

Red Flag Laws – Double Speak For Gun Confiscation

When I went to pick up my concealed carry permit at the Sheriff's office in Montana, I was asked if I would wait a few minutes because the sheriff wanted to talk to me. I wondered if he was going to impress on me the importance of being careful, that a handgun was a dangerous weapon, or something to that effect. He came out of his office and thanked me for getting my permit, stating that I was the only one who could save my life. He added that the police are not responsible for protecting us, they only respond after we call, and that is often too late.

So we need to realize that we are our own protectors. With that in mind, I posit that the Second Amendment is needed now more than it has been in a long time. All these actions attempting to take away our right to defend ourselves, our families, and our property, are very dangerous in today's world.

Do you scoff? Am I being paranoid? Let me give you an example on which I rest my case. This is from JUSTIA's Warren v. District of Columbia (see footnote 1):

In the early morning hours of March 16, 1975, appellants Carolyn Warren, Joan Taliaferro, and Miriam Douglas were asleep in their rooming house at 1112 Lamont Street, N.W. Warren and Taliaferro shared a room on the third floor of the house; Douglas shared a room on the second floor with her four-year-old daughter. The women were awakened by the sound of the back door being broken down by two men later identified as Marvin Kent and James Morse. The men entered Douglas' second floor room, where Kent forced Douglas to sodomize him and Morse raped her.

Warren and Taliaferro heard Douglas' screams from the floor below. Warren telephoned the police, told the officer on duty that the house was being burglarized, and requested immediate assistance. The department employee told her to remain quiet and assured her that police assistance would be dispatched promptly. Warren's call was received at Metropolitan Police Department Headquarters at 6:23 a. m., and was recorded as a burglary in progress. At 6:26 a. m., a call was dispatched to officers on the street as a "Code 2" assignment, although calls of a crime in progress should be given priority and designated as "Code 1." Four police cruisers responded to the broadcast; three to the Lamont Street address and one to another address to investigate a possible suspect.

Meanwhile, Warren and Taliaferro crawled from their window onto an adjoining roof and waited for the police to arrive. While there, they saw one policeman drive through the alley behind their house and proceed to the front of the residence without stopping, leaning out the window, or getting out of the car to check the back entrance of the house. A second officer apparently knocked on the door in front of the residence, but left when he received no answer. The three officers departed the scene at 6:33 a. m., five minutes after they arrived.

Warren and Taliaferro crawled back inside their room. They again heard Douglas' continuing screams; again called the police; told the officer that the intruders had entered the home, and requested immediate assistance. Once again, a police officer assured them that help was on the way. This second call was received at 6:42 a. m. and recorded merely as "investigate the trouble" it was never dispatched to any police officers.

Believing the police might be in the house, Warren and Taliaferro called down to Douglas, thereby alerting Kent to their presence. Kent and Morse then forced all three women, at knifepoint, to accompany them to Kent's apartment. For the

next fourteen hours the women were held captive, raped, robbed, beaten, forced to commit sexual acts upon each other, and made to submit to the sexual demands of Kent and Morse[1]

Appellants' claims of negligence included: the dispatcher's failure to forward the 6:23 a.m. call with the proper degree of urgency; *3 the responding officers' failure to follow standard police investigative procedures, specifically their failure to check the rear entrance and position themselves properly near the doors and windows to ascertain whether there was any activity inside; and the dispatcher's failure to dispatch the 6:42 a.m. call.[2]

Now tell me that we don't need guns, that the police will be there to save the day. They may save the day, but they very well might not save us or our loved ones.

On top of that, they aren't even held accountable when they ignore calls for help; they behave as they did in the above case. The attorney for the women cited the Civil Rights Act of 1981, Section 1983, as follows:

42 U.S. Code § 1983.Civil action for deprivation of rights

- [S. Code](#)

Every [person](#) who, under color of any statute, ordinance, regulation, custom, or usage, of any [State](#) or [Territory](#) or the District of Columbia, subjects, or [causes](#) to be subjected, any citizen of the United [States](#) or other [person](#) within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act

of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; [Pub. L. 96-170](#), § 1, Dec. 29, 1979, [93 Stat. 1284](#); [Pub. L. 104-317, title III](#), § 309 (c), Oct. 19, 1996, [110 Stat. 3853](#).)

If you read the Code, you might believe that anyone acting under color of any statute, ordinance, regulation, custom, or usage, who causes someone to be deprived of any right

shall be held liable. Wow! Sounds great. But . . . The big BUT. No, the Code doesn't have a but, but a but is perceived to be in the Code by our courts today.

