

Gun Laws We Need Part III: What About “Due Process”?

By Alan Korwin

“Any legislative, administrative or other proposal that would decrease, suspend, delay or eliminate due process, including but not limited to so-called “red flag” rules for an American citizen, is null and void. Any elected, appointed, employed or other person acting in an official capacity who proffers such a proposal shall be subject to an ethics board review and disciplinary action.”

When one lone New York state legislator can propose an outrageous affront to the U.S. Constitution, and with it command national attention instead of rebuke because it’s an anti-gun-rights idea, you know something is rotten in the state of America. His suggestion to give up social-media passwords for police searches before “applying” for firearms is beyond outrageous.

By suggesting we relinquish our Fourth Amendment rights against warrantless searches, in order to exercise our rights to arms, this New York tyrant – and that’s the correct adjective – has demonstrated his lack of qualification to sit as a legislator. Proposing an act abhorrent to the Constitution is grounds, not just for censure, disgrace and dismissal, it is grounds for punishment.

***Marbury v. Madison*, 5 U.S. 137, 1803**

“An act of the legislature repugnant to the constitution is void.”

***Norton v. Shelby County*, 118 U.S. 425, 1886**

“An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation as though it had never been passed.”

Because legislators – unlike we the regular people – often don’t face punishment for their actions that violate law, many, like this New York bigot, have reached a turning point. They feel at liberty to do anything. Their colleagues are understandably reluctant to act against one of their own, even across the aisle, even when the act is egregious, as his proposal is. A cynic would say this shows they’re all corrupt.

We the people need a statute providing punishment for the serious crime of violating civil rights by act of law. It would apply specifically to legislators, but equally, because we are a just land, to judges and the full judiciary, police, attorneys, and basically everyone – without exception. Fortunately, we have such a law. We simply need to demand enforcement of its federal criminal charges and penalties (plus enactment at the state level for good measure). It’s called 18 U.S.C. §242, “Deprivation of Rights Under Color of Law.”

Proposing warrantless searches of your private papers and effects constitutes a violation of fundamental Fourth Amendment rights. This much is obvious *prima facie*, as lawyers say, on its face. It should be grounds for charges against this Brooklyn man. His intention to deny constitutional protection to the public evinces a willingness to subject citizens to absolute despotism, offending the public order. Subjecting people to absolute despotism was, in Colonial times, literal grounds for revolt. In our more civilized times, it is grounds for other action. “They can’t get away with this!” the rabble rightly insists. What to do?

Similarly, outlawing legal firearms and accessories, which has already been committed, *infringes* on the rights of those who own the arms and accessories. *Infringement* is banned by the Constitution. Requiring destruction or surrender of such property is *aggravated infringement*, a dangerous felony-level offense, which violates the Second *and* Fourth Amendments, serious

criminal acts. Signing such edicts, and attempts to enforce their terms are pure tyranny by definition. Pretending to “legally” enact such travesties is monstrous.

Politicians do not have such powers, they have never been delegated. In fact, just the opposite is true. The electorate has banned politicians from doing those things – even if some misguided ones, driven along with sheeple by drumbeats of a corrupted “news” media, now clamor for said affronts.

America has a charter – the rule of law – and no one, in government or otherwise, can merely decide to take property without due process. That’s got a name: Theft. Theft is punishable. If armed “authorities” should dare come to take your property, with the usurped pseudo authority of blatantly illegal dictates, are you required to obey? Where is that line drawn? When does natural law, or the Constitution, or simply what is right, empower you to protect yourself and your stuff? Americans do not want it to come to that – we must nip this in the bud. “We the people need a statute providing punishment for the serious crime of violating civil rights by act of law.”

Democrats who have taken over the House of Representatives make no secret of their plan to introduce mountains of what they call “gun control” laws. Unlike recently when they hid their insidious intentions, or simply lied about them, they now publicly trumpet their public disarmament goals. Should republicans and the public simply gripe, as usual, and play defense? That may be tempting but it’s a completely wrong play.

Our divided Congress will strongly resist draconian bans. But with deal making, who knows – “the wall” and “impeachment” are powerful bargaining chips. Our defense should be offense – bold, righteous offense – with proposals that make gun banners nauseated. Show them up for the bigots they are, giving leftist journalists conniptions to boot. Politicians have gotten used to the notion they can threaten the Constitution, swear to dissolve our civil rights, come marching for our firearms – and they won’t face resistance! What is the Second Amendment for if you don’t truly represent a balance of power to the people in power?

Who is supposed to stand up to armed politicians and their cohorts threatening to disarm you? At what point are we the Colonists, recognizing men and women in business suits as basically redcoats come to take our guns, wielding pen and paper with armed might behind the curtain?

Long before that moment arrives, we need laws to stop these people who violate the Constitution, renege on their oaths and undermine the freedoms our muzzles are supposed to protect. Enforce U.S.C. §18-242. Criminalize red-flag attempts.

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