

Red Flag Nation: Anti-Gun Laws, Sanctuary Cities and the Second Amendment

By [John W. Whitehead](#)

Global Research, January 16, 2020

Region: [USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

“A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” - The Second Amendment to the US Constitution

We never learn.

In the right (or wrong) hands, benevolent plans can easily be put to malevolent purposes.

Even the most well-intentioned government law or program can be—and has been—perverted, corrupted and used to advance illegitimate purposes once profit and power are added to the equation.

The war on terror, the war on drugs, the war on illegal immigration, asset forfeiture schemes, road safety schemes, school safety schemes, eminent domain: all of these programs started out as legitimate responses to pressing concerns and have since become weapons of compliance and control in the police state’s hands.

Mark my words: gun control legislation, especially in the form of [red flag gun laws](#), which allow the police to remove guns from people suspected of being threats, will only add to the government’s power.

These laws, growing in popularity as a legislative means by which to seize guns from individuals viewed as a danger to themselves or others, are yet another Trojan Horse, a stealth maneuver by the police state to gain greater power over an unsuspecting and largely gullible populace.

[Seventeen states now have red flag laws on their books.](#)

That number is growing.

As *The Washington Post* reports, these laws “allow a family member, roommate, beau, law enforcement officer or any type of medical professional to file a petition [with a court] asking that a person’s home be temporarily cleared of firearms. [It doesn’t require a mental-health diagnosis or an arrest.](#)”

In the midst of what feels like an epidemic of mass shootings ([the statistics suggest otherwise](#)), these gun confiscation laws—[extreme risk protection order](#) (ERPO) laws—may appease the fears of those who believe that fewer guns in the hands of the general populace will make our society safer.

Of course, it doesn't always work that way.

Anything—[knives, vehicles, planes](#), pressure cookers—can become a weapon when wielded with deadly intentions.

With these red flag gun laws, the stated intention is to disarm individuals who are *potential* threats... to "[stop dangerous people before they act.](#)"

While in theory it appears perfectly reasonable to want to disarm individuals who are clearly suicidal and/or pose an "[immediate danger](#)" to themselves or others, where the problem arises is when you put the power to determine who is a *potential* danger in the hands of government agencies, the courts and the police.

We've been down this road before.

Remember, this is the same government that uses the words "anti-government," "extremist" and "terrorist" [interchangeably](#).

This is the same government whose agents are spinning a sticky spider-web of [threat assessments](#), behavioral sensing warnings, flagged "words," and "suspicious" activity reports using automated eyes and ears, social media, [behavior sensing software](#), and citizen spies to identify *potential* threats.

This is the same government that keeps re-upping the National Defense Authorization Act (NDAA), which allows the military to detain American citizens with no access to friends, family or the courts if the government believes them to be a threat.

This is the same government that has a growing list—shared with fusion centers and law enforcement agencies—of ideologies, behaviors, affiliations and other characteristics that could flag someone as suspicious and result in their being labeled *potential* enemies of the state.

For instance, if you believe in and exercise your rights under the Constitution (namely, your right to speak freely, worship freely, associate with like-minded individuals who share your political views, criticize the government, own a weapon, demand a warrant before being questioned or searched, or any other activity viewed as potentially anti-government, racist, bigoted, anarchic or sovereign), you could be [at the top of the government's terrorism watch list](#).

Moreover, as a *New York Times* editorial warns, you may be an anti-government extremist (a.k.a. [domestic terrorist](#)) in the eyes of the police if you are afraid that the [government is plotting to confiscate your firearms](#), if you believe the [economy is about to collapse](#) and the [government will soon declare martial law](#), or if you display an unusual number of [political and/or ideological bumper stickers](#) on your car.

Let that sink in a moment.

Now consider what happened in Maryland after a police officer attempted to "enforce" the state's new red flag law, after it went into effect in 2018.

At 5 am on a Monday, [two police officers showed up at 61-year-old Gary Willis' house to serve him with a court order requiring that he surrender his guns](#). Willis answered the door

holding a gun.

