

Gun Laws We Need, Part IV: “Red Flag Laws Raise Red Flags”

By Alan Korwin

Officials promoting so-called “red-flag laws” should be evaluated for fitness to serve. Why? Because their so called “extreme protection orders” are blatant constitutional violations and have no place in an American system of justice. This much is obvious.

Empowering your neighbors, roommates, former lovers, relatives or people who have a grudge against you to use armed police to attack you, without warning or probable cause, does you serious criminal harm and must be stopped cold. Encouraging the public to “red flag” each other is what dictators did in the Soviet Union, communist China and elsewhere. Leftist sympathizers in America are attempting it here. It cannot be allowed to proceed.

If people are too dangerous to keep and bear their own arms, they are too dangerous to be out in public, period.

Proposing to take a person’s rights by armed force, without a trial or even a hearing, is such a violation of our laws, such an affront to the principle of innocent until proven guilty, and such a misuse of armed might, that anyone suggesting it should be subject to at least the psychiatric evaluation they would impose on us.

Legitimate methods already exist for intervening with truly dangerous people. Reluctance to do so reflects the extraordinary nature of taking such action against a person. Red-flag laws on the other hand are a casual workaround and a “clear and present danger” to public liberty. Proposing due-process removal by flagging is as bad as proposing racism by statute. The advocates must be stopped.

Using mass media to whip the public into amass frenzy to support this paranoid delusion is a harbinger of the end of our peaceful Republic. It signals a desire to overturn centuries of righteous law-making with mob violence, turning neighbor against neighbor in a vain effort achieve safety. Ben Franklin framed it perfectly: “Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.” Shouldn’t we all be flagged? Isn’t everyone potentially dangerous?

Criminal Penalties for Voiding Due Process

The dilemma: How do we structure a new bill so “officials” who stand in the way of full and free exercise of a given right face a penalty, or some deterrent to their actions? Like the Civil Rights Act of 1964 aimed to do?

The left in its fury is ignoring whether bills can pass legal muster. They push the envelope: “We’ll examine your Google search history before we’ll grant a carry license. “Preposterous of course, a product of one dimwit Brooklyn, N.Y. legislator. What would they do with what they find? Who looking, and who could possibly pass? They don’t say, but they push it, then “news” media bathes in it, and next thing you know, it’s part of the social fabric – “the narrative.”

We must do the same, force them back on their heels, even the odds. Should we seek Google checks for politicians and police before they’re hired? Let them gripe. Officials who examine “bad” Google histories, maybe they’ve been corrupted by reviewing disqualifying histories (whatever that may be, it’s undefined). Officials who promote grotesque civil-rights violation into laws should face repercussions. Why would honest people object?

Fortunately, we don't have to invent new laws. We simply need to resurrect existing ones, and enforce them. The U.S. Attorney's Office has been remiss in failing to enforce critical laws on the books: 18 U.S.C. §242. Deprivation of rights under color of law.

Discriminating against civil rights is illegal. The right to keep and bear arms is and has always been a basic civil and human right. Your right to defend your life against anyone or thing that unjustly threatens you has historic precedent going back to before the Bible. It is ensconced in the earliest written law, the Code of Hammurabi in 1700 B.C., and it was restated by the U.S. Supreme Court in the Heller Case as a "specific, enumerated right" (District of Columbia v. Heller, 554 U.S. 570, 628 n.27 (2008)).

In plain English, federal criminal code says anyone who, under color of any law, statute, ordinance, custom or regulation, willfully deprives any person of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, shall be fined or imprisoned for up to one year, or both.

It continues that, if bodily injury results, or if the violation includes the use or attempted or threatened use of a dangerous weapon, explosive or fire, the prison term rises up to 10 years. If death results, or if such acts include kidnapping, attempted kidnapping, aggravated sexual assault, attempted aggravated sexual assault, or an attempt to kill, the violator may be fined, imprisoned for any term of years up to life, or put to death. That's sufficient. It needs enforcement.

The left is screaming for new laws, let's give them some! Tax credits for gun-safety classes, encouraging a responsible citizenry, anyone? We must also look at repeals of the most onerous ones. Do you agree?

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