



Written by [Joe Wolverton, II, J.D.](#) on April 12, 2023

Tennessee Governor Pushes for Red Flag Laws, More Gun Control

Bill Lee, the Republican governor of Tennessee, is calling for enforcement of red flag laws and stricter gun control regulations.

Red flag laws, also known as extreme risk protection orders (ERPOs), are state-level laws that allow law-enforcement officials, family members, or other concerned parties to petition a court to temporarily remove firearms from individuals who are deemed to be a danger to themselves or others.

Lee was motivated to take this position after the tragic murder of six people at Covenant School in Nashville on March 27.



AP Images
Bill Lee

“When there is a clear need for action, I think that we have an obligation to remind people that we should set aside politics and pride and accomplish something that the people of Tennessee want to get accomplished,” Lee told reporters.

The Nashville Public Radio outlet [reported on](#) Governor Lee’s proposals:

“This new stronger order of protection law will provide the broader population cover, safety from those that are a danger to themselves or to the population,” Lee said.

The governor also signed an executive order Tuesday. He says the goal is to increase the effectiveness of the state’s background check process.

That executive order purports to make the following changes to Tennessee law:

- Establishes a 72-hour new crime reporting requirement
- Requires courts to submit timely and accurate information to the Tennessee Bureau of Investigation
- Requires the TBI to examine the process for purchasing firearms and submit a report listing any changes needed within 60 days

There is nothing like a tragedy to bring out the tyrant in politicians.

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 Donald Trump was elected president and has only crescendoed since his indictment, 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 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 state



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enactment of red flag laws, the political pressure to join the clique calling for such “laws” is immense. It’s not 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 right to keep and bear arms.

Tennesseans should take note of their governor’s call for these infringements on the right to keep and bear arms, as it demonstrates his dishonorable violation of the oath he swore to support the Constitution, as required by Article VI of the U.S. Constitution.

Article III, Sections 5-18 of the Tennessee Constitution define the authority of the governor. Listed in those sections one will not find the power to in any way infringe on the right to keep and bear arms, or to issue orders intended to be carried out with the same force as laws passed by the state’s General Assembly.

Article II, Section 3 grants to the General Assembly of the State of Tennessee the lawmaking authority for that state.

There is nothing less logical than the assertion that any number of new “laws” could at all impact the mental illness that leads one to use a gun to kill people in cold blood — particularly children — and keep him from committing such a crime. If laws were capable of accomplishing such a goal, then we would have seen shootings steadily decrease, as after every such massacre, presidents, governors, and other politicians renew their clamor for the confiscation of firearms. Even psychologists are unsure of all the various factors that contribute to mental illness, so listening to politicians who always seem to have the answers is silly, servile, and senseless.

Next, does anyone doubt that the trajectory of the zeitgeist is heading toward increasing persecution and prosecution of anyone who owns or tries to purchase a firearm? Could you not likewise foresee a time in the very near future where a gun owner’s neighbor, seeing his neighbor coming home from the store with a new firearm, calls the police, seeking the issuing of a protection order, as permitted by the red flag laws?

It’s not like the ridiculousness of gun laws is something we’ve just discovered. Writing in 1764, the influential Italian jurist Cesare Beccaria described the uselessness of laws aimed at disarmament:

A principal source of errors and injustice, are false ideas of utility. For example, that legislator has false ideas of utility who would sacrifice a thousand real advantages to the fear of an imaginary or trifling inconvenience; who would deprive men of the use of fire for fear of being burnt, and of water for fear of their being drowned.



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