intervene at the request of local law enforcement to prosecute violent crime when Commonwealth's Attorneys will not.

A committee of the Senate voted the Senate bill down 8-7. All six of the Republicans and one Democrat in that committee voted in favor.

The rest of the Democrats opposed it. They deserve the benefit of the doubt. Some may not have understood the facts on the ground. Few Virginians understand exactly what some progressive Commonwealth's Attorneys are doing.

They, and you, are about to find out.

Eleven Virginia Commonwealth's Attorneys in the summer of 2020 formed an advocacy group, *Virginia Progressive Prosecutors for Justice*.

Members include:

- Amy Ashworth; Prince William County, Manassas and Manassas Park
- Anton Bell; Hampton
- Buta Biberaj; Loudoun County
- Parisa Dehghani-Tafti; Arlington County and Falls Church
- Steve Descano; Fairfax County and City of Fairfax



Attorney General Jason  
Miyares Courtesy  
[wric.com](#)

- James Hingeley; Albemarle County
- Stephanie Morales; Portsmouth
- Joseph Platania; Charlottesville
- Bryan Porter; Alexandria
- Shannon Taylor; Henrico County
- Ramin Fatehi; Norfolk

The General Assembly knows well what that group has proposed in the way of laws. The members may not know what they are doing *without* seeking changes in the law.

Some have :

- chosen to ignore some violent crime; or
- reduced felony charges to misdemeanors, and then ignored them; or
- supported release of violent offenders on personal recognizance with significant probability they will offend again.

They do that in the name of what they presume to be social justice. In doing it, they abandon the social contract on safety.

Senators Edwards, Saslaw, Lucas, Deeds, Surovell, McClellan, Boysko, and Morrissey in the Virginia Senate Committee on General Laws and Technology voted to bury SB 563 *Attorney General; instituting or conducting criminal prosecutions for acts of violence*.

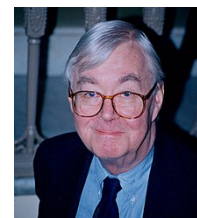
Sen. Chap Petersen (D-Fairfax), a practicing attorney in Fairfax County, voted for the bill.

The rest of the committee Democrats voted, wittingly or not, as Daniel Patrick Moynihan famously wrote in 1993, to “define deviancy down”. Not for just themselves, but for all Virginians.

They voted to leave Fairfax County Commonwealth’s Attorney Steve Dascano to his project.

Dascano publicly proclaimed an agenda. In his 20-page campaign platform *Progressive Justice* he proclaimed:

*I’ll discard the tough-on-crime approach that has failed to address the root causes of crime, in favor of a holistic approach that builds up our communities and makes them safe.*



Sen. Daniel Patrick Moynihan (D-NY)



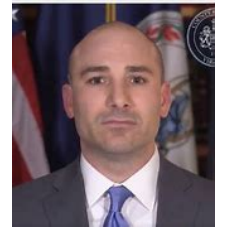
Sen. Chap Petersen (D-Fairfax)

He has certainly delivered on his “discard the tough-on-crime” approach. I guarantee you will find he has gone further than most Virginians can imagine. He promised to “reform our criminal justice system.” Well, let’s look.

Read the January 2021 caution to potential clients from a prominent Fairfax County criminal defense attorney,

[John Kassabian](#):

*Over the last year or so, the Office of the Commonwealth's Attorney for Fairfax County has clearly laid out the types of criminal offenses that will and will not be prosecuted by their office. Shortly after the election in 2019, the new administration of the Fairfax County Commonwealth's Attorney Office said they would no longer prosecute marijuana possession cases. To date, the office will not prosecute cases involving assault and battery, prostitution, shoplifting, resisting arrest, reckless driving, possession of certain drugs (III, IV, V, or VI) as well as possession with intent to distribute certain drugs, animal cruelty cases in addition to many other misdemeanor offenses and traffic related cases, to include Class 1 Misdemeanor Reckless Driving, Hit and Run, Eluding, Driving on Suspended Operators License, No Valid Operator's License, Speeding violations and many accident related offenses, to name just a few types of charges the Office of the Commonwealth's Attorney will not be personally involved with.*



