

Why Red Flag Bills are Dangerous to Honest Citizens

We believe Red Flag Bills have a disastrous effect on the relationship between law-abiding gun owners and honest law enforcement officers, who those gun owners have traditionally supported. Faced with the prospect of a hostile confrontation with heavily armed officers intent on disarming them, essentially at gunpoint, on the basis of a possibly groundless accusation; law abiding gun owners will have little choice, but to treat law enforcement officers with suspicion and dread, knowing that any contact by officers with citizens could be preludes to life-threatening situations.

Officers ordered to serve Extreme Risk Protection Order (ERPO) have no choice but to treat the subjects of the orders with the presumption that they are actually threats. Officers, already somewhat estranged from civilians by their natural need for defensive awareness and made more wary by recent attacks on law enforcement, sometimes called the "War on Cops," are going to be hyper-vigilant. This situation has resulted and will result in the unnecessary deaths of civilians, as well as officers. Below are four examples, where police/civilian confrontations ended in tragedy. We believe Red Flag Bills will create more unfortunate violence by causing more unnecessary hostile encounters.

In December of 2004, Frank Lobato was shot and killed by Denver Police. Mr. Lobato was sitting in bed with a can of soda pop, when police entered his room on a domestic violence call. Mr. Lobato was not the suspect in the case, but the responding officer mistook the soda can for a gun and killed him. (1)

In July of 2018, Richard "Gary" Black, decorated Vietnam War veteran and former Internal Revenue agent, was shot in Aurora by police responding to his home following a break-in by a group of people, including a naked man, who assaulted his grandson and tried to drown the boy in the bathtub. Mr. Black, who was forced to shoot the naked intruder, was armed when the police arrived and killed him. (2)

In November of 2018, Gary Willis of Arundel County, Maryland was shot and killed by police at his residence in a pre-dawn raid as they served an ERPO. The niece of the slain individual stated that her uncle "wasn't a danger to anyone and questioned the police response. She said it (the ERPO filing) was just 'family being family.'" (3)

Also in November of 2018, at a bar in a Chicago suburb, police shot and killed a security guard, who had just subdued an active shooter in the bar. Jemel Roberson, the slain guard, reportedly had plans to become a law enforcement officer. (4)

1. <http://articles.latimes.com/2004/dec/11/nation/na-denver11>.
2. <https://www.denverpost.com/2018/07/31/aurora-police-shooting-victim-identified/>.
3. <https://www.ammoland.com/2018/11/maryland-red-flag-gun-confiscation-order-ends-with-dead-gun-owner/#axzz5fzvUNoEA>.
4. <https://fox8.com/2018/11/13/suburban-chicago-security-guard-was-killed-by-police-while-doing-his-job-lawyer-says/>.

See article by David Kopel: <https://pagetwo.completercolorado.com/2019/03/12/kopel-red-flag-bill-guts-due-process-unnecessarily-threatens-police-and-public-safety/>.

Historical Perspective on the Limitation of the Right of Armed Self-Defense

"Those who do not learn from the past are condemned to repeat it." Santayana

Modern communication is often restricted by sound bites, bumper sticker slogans, and three-minute time limits. Many times, during the debate on good public policy regarding the ownership of firearms, we seem caught up in the present moment and ignore the wealth of cautionary historical information on the possible catastrophic consequences of restricting the right of a people to be armed. The best of intentions have often led to crime, corruption, tyranny, terrorism, and genocide.

We believe that weapons control is never absolute, favors the "One Percent," and discriminates against the "Have Nots." In many past and current societies, ruling classes have influenced the making of laws to make the world safer for themselves and to allow them to control the "Great Unwashed" of the society in question.

The ancient Spartans maintained a class of oppressed workers called Helots, who were forbidden the use of arms, unless it was in support of the Spartans' elite warrior class during their frequent campaigns. In order to maintain dominance, gangs of young Spartans would go forth at night to terrify Helots in their homes and to kill anyone who showed leadership potential. (1) It would not be the last use of night riders to intimidate an intentionally disarmed population.

