



Written by [Joe Wolverton, II, J.D.](#) on August 7, 2019

Trump Calls for Federal “Red Flag Laws” to “Take Weapons” From “Disturbed Minds”

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Just days after the mass shootings in El Paso, Texas, and Dayton, Ohio, left 31 people dead, President Donald Trump reversed his earlier position and called on state and federal lawmakers to pass so-called red flag laws.

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.”

This may strike some readers as an odd position for a president who is supported by the National Rifle Association to take, but then again, in the days after the shooting at the high school in Parkland, Florida, in 2018, the NRA also called on Congress to provide funding for states to help them pass “risk protection orders.”

“This can help prevent violent behavior before it turns into a tragedy,” Chris Cox, the NRA’s former chief lobbyist, said in a 2018 video.

Many Republicans whose campaigns are financed by the NRA and by Americans who believe in the right to keep and bear arms as protected by the Second Amendment to the U.S. Constitution have fallen in line behind the president and are demanding that red flag laws be passed immediately.

Representative Mike Turner (R-Ohio), who represents Dayton, released a statement on August 5 advocating for the passage of federal red flag legislation. Turner wrote:

I will support legislation that prevents the sale of military style weapons to civilians, a magazine limit, and red flag legislation. The carnage these military style weapons are able to produce when available to the wrong people is intolerable.

We must pass red flag legislation to quickly identify people who are dangerous and remove their ability to harm others. Too often after mass shootings, we hear there were early warning signs that were ignored.



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I believe these are necessary steps forward in protecting our country and a testament to American values, which include protecting human life.

Other prominent members of the GOP believe that the president's support for red flag laws provides political protection for them to do likewise. As reported by the *New York Times*:

Senator John Thune of South Dakota, the No. 2 Republican, told his hometown newspaper, *The Argus Leader*, that he was "confident Congress will be able to find common ground on the so-called red flag issue." Senator Lindsey Graham, Republican of South Carolina, has already proposed legislation that would offer federal grants to states to help them enact and enforce red flag laws, also known as "extreme risk protection orders."

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

Republicans in the House of Representatives are mulling an end to a recess to return to Washington to work on passing a bi-partisan red flag bill.

Writing an op-ed in *Medium*, Republican Representative Adam Kinzinger of Illinois said he's had it with "the broken record" of mass shootings followed by debates, but no substantial legislation limiting access to weapons. Kinzinger continued:

The "red flag laws" are important to preventing gun violence and I believe more states should adopt these laws that place protective orders on those with mental issues, ensuring they cannot be a harm to themselves or others. In addition to these laws, I believe it's time for universal background checks for gun purchases, raising the age to 21 to purchase a firearm, and banning certain high capacity magazines, like the 100-round drum the Dayton shooter used this weekend.

So he's another Republican who apparently honestly believes that mental illness can be solved by passing legislation to prevent access to guns. Anyone with any sense, however, recognizes that laws restricting gun ownership exist, laws against murder exist, yet we still see murders committed. Laws, by definition, will not deter those determined to break the law.

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 state enactment of red flag laws, the political pressure to join the clique calling for such "laws" is immense, and 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."

And again, how motivated would Progressives be, in the current climate, to at least take a run at having pro-Trump family members and neighbors declared "mentally ill" as a way to punish them for their vote



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in 2016?

For those who think such a scenario is simply the rantings of a gun nut, I add these remarks made by the NRA-backed President Donald Trump, as an indication of how strongly the ant-gun winds are blowing: “We must make sure that those judged to pose a grave risk to public safety do not have access to firearms, and that, if they do, those firearms can be taken through rapid due process. That is why I have called for red flag laws, also known as extreme risk protection orders.”

I’ll close with logic long-forgotten, but once trusted by our Founding Fathers; the words of Cesare Beccaria on the real result of laws purportedly passed to prevent mass murders:

The laws of this nature, are those which forbid to wear arms, disarming those only who are not disposed to commit the crime which the laws mean to prevent.

Can it be supposed, that those who have the courage to violate the most sacred laws of humanity, and the most important of the code, will respect the less considerable and arbitrary injunctions, the violation of which is so easy, and of so little comparative importance?

Does not the execution of this law deprive the subject of that personal liberty, so dear to mankind and to the wise legislator; and does it not subject the innocent to all the disagreeable circumstances that should only fall on the guilty?

It certainly makes the situation of the assaulted worse, and the assailants better, and rather encourages than prevents murder, as it requires less courage to attack armed than unarmed persons.

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