Steve  
Descano  
(Progressive,  
Fairfax)

***Police officers are still actively policing and bringing criminal charges for cases the Commonwealth's Attorney won't take on, and Fairfax County courtrooms are still busy handling many criminal and traffic related cases. Progressive policies of the prosecutor's office certainly do not mean that the police won't charge for a crime committed; it only means that a prosecutor in Fairfax County will not get involved or handle many matters that they once did. The court will still require that police officers act as the moving party and go through with the trial if they have charged you with a crime, so the only difference is that you will face a different person, that is **a police officer, moving the case forward as opposed to a prosecutor.** (Bolding by author)***

Mr. Kassabian is a distinguished attorney and a member of the criminal defense bar. That organization is not noted as a right wing cabal.

So, back to the rest of us. Can we agree that at least *some* of the list of crimes the CA ignores represent deviant behavior – specifically acts of violence – that a society wishes to suppress? Assault and battery? Hit and run? Resisting arrest?

Can you agree that the people's case should be presented by an attorney?

Now you understand why Attorney General Miyares has asked for authority to intervene at the request of local law enforcement and *replace police officers with attorneys* in the prosecution of violent crimes.

I hope that puts the headlines in a different light.

Senators Edwards, Saslaw, Lucas, Deeds, Surovell, McClellan, Boysko, and Morrissey have, once again wittingly or not, signaled that the behavior on which Descano is turning his back is acceptable; that it is OK with them that Fairfax County *police officers* are left to prosecute assault and battery, resisting arrest and the rest. Nothing to see here.

Yet when resisting arrest and assault and battery on a police officer combine to produce wounded or dead cops, we

can be assured that these senators will be “shocked and saddened”. Offer thoughts and prayers. Cry at the funerals. Transfer the guilt to an inanimate object. Introduce gun control legislation, even if the killings were by knife.

Devil take the hindmost.

The Senate will get another bite of this apple. HB 1198 (Bell), identical to SB 563, will pass and cross over. If it gets to the Senate floor it will pass with Sen. Petersen’s vote. I sincerely doubt that he will be the only Democrat with a yea vote.

But first it will go to the *Committee on General Laws and Technology* in which SB 563 died.

Some of those senators will agree that some violent crimes should be ignored and will vote against HB 1198 as well. That is their right and privilege.

But, in light of what actually is going on in Fairfax County and elsewhere, they must ask themselves whether their approach is so clearly right, so *unchallengeable*, that they again must deny the Senate a vote.

**Senator Creigh Deeds** will be the key committee vote to watch.

He is a good man and the driving force in the Senate to improve Virginia’s mental health system. I have supported his efforts and wish him Godspeed on that.

He is also an attorney. He has written



Sen. Creigh Deeds (D)

*The administration of justice is a key principle in a democracy. The rule of law and the fair application of the law are the key standards of this principle.*

A key principle. The key standards.

We’ll see how Senator Deeds defines them on reconsideration of what is actually going on in Fairfax County. I sincerely doubt he knew the details of that dangerous mess when he voted against SB 563.

He also will reconsider how best to represent the principles and standards of his constituents in Lexington and Alleghany, Bath, Highland, Nelson, and Rockbridge Counties as well as those in Albemarle County and Charlottesville.

I think he will this time vote in committee to pass it on to the floor of the Senate, where it will pass with at least his vote and that of Sen. Petersen from among the Democrats and go to the Governor for his signature.

We’ll see.

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**William O'Keefe** • 2 hours ago

Those who voted against it should reflect on what happened in New York under DeBlasio's progressive agenda. If these attorneys want to change the law they should run for the Legislature instead of just ignoring them.

^ | v • Reply • Share >



**dick dyas** • 2 hours ago

Its a shame that jurisdictions can't clean their own houses without reverting to a detour process to sidestep rogue prosecutors.

^ | v • Reply • Share >



**James C. Sherlock** → dick dyas • 2 hours ago

It is a shame, and a fact.