Mind you, in some states, [merely answering the door holding a gun is enough to get you killed](#) by police who have a tendency to shoot first and ask questions later.

Willis initially set his gun aside while he spoke with the police. However, when the police attempted to serve him with the gun confiscation order, Willis reportedly became “irate” and picked up his gun again. At that point, a struggle ensued, causing the gun to go off. Although no one was harmed, [one of the cops shot and killed Willis](#).

According to the Anne Arundel County police chief, the [shooting was a sign that the red flag law is needed](#).

What the police can't say with any certainty is what they prevented by shooting and killing Willis.

Therein lies the danger of these red flag laws, specifically, and pre-crime laws such as these generally where the burden of proof is reversed and you are guilty before you are given any chance to prove you are innocent.

Red flag gun laws merely push us that much closer towards a suspect society where everyone is potentially guilty of some crime or another and must be preemptively rendered harmless.

Where many Americans go wrong is in naively assuming that you have to be doing something illegal or harmful in order to be flagged and targeted for some form of intervention or detention.

In fact, U.S. police agencies have been working to identify and manage potential extremist “threats,” violent or otherwise, before they can become actual threats for some time now.

In fact, all you need to do these days to end up on a government watch list or be subjected to heightened scrutiny is [use certain trigger words](#) (like cloud, pork and pirates), surf the internet, communicate using a cell phone, [limp or stutter](#), [drive a car](#), stay at a hotel, attend a political rally, [express yourself on social media](#), [appear mentally ill](#), serve in the [military](#), [disagree with a law enforcement official](#), [call in sick to work](#), purchase materials at a hardware store, take flying or boating lessons, [appear suspicious](#), appear confused or nervous, fidget or whistle or smell bad, be seen in public waving a toy gun or anything remotely resembling a gun (such as a water nozzle or a remote control or a walking cane), [stare at a police officer](#), question government authority, [appear to be pro-gun or pro-freedom](#), or generally live in the United States.

Be warned: once you get on such a government watch list—whether it's a terrorist watch list, a mental health watch list, a dissident watch list, or a red flag gun watch list—there's no clear-cut way to get off, whether or not you should actually be on there.

You *will* be tracked wherever you go.

You *will* be flagged as a potential threat and dealt with accordingly.

This is pre-crime on an ideological scale and it's been a long time coming.

The government has been building its pre-crime, surveillance network in concert with [fusion centers](#) (of which there are 78 nationwide, with partners in the private sector and globally), data collection agencies, behavioral scientists, corporations, social media, and community organizers and by relying on cutting-edge technology for surveillance, facial recognition, [predictive policing](#), biometrics, and behavioral [epigenetics](#) (in which life experiences alter one's genetic makeup).

To that noxious mix, add in a proposal being considered by the Trump Administration for a new government agency HARPA (a healthcare counterpart to the Pentagon's research and development arm DARPA) that will take the lead in [identifying and targeting "signs" of mental illness or violent inclinations among the populace](#) by using artificial intelligence to collect data from Apple Watches, Fitbits, Amazon Echo and Google Home.

It's the American police state's take on the dystopian terrors foreshadowed by George Orwell, Aldous Huxley and Phillip K. Dick all rolled up into one oppressive [pre-crime](#) and [pre-thought](#) crime package.

If you're not scared yet, you should be.

Connect the dots.

Start with the powers amassed by the government under the USA Patriot Act, note the government's ever-broadening definition of what it considers to be an "extremist," then add in the government's detention powers under NDAA, the National Security Agency's far-reaching surveillance networks, and fusion centers that collect and share surveillance data between local, state and federal police agencies.

To that, add tens of thousands of armed, surveillance drones that will soon blanket American skies, facial recognition technology that will identify and track you wherever you go and whatever you do. And then to complete the picture, toss in the real-time crime centers being deployed in cities across the country, which will be attempting to "predict" crimes and identify criminals before they happen based on widespread surveillance, complex mathematical algorithms and prognostication programs.