The Roman Empire banned swords within the "Eternal City," except for the elite Praetorian Guard, whose job it was to protect The Emperor. On occasion, the Praetorian Guard selected and murdered Emperors at will, because the guards were the only ones in possession of significant armed force within the walls of Rome. (2) As the Roman poet and philosopher Juvenal aptly stated an age-old problem, "Who will guard the guards?"

Militarism and class oppression in Japan accelerated during the 16th Century, when the warlord Hideyoshi disarmed the lower classes of swords, firearms, and other weapons in what became known as the "Sword Hunt." One result of this disarmament, under the next ruler, was the law of "Cut Down and Leave," which allowed any Samurai to kill any member of a lower class for lack of respect for his or her "betters." (3) We believe this unbridled authoritarianism and militarism eventually contributed to World War II.

Some of the first gun control laws in the American Colonies were directed against Blacks. In 1644, the State of Virginia banned gun possession by free Blacks. Following the Civil War, "Jim Crow" laws against the possession of weapons disarmed former slaves. Night riders again intimidated an oppressed population. (4)

During the westward expansion of the American colonies, known as the fulfillment of "Manifest Destiny," there was a great crime in the colonizing society with regard to Native Americans, who were being displaced from their lands. This crime was the provision of firearms. The first

British edict against arming Native Americans was issued in 1641. (5) The State of Colorado banned the sale of guns to Native Americans in 1891. This law was only repealed in 1959. (6)

The strict anti-Second Amendment Sullivan Law in New York City had two primary purposes, the denial of firearms to immigrants and the protection of criminal gangs affiliated with city government. The law was somewhat successful in regard to both objectives. (7) (8)

Throughout the sordid history of the Russian Revolution, the Soviet Union, and various permutations of Communism in China, Cambodia, and elsewhere, weapons control has allowed governments to starve peasant farmers, carry out horrific purges, and establish systems of concentration camps, such as the Gulags in the Soviet Union, and the rural "killing fields" in Cambodia. (9)

The National Socialist Holocaust in Germany and the culmination of Japanese militarism during the Second World War resulted in the deaths of over 20 million people, including an estimated 6 million Jews, who were systematically denied the use of arms. Gypsies, Persons with Disabilities, Gays, and political opponents were also efficiently murdered by the Nazis. (10)

In modern Europe, a disarmed population is subject to a wave of international terrorism, including the slaughter in the Bataclan Night Club, murder in Brussels, carnage in Nice, and the killings in London and Barcelona. (11)

In the modern United States, at Virginia Tech, Fort Hood, The Pulse Night Club, San Bernardino, and many other places, attacks occurred in "gun free" zones, where governments limited, or allowed the limitation, of the private possession of firearms. (12) Truly, "When seconds count, the police are only minutes away."

In parts of Chicago and Mexico, criminal gangs ignore strict gun control laws and perpetrate acts of unspeakable violence against other gang members and disarmed civilians. In 2011, an estimated 61% of all murders in Chicago were committed by gang members. (13) (14)

While an armed population does not guarantee the survival of an individual or a group when faced with crime, corruption, terrorism, tyranny, or genocide, we know from ample historical examples how dangerous it is, when one group of people is able to "legally" deny the right of armed self-defense to another.

Please think about the politician that you most dislike. Imagine what it would be like, if he or she had absolute power. Now reflect on the fact that every restriction on the private ownership of firearms has the potential to bring that person, or his or her friends, one step closer to a monopoly on the use of armed force in the United States.

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4. Kopel, *The Samurai...*, Pages 332-337
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13. Rosenzweig, Ma'ayan, "Chicago Gang Violence by the Numbers," ABC News Internet Ventures, 2017. <http://abcnews.go.com/Nightline/fullpage/chicago-gang-violence-numbers-17509042>
14. Reuters, *The Guardian* (US), "Mexico: surge in drug gang violence leaves 35 dead in one weekend," <https://www.theguardian.com/world/2017/apr/24/mexico-surge-in-drug-gang-violence-leaves-35-dead-in-one-weekend>