^ | v • Reply • Share >



**Deborah Hommer** • 2 hours ago

First, I enjoy reading your articles.

Second, I just thought I would clarify that we the people do not, absolutely do not, give up our absolute individual liberty. I disagree with your definition of the social contract and that the people give up absolute individual liberty to achieve group safety. That's the collectivist vision of the Progressives which was never changed by a constitutional amendment because they knew it'd never pass so they created this bs "living constitution" to be able to do what they want. And we know they can get constitutional amendments passed. As an aside, many philosophers have a different definition of social contract. However, the U.S. was founded on three documents. The first, the Declaration of Independence, clearly states that we have this natural rights that pre-exist the government and the government was instituted to protect those rights. Further, if the government violates those rights, we have a duty and a right to overthrow the government. The next founding document is the Constitution which is supposed to be limited government and their authority was limited to just what the document said (I think it's Federalist 78 that details this further). Boy, the ink was barely dry and humans vested with the duties to protect and obey the constitution were inventing powers they were not granted and rubber stamped by the Supreme Court. The last founding document is the Bill of Rights. This was to outline the natural and civil rights we have prior to the existence of the government that

[see more](#)

^ | v • Reply • Share >



**Deborah Hommer** → Deborah Hommer • 2 hours ago



And let me just add that the definition of "common good" was changed with the Progressives. John Locke in his Second Treatise on Government that greatly influenced our Founding Fathers/Framers/documents illustrated that the common good must not hurt anyone. If a policy is going to violate one person's due process of law of the right of life, liberty, it cannot be passed. The Progressives changed the definition to the collectivist view that people can get hurt if it benefits the greater good. It's wrong.

^ | v • Reply • Share >



**James C. Sherlock** → Deborah Hommer • an hour ago

Deborah, please read my response above. I am a conservative - I aim to *preserve* the social contract embodied in the constitution. Not expand it. Your words can rationally be read that you do not agree with that constitution. You are welcome to that view. I do not share it.

^ | v • Reply • Share >

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**James C. Sherlock** → Deborah Hommer • an hour ago

Yours is the extreme libertarian view. You are welcome to it.

Neither I nor the United States Constitution share a view that we did not participate in this political project called America without surrendering some personal liberty to government. If we had not, there would not have *been* a constitution. No Bill of Rights would have been necessary.

^ | v • Reply • Share >



**Dick Hall-Sizemore** • an hour ago • edited

Most, if not all, of the offenses that have you so upset are misdemeanors. It is not unusual for the Commonwealth's attorney not to appear in general district court where misdemeanors are heard. Several years ago, for example, the Commonwealth's attorney for Chesterfield announced his deputy prosecutors would no longer appear in general district court.

You made some broad statements with no examples or proof of any kind. For example, these:

Some have :

chosen to ignore some violent crime; or

reduced felony charges to misdemeanors, and then ignored them; or

supported release of violent offenders on personal recognizance with significant probability they will offend again.

Finally, Miyares's proposal (SB 563) would not have affected any of the examples you listed. His original bill dealt only with certain specified serious, violent felonies, including child sexual assault. He watered it down to cover only sexual assault on minors. See my



post at: <https://www.baconsrebellion...>

^ | v • Reply • Share ›



**James C. Sherlock** → Dick Hall-Sizemore • 39 minutes ago

You are talking around the issue, Dick, not about it.

The bill can be amended. I provided solid evidence that Descano is failing to prosecute violent crimes. Do you support him or not?

^ | v • Reply • Share ›

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**kls** • 26 minutes ago

All those who support such antics of not enforcing the laws passed by the people's representatives should add their name to the local/state wide 9-1-1 DNR list [Do Not Respond with a LEO when 911 is called - please only send a social worker with a such degree]. I bet they [nor those on this forum of like ilk won't be willing to do that though.....

^ | v • Reply • Share ›



**Nancy Naive** • 24 minutes ago • edited

Hmmm, remove the local CA powers of discretionary prosecution? My, my, how authoritarian.

I vas yust followink orders!

^ | v • Reply • Share ›

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