



Oklahoma State Senator's Bill Would Nullify Federal Red Flag Orders

As the federal government infringes further and further into the natural right of all men to keep and bear arms, there is one state senator offering a bill that would bar Washington, D.C., from taking the weapons away from men and women in his state.

Oklahoma State Senator Nathan Dahm (shown) has prefiled Senate Bill 1081, legislation that would prevent enforcement of one of the most pernicious federal attacks on the right of all civilians to protect themselves and their property by force of arms — the so-called red flag laws.



“In the midst of a new wave of constitutionally illiterate politicians trying to erase the Bill of Rights, the time is now for conservatives across the country to embrace a bolder, stronger strategy to defending the Second Amendment,” Dahm wrote in a statement accompanying the filing of his bill.

“Washington’s never-ending obsession with shredding our right to keep and bear arms has gone on long enough. This is why I recently introduced Senate Bill 1081 in the state Senate, a bill that represents the aggressive legislative approach America needs. The bill, titled the ‘Anti-Red Flag Act,’ would nullify any new attempt from the federal government to bring red flag laws to the Sooner State,” Dahm added.

Dahm’s proposed legislation would stop “red flag laws” at the state border by preventing their enforcement and prohibiting any state resources from being used to carry out such orders. In fact, the bill would make it a felony to assist in any execution of red flag orders.

Any federal statute, rule or executive order, federal or state judicial order or judicial findings that would have the effect of forcing an extreme risk protection order or ex parte extreme risk protection order against or upon a citizen of Oklahoma, which would infringe upon a citizen’s Constitutionally-protected rights including, but not limited to the right to due process, the right to keep and bear arms and the right to free speech, shall be null, void, unenforceable and of no effect in the state of Oklahoma.

Any Oklahoma agency or any political subdivision in the state of Oklahoma shall be prohibited from accepting any federal grants to implement any federal statute, rule or executive order, federal or state judicial order or judicial findings that would have the effect of forcing an extreme risk protection order against or upon a citizen of Oklahoma.

An individual, including a law enforcement officer, who attempts to enforce a federally-implemented extreme risk protection order upon a citizen of Oklahoma, shall be, upon conviction, guilty of a felony.

As I wrote in my report on President Donald Trump’s call for federal “red flag laws” to “take weapons” from “disturbed minds”:



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Red flag laws — also known as Extreme Risk Protection Orders (ERPO) — allow a judge to revoke a person’s right to own firearms, and law enforcement to confiscate that person’s firearms, if family members or other people close to that person believe him to be dangerous to himself or others and report him. As of August 5, 17 states and the District of Columbia have passed some form of “red flag” restriction on gun ownership.

In a statement issued by the White House, President Trump declared that in the wake of the horrific violence witnessed in El Paso and Dayton, he has instructed federal law-enforcement agencies to “do a better job of identifying and acting on early warning signs” of potential mass murderers, and toward that end he has ordered that the federal government in partnership with social-media companies “develop tools that can detect mass shooters before they strike.”

In pursuit of the president’s plan to “detect mass shooters before they start, just days ago, Attorney General Bill Barr, informed federal district attorneys of his plan to form a federal pre-crime unit that would stop prevent firearms crimes before they start by identifying people who are “mobilizing toward violence.” Here’s how I described Barr’s planned assault on the Second Amendment:

Attorney General William Barr informed all U.S. attorneys that he’s established a “national disruption and early engagement program” that will identify mass shooters before they commit a crime.

Promising to “identify, assess, and engage potential mass shooters before they strike,” Barr committed the “full attention of the U.S. government” to “preventing these types of attacks.”

This program is nothing more or less than a pre-crime unit, tasked with scouring the data collected by the many federal agencies that keep every American under constant surveillance.

Barr promises his underlings that together they will work “shoulder to shoulder” to “disrupt individuals who are mobilizing toward violence.”

State Senator Dahm is not content to sit in stupor as the federal government disarms the people of of the Sooner State. Dahm wrote:

We cannot keep playing defense while expecting our constitutional rights to survive for very long with politicians who regard them as an inconvenience or even an obstacle to their schemes. Simply standing our ground and waiting for the gun control lobby to strike again has not worked — and it never will. With the passage of SB 1081, it is my hope that lawmakers across the nation will become inspired to champion similar legislation in their own states (and Congress) that not only safeguards the rights of every American but pre-emptively takes a stand against future efforts to dismantle our constitutional rights.

Dahm’s protection of the right to keep and bear arms is timely, as both major parties seem intent on infringing on that right as often as possible in the name of making political points.

In the case of so-called red flag laws, the opportunity for abuse is immeasurable. In light of the Trump Derangement Syndrome that has affected so many since the president took office, it is not far-fetched at all to imagine a person afflicted with this mania to name Trump-supporting family members as potentially harmful and have them hauled before a judge with their rights protected by the Second Amendment in the balance.

Furthermore, as is witnessed by the increasing number of Republican lawmakers and self-described “pro-Second Amendment” advocacy groups (the NRA most notably) calling for immediate federal and



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state enactment of red flag laws, the political pressure to join the clique calling for such “laws” is immense. Moreover, it isn’t hard to imagine a judge not wanting to make of himself a martyr to the Second Amendment, particularly when such a position would make him a pariah among even those once thought to be strong supporters of the Second Amendment.

Take note of the crescendo of “conservatives” making full-throated demands that the “mentally ill” be denied the right to keep and bear arms. Each of the congressmen, senators, and state lawmakers who’ve joined that choir are violating the oaths they’ve sworn to “preserve, protect, and defend the Constitution of the United States.”

State Senator Dahm is not only to be commended for his defense of the right of his constituents to keep and bear arms, but also for his fidelity to the oath he took as set out in Article VI of the U.S. Constitution.

The Oklahoma state legislature is scheduled to open its 2020 session in February, and State Senator Dahm’s bill is ready to be presented to his fellow state lawmakers.

Photo of Oklahoma Capitol Building: sframephoto/iStock/Getty Images Plus

*Joe Wolverton II, J.D., is the author of the book *The Real James Madison and his second book, What Degree of Madness: Federalist 46 and James Madison’s Call to Make America STATES Again, will be published this fall, along with a book about the forgotten influences on the Founding Fathers.**



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