Hopefully you're starting to understand how easy we've made it for the government to identify, label, target, defuse and detain anyone it views as a *potential* threat for a variety of reasons that run the gamut from mental illness to having a military background to challenging its authority to just being on the government's list of *persona non grata*.

This brings me back to those red flag gun laws.

In the short term, these gun confiscation laws may serve to temporarily delay or discourage those wishing to inflict violence on others, but it will not resolve whatever madness or hate or instability therein that causes someone to pull a trigger or launch a bomb or unleash violence on another.

Nor will these laws save us from government-instigated and directed violence at the hands of the American police state or the blowback from the war-drenched, violence-imbued, profit-driven military industrial complex, both of which remain largely overlooked and underestimated pieces of the discussion on gun violence in America.

In the long term, all these gun confiscation laws will do is ensure that when the police state

finally cracks down, “we the people” are defenseless in the face of the government’s arsenal of weapons.

Now you can largely determine where a person will fall in the debate over gun control and the Second Amendment based on their view of government and the role it should play in our lives.

Those who want to see government as a benevolent parent looking out for our best interests tend to interpret the Second Amendment’s “militia” reference as applying only to the military.

To those who see the government as inherently corrupt, the Second Amendment is a means of ensuring that the populace will always have a way of defending themselves against threats to their freedoms.

And then there are those who view the government as neither good nor evil, but merely a powerful entity that, as Thomas Jefferson recognized, must be bound “down from mischief by the chains of the Constitution.” To this group, the right to bear arms is no different from any other right enshrined in the Constitution, to be safeguarded, exercised prudently and maintained.

Unfortunately, while these three divergent viewpoints continue to jockey for supremacy, the U.S. government has adopted a “do what I say, not what I do” mindset when it comes to Americans’ rights overall.

Nowhere is this double standard more evident than in the government’s attempts to arm itself to the teeth, all the while treating anyone who dares to legally own a gun, let alone use one, as suspicious and/or on the road to being an outlaw.

In Virginia, for instance, legislation has been introduced that would “require background checks on all firearms purchases, [allow law enforcement to temporarily remove guns from individuals deemed a risk to themselves or others](#), let localities ban weapons from certain events and government buildings, and cap handgun purchases at one per month.”

To those who subscribe to George Orwell’s views about gun ownership (“That rifle hanging on the wall of the working-class flat or labourer’s cottage is the symbol of democracy. It is our job to see that it stays there”), these legislative attempts to regulate and control gun usage among the citizenry is [nothing short of tyranny](#).

Not surprisingly, then, in Virginia and a growing number of states across the country, momentum is building for [2A “sanctuary” cities that adopt resolutions opposing any “unconstitutional restrictions” on the Second Amendment](#) right to keep and bear arms.

Personally, [I’m all for any attempt by the citizenry to nullify government actions that run afoul of the Constitution](#).

Certainly, there’s no denying that there is a huge double standard at play when it comes to the debate over guns in America: while the government continues to crack down on the citizenry’s right to own and bear arms (merely owning a gun can now get you treated as a suspect, searched, arrested, subjected to all manner of surveillance, shot at and killed despite ever having committed a crime), the government’s own efforts to militarize and weaponize its agencies and employees has reached epic proportions.

Ironically, while various state and federal agencies continue to adopt gun control legislation that includes bans on military-style assault weapons, high-capacity magazines and armor-piercing bullets, expanded background checks, and tougher gun-trafficking laws, local police agencies are being “gifted” military-grade weaponry and equipment designed for the battlefield.

“We the people” have been so focused on debating who or what is responsible for gun violence—the guns, the gun owners, or our violent culture—and whether the Second Amendment “allows” us to own guns that we’ve overlooked the most important and most consistent theme throughout the Constitution: the fact that it is not merely an enumeration of our rights but was intended to be a clear shackle on the government’s powers.

When considered in the context of prohibitions against the government, the Second Amendment reads as a clear rebuke against any attempt to restrict the citizenry’s gun ownership.

As such, it is as necessary an ingredient for maintaining that tenuous balance between the citizenry and their republic as any of the other amendments in the Bill of Rights, especially the right to freedom of speech, assembly, press, petition, security, and due process.

