

Read 'Em And Weep, Anti-Gunners: Dana Loesch Proves, Once Again, Why Red Flag Laws Are Dangerous

[Jump to 10 Reasons](#)

[Beth Baumann](#) Posted: Sep 11, 2019 12:40 AM



Extreme Risk Protection Orders (ERPOs), commonly referred to as red flag laws, have been all the talk in Washington. Politicians on *both* sides of the aisle seem to think red flag laws are the answers to the mass shootings taking place in our country.

The House Judiciary Committee proved once again that they don't understand or value the Constitution. They [green lighted](#) ERPOs, despite many Second Amendment advocates concerns over the lack of due process.

Talk radio host and pro-gun activist Dana Loesch compiled a Twitter thread giving Americans 10 reasons why we should *all* be against this move.

"Innocent until proven guilty" is the bedrock of our justice system. Prosecutors have a job to *prove* the defendant is *actually* guilty. With ERPOs, a person is deemed guilty and it's up to them to prove themselves innocent. Rather contrary to what our Constitution says.

We have no way to know that someone isn't going to use red flag laws for retaliation. Think of the ex-boyfriend or girlfriend who would *love* to get back at their 2A-loving former significant other. See how that could be a problem? There's nothing to keep them from lying and making false accusations.

Even when a person *does* finally have their day in court, it's not exactly something that is jumped on right away.

And those states that have implemented these laws haven't had any reductions in crime. California implemented their red flag laws in 2016 yet we had the Thousand Oaks shooting last November, the Poway Synagogue shooting in April and the Garlic Festival shooting in July.

Florida resident [Jonathan Carpenter's case](#) is a prime example of red flag laws gone wrong. A woman filed a complaint against a drug dealer with the same name. Police came knocking on Carpenter's door, confiscated his firearms and *then* he had to go to court to prove they had the wrong person. It wasn't until he showed up in court, the plaintiff saw him and told cops they had the wrong person, that Carpenter was allowed to get his guns back.

- 1) [#RedFlagLaws](#) are an inversion of “innocent until proven guilty.” The standard of evidence is low and while state laws vary, many different people, not just family, can report you.
- 2) You don't have to be in the room (and advance notice isn't required) for the petition to be granted meaning you must wait to defend yourself. Most laws provide no penalty for abuse and no state law allows for civil cause of action against false accusers.
- 3) Time varies as to how long until respondents can have their day in court. A study conducted on Indiana's law, which said 14 day wait, revealed that the average wait was 9 months. Rights delayed are rights denied
- 4) Four states with the oldest gun confiscation laws, Connecticut, Indiana, California, and Washington, no research has revealed any statistical reduction in crime. Furthermore, Kopel notes that nearly 1/3 of such orders are improperly issued against innocent people.
- 5) No advance notice is given ahead of serving a [#RedFlag](#) order. That worked out horribly for Maryland resident Gary Willis, who was shot and killed when answering his door early morning before the sun was up. This puts LEO in a HORRIBLE position of enforcing these orders.
- 6) Counsel is not provided (Blumenthal draft does, it's of little solace considering), meaning you could be like FL man Jonathan Carpenter, who is waging an expensive court battle to clear his name and reclaim his property because his name was too similar to a drug dealer's.
- 7) We aren't arresting people, we're arresting guns. State laws ignore the very reason the petition was granted in the first place: danger resulting in violence or mental instability. No mental evaluations given, no charges for a crime.
- 8) How will confiscated firearms be stored? Local police will be tasked with figuring out storage and bearing the cost of any liability or insurance -- at a time when some struggle with budgets to afford body cams.
- 9) This isn't just about the 2nd Amendment. It doesn't matter if you're a "gun nut" or even own guns. The deconstruction of due process calls into question your 5th and 14th Amendment rights, too.
- 10) Lastly (not really, but I'm sticking to 10), if there is enough evidence to strip you of your rights THERE IS ENOUGH EVIDENCE TO CHARGE YOU or commit you. There are NUMEROUS other options to start fixing this problem WITHOUT sacrificing due process.