[Carolyn Warren, Miriam Douglas, and Joan Taliaferro, \(and Wilfred Nichol in another case\) sued the District of Columbia and individual members of the Metropolitan Police Department for negligent failure to provide adequate police services.](#) **The respective trial judges held that the police were under no specific legal duty to provide protection to the individuals who were suing the police department,** and dismissed the complaints for failure to state a claim upon which relief could be granted. A panel decided that Warren, Taliaferro and Nichol were owed a special duty of care by the police department and reversed the trial court rulings, while unanimously concluding that Douglas failed to fit within the class of persons to whom a special duty was owed, and affirmed the lower court's dismissal of her complaint. The full court, on petitions for rehearing, canceled the panel's decision, stating, "After re-arguments, notwithstanding our sympathy for complainants who were the tragic victims of despicable criminal acts, we affirm the judgments of dismissal".

In other words, the police do not have to protect us, and even after some Keystone Kops behavior are not responsible for any harm done by their negligence.

So what does this have to do with Red Flag laws? Everything!

Yes, this happened in the District of Columbia, but that isn't the only jurisdiction that has courts coming down with the same decision. What does that tell you?

It tells me that I want to be armed. And wish I had an AR-15. Pepper spray would have been as good as a squirt gun for those women. But what does this have to do with red flag laws?

John R. Lott Jr, president of the Crime Prevention Research Center and an expert on gun rights, writing in the [Washington Times on the Red Flag gun laws](#) states, “. . . the laws are more complicated than usually discussed in the press. Depending upon the state, anyone from a family member, intimate partner, ex, house or apartment mates, or police can file a complaint. Under Colorado's proposed law, anyone can make a phone call to the police. They don't even have to be living in the state. There is no hearing. All the judge has before them is the statement of concern.” He also pointed out, “It has always been possible to take away someone's guns, but all 50 states have required testimony by a mental health expert before a judge. Hearings could be conducted very quickly in urgent cases, But gun control advocates argue that it's important to not even alert the person that his guns may be taken away. Hence, the 5 a.m. police raids.

“When people really pose a clear danger to themselves or others, they should be confined to a mental health facility. Simply denying them the right to legally buy a gun isn't a serious remedy. If you think that you are any more likely to stop criminals from getting guns than illegal drugs, good luck. The same drug dealers sell both and are a major source of guns. And there are other weapons such as cars.

Despite the sacrifices, the evidence shows no benefits from these laws. Looking at data from 1970 through 2017, Red Flag laws appear to have had no significant effect on murder,

suicide, the number of people killed in mass public shootings, robbery, aggravated assault or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives.”

Lott mentioned that, “Depending upon the state, anyone from a family member, intimate partner, ex, house or apartment mates, or police can file a complaint.” That is scary enough; if an ex or even an angry or jealous family member wanted to, they could file a complaint. But we now live in very fluid times. Sue, a friend called me last week and related what had happened to her. Her daughter, Kerry, left a frantic text message that she needed her to come right away. Sue called Kerry to find out what was happening. Kerry was at a minor-league baseball game, enjoying herself and had no emergency. Sue called the police who told her that there is an app you can get that lets you use other people’s phone numbers. It happens that Kerry has a bit of a stalker situation at her work and she suspects that he is the one that made the call. But as the police told them, there is no way to trace who made the call.

I can easily imagine someone like that Red Flagging her. Or, there is another scenario I can imagine happening (and I don’t have much of an imagination or I’d be writing fiction and selling lots of books). That is someone(s) wanting to break into your house to rob you or worse, do to you what those men did to Carolyn Warren, above. With such open Red Flag laws, they can disarm you by cop. This isn’t farfetched. The police would take your guns and, by the time you got the situation rectified, you might be dead.

Because we humans need to protect ourselves and we aren’t born with claws, enormous teeth, or venom, we must use tools to protect ourselves. The quintessential tool is a gun. It’s easy to use and carry, and it is effective – both as a weapon and a deterrent. Plus, people have a choice whether they want to have and use guns or not.

And it has been a basic right. But right now, our right to own guns is being eroded faster than California's bullet train. Not in one fell-swoop, but chipping away, one new law after another so that the powers-that-be will not have to come after our guns because we will have given them up with each new gun-grab.

[There are people who are mentally unfit and are dangerous](#), who shouldn't be allowed guns, and we need to find ways to protect society from them. But disarming the country is not the answer.

In reality, the Red Flag laws are being driven by emotion, not reason and logic. Gun owners, gun supporters, and freedom lovers need to stand up and bring common sense back to the dialog. This is truly an issue of protecting our lives, our families, and our property. We cannot, we must not, allow unsupported emotions to drive the day.

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Footnotes:

[\[1\] District Of Columbia court of appeals 1981](#)

[\[2\] Ibid.](#)