Supreme Court Justice William O. Douglas understood this tension well.

“The Constitution is not neutral,” Douglas remarked, “It was designed to take the government off the backs of people.”

In this way, the freedoms enshrined in the Bill of Rights *in their entirety* stand as a bulwark against a police state.

To our detriment, these rights have been steadily weakened, eroded and undermined in recent years. Yet without any one of them, including the Second Amendment right to own and bear arms, we are that much more vulnerable to the vagaries of out-of-control policemen, benevolent dictators, genuflecting politicians, and overly ambitious bureaucrats.

You can eliminate all of the guns, but it will not necessarily eliminate violence. Those same individuals sick enough to walk into an elementary school or a movie theater and open fire using a gun *can* and *do* wreak just as much havoc with homemade bombs made out of pressure cookers and a handful of knives.

It’s also not even a question of whether Americans need weapons to defend themselves against any overt threats to their safety or well-being, although a study by a Quinnipiac University economist indicates that less restrictive concealed gun-carry laws save lives, while gun control can endanger lives.

In fact, journalist Kevin Carson, [writing for CounterPunch](#), suggests that prohibiting Americans from owning weapons would be as dangerously ineffective as Prohibition and the War on the Drugs:

[W]hat strict gun laws will do is take the level of police statism, lawlessness and general social pathology up a notch in the same way Prohibition and the Drug War have done. I’d expect a War on Guns to expand the volume of organized crime, and to empower criminal gangs fighting over control over the black market, in exactly the same way Prohibition did in the 1920s and strict

drug laws have done since the 1980s. I'd expect it to lead to further erosion of Fourth Amendment protections against search and seizure, further militarization of local police via SWAT teams, and further expansion of the squalid empire of civil forfeiture, perjured jailhouse snitch testimony, entrapment, planted evidence, and plea deal blackmail.

Truly, the debate over gun ownership in America is really a debate over who gets to call the shots and control the game.

In other words, it's that same tug-of-war that keeps getting played out in every confrontation between the government and the citizenry over who gets to be the master and who is relegated to the part of the servant.

The Constitution is clear on this particular point, with its multitude of prohibitions on government overreach. As author Edmund A. Opitz observed in 1964:

No one can read our Constitution without concluding that the people who wrote it wanted their government severely limited; the words "no" and "not" employed in restraint of government power occur 24 times in the first seven articles of the Constitution and 22 more times in the Bill of Rights.

In a nutshell, then, the Second Amendment's right to bear arms reflects not only a concern for one's personal defense but [serves as a check on the political power of the ruling authorities](#). It represents an implicit warning against governmental encroachments on one's freedoms, the warning shot over the bow to discourage any unlawful violations of our persons or property. As such, it reinforces that necessary balance in the citizen-state relationship.

Certainly, dictators in past regimes have understood this principle only too well. As Adolf Hitler noted, "The most foolish mistake we could possibly make would be to allow the subject races to possess arms. History shows that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by so doing."

It should come as no surprise, then, that starting in December 1935, Jews in Germany were prevented from obtaining shooting licenses, because authorities believed that to allow them to do so would "endanger the German population."

In late 1938, special orders were delivered barring Jews from owning firearms, with the punishment for arms possession being twenty years in a concentration camp.

The rest, as they say, is history.

Yet as I make clear in my book [Battlefield America: The War on the American People](#), it is a history that we should be wary of repeating.

*

Note to readers: please click the share buttons above or below. Forward this article to your email lists. Crosspost on your blog site, internet forums. etc.

This article was originally published on [The Rutherford Institute](#).

Constitutional attorney and author **John W. Whitehead** is founder and president of [The Rutherford Institute](#). His new book [Battlefield America: The War on the American People](#) is available at www.amazon.com. Whitehead can be contacted at johnw@rutherford.org.

The original source of this article is Global Research
Copyright © [John W. Whitehead](#), Global Research, 2020

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: **[John W. Whitehead](#)**

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca

www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca