



## Exercising the Right

### Citizens Forfeiting Gun Rights

On March 25, the *Washington Examiner* reported on bombshell allegations that the U.S. government has been using a little-known federal form to strip citizens of their Second Amendment-protected rights by claiming they are mentally unfit to own firearms. Recently released documents showed that the form was used by federal agents even though it had not been approved by Congress. The form has been criticized by Republican lawmakers as being unconstitutional.

According to the documents, for nearly a decade, the FBI, the Secret Service, and U.S. Immigration and Customs Enforcement colluded in the use of the form, which led at least 60 U.S. citizens, via plea agreements, to relinquish their right to ever own firearms. The pro-Second Amendment group Gun Owners of America filed a Freedom of Information Act lawsuit, which uncovered the documents. The release of documents did not disclose what those defendants had done to be subject to a plea agreement, but Second Amendment advocates criticized the form not only because it forced people to forfeit their gun rights, but also because it had not gone through the proper channels of approval by Congress.

“Bureaucrats at the FBI created an unconstitutional form without authorization from any statute and began pressuring people with mental illness to give up their rights to own a firearm,” Aidan Johnston, a representative for Gun Owners of America, told the *Washington Examiner*.

Constitutional attorney Gilbert Ambler clarified that since this special form had the person agreeing that they lacked the requisite mental state to own a gun, it differed from current federal gun-control policy, which doesn't permit people to self-identify as unable to own guns. Ambler pointed out the absurdity of the form to the *Examiner*: “There's a bit of a contradiction.... They're having you agree you're incompetent. If you're incompetent, how is that a binding agreement?” Ambler further warned, “It's an example of something more nefarious, which is individuals within the government pursuing a goal of disarming people. That is not something supported by our legislature. In fact, it is contrary to what our legislature has done because there are set forth conditions on when somebody can be disarmed.”

The federal Gun Control Act of 1968 contains specific conditions that must be met before someone to loses the right to own firearms, and a person may only be identified as lacking the requisite mental state to own firearms if he is “adjudicated as a mental defective or has been committed to a mental institution.” The form in question did not include any reference to any criteria such as this being met, and simply implied that the person signing was declaring it on his own. Republicans in Congress are joining gun-rights groups in demanding more details, but the Department of Justice has yet to respond to these inquiries.

### Man Finds Car Thief, Shoots Him

Fox7 out of Austin reported on April 2 about a San Antonio man whose truck was stolen and who used new technology to catch the thief. The truck owner used a device manufactured by Apple called an “Airtag.” An Airtag is a quarter-sized device that has Bluetooth technology and can connect to an iPhone in order to track lost items. The man had placed an Airtag in his truck, and when he discovered



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that his truck was stolen out of his driveway, he immediately used the device to identify its location.

The San Antonio Police Department explained that the man called them to report the stolen vehicle but did not wait for the police to arrive on the scene and apprehend the suspect. The man drove to where the Airtag led him, and discovered his stolen vehicle in a shopping center parking lot with the thief sitting inside it. The vehicle owner told police that the suspect was armed and threatened him when he approached the truck. The truck owner then pulled out his own gun and, apparently in fear for his life, shot the suspect in the head, killing him.

Police soon arrived on the scene, and an investigation is underway. It was not clear from the news reporting whether the police corroborated the truck owner's story about the thief being armed. If the thief was not armed, the owner might be facing murder charges, as prosecutors could claim that he was not acting in self-defense but simply retaliating against someone who stole his property.

This is a developing story. Since it occurred in Texas, which has strong laws related to armed self-defense, the truck's owner might end up being exonerated, but this is definitely a case in which a gun owner would have been better off letting the police handle things.

At a news conference, San Antonio Police Officer Nick Soliz told citizens, "If you are to get your vehicle stolen, I know that it's frustrating, but please do not take matters into your own hands like this.... It's never safe to take matters into your own hands as you can see ... by this incident."

## **Intruder Shoots Dog**

Fox News reported March 5 out of El Paso, Texas, about a home invasion that resulted in a shooting. El Paso police say that an intruder broke in to a house where three people were home with their family dog. The intruder was armed, but the family dog began jumping up at him and barking loudly, which gave one of the occupants of the home enough time to run and retrieve a firearm. The burglar shot the dog, wounding it. The dog's bravery saved the day though, as the resident who was able to get his gun then shot the burglar, who immediately fled the house. The occupants of the house dialed 911 to report the crime, and El Paso police soon located the injured suspect at a nearby intersection, yelling for help because of his gunshot wound. He was taken to a nearby medical facility for treatment and then charged with burglary of habitation. The news did not report on whether the dog survived its injury.



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