



Written by [Selwyn Duke](#) on January 26, 2015

Charge: Police “Steal” \$100,000-worth of Legal Guns and Ammo From Citizen

Imagine you get into a loud argument in your home with an adult son. Though it’s resolved peacefully, the police had been called.

They then confiscate your legal firearms and ammunition — valued at \$100,000.

Even though you’ve been convicted of nothing.

Even though you weren’t even charged.

And here’s the kicker: The police say they’re going to keep your property.

This is exactly what disabled 9/11 ex-New York City firefighter Marc Weinstein alleges happened to him, in a lawsuit, *Weinstein v. Krumpter, et al.*, he filed earlier this month in U.S. District Court for Eastern New York.

On February 25, 2014, Weinstein got into a loud dispute with his son over the use of a washing machine in his Baldwin, New York, home in Nassau County. “There was shouting between them,” [contends the suit](#), “but no violence, no threats of violence, and no brandishing of weapons.” Nonetheless, the elder Weinstein’s wife called the police — a decision they both, apparently, would come to regret.

The suit further states that the Nassau County Police arrived, found “the home at peace, spoke with the wife and son and found that the argument had been peaceably resolved.” This didn’t stop the cops, however, from asking to see Weinstein’s handgun permit and demanding he give them his registered weapons. Weinstein refused — and the police left. But that wasn’t the end of it.

Three hours later, the ex-firefighter found himself confronted by five armed officers. And even though they had no warrant, they stated that Weinstein would be arrested unless he surrendered his expensive collection of firearms and ammunition. He reluctantly complied, he says, “under duress.” *American Thinker’s* Michael Filozof reports on the rest of the story, [writing](#):

The suit contends that no charges were ever filed against Weinstein and that both his wife and son gave sworn testimony to the effect that the dispute involved no violence, no threats, and no brandishing of weapons; nonetheless, Nassau County Police refused to give back Weinstein’s handgun permit, his handguns, or his long guns.

Even worse, the suit alleges that “it is the policy of the ... Nassau County Police Department to confiscate all firearms with regard to any domestic disturbance call, whether *such call is valid or not* ... and once confiscated to prevent the return of such firearms on any pretense that can be imagined, and either destroying said firearms *or converting them to the Department’s use without compensation to the owner.*” [Emphasis added.]

The suit names the acting commissioner, chief, several police officers, and the County of Nassau as defendants. It alleges violations of Weinstein’s First, Second, Fourth, Fifth, and Fourteenth Amendment rights, seeks the return of \$100,000 worth of firearms, punitive damages of \$1



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million, and an additional \$1 million for emotional distress damages.

This isn't the only outrageous violation of constitutional rights to occur in New York State in recent times. Another inspired an earlier lawsuit, filed on December 17 in U.S. District Court in Rochester, New York, by a decorated ex-New York police officer and Navy veteran named Donald Montgomery. The issue?

Montgomery's four handguns were seized under New York's SAFE Act gun-control law after he was incorrectly diagnosed as mentally unstable. Fox News [reported](#) on the case January 4:

His troubles started when he visited a Long Island hospital in May complaining of insomnia. He was discharged with a diagnosis of "depression, insomnia" and then returned a short time later for a 48-hour stay. The lawsuit says that during that visit, staff erroneously listed him as an "involuntary admission," triggering the SAFE Act reporting provision. Those deemed at-risk for owning guns by mental health professionals have to be reported and their names entered into a database.

The lawsuit claims Montgomery should not have been reported because he was not a threat to himself or others. The suit says a hospital psychiatrist told him "You don't belong here" and "I don't know why you were referred here."

The Daily Caller reports that on May 30, a week after his hospital stay, Suffolk County sheriff's deputies confiscated Montgomery's guns. His pistol license was then suspended in June and revoked three months later.

Filozof also [reported](#) on the case, adding detail:

The allegations in the case are downright scary.... According to the suit, the hospital diagnosed the plaintiff as "mildly depressed," and his clinical evaluation stated, "Patient has no thoughts of hurting himself. Patient has no thoughts of hurting others. Patient is not having suicidal thoughts. Patient is not having homicidal thoughts ..." and "there is no evidence of any psychotic processes, mania, or OCD symptoms. Insight, judgment, and impulse control are good."

... Nonetheless ... the local sheriff's department showed up at Montgomery's door ... after the sheriff had been subjected to "repeated pressure" by the New York State Police, who claimed that Montgomery had been declared mentally defective....

Montgomery alleges that the hospital violated his privacy by transmitting his medical information to the State Police without his consent or knowledge. Montgomery subsequently requested a hearing to have his handgun ownership permit reinstated, but the sheriff's department allegedly terminated his permit without a hearing. The suit alleges that police denied Montgomery's Freedom of Information requests to see what information has been placed in his secret file, and that both police and the hospital refused to allow him to correct the falsehoods in his record.

The larger issue here, critics would contend, is a statist mentality that not only scoffs at Second Amendment rights, but also involves the notion that constitutional rights relating to search, seizure, and private property don't apply when the matter concerns firearms.

Many would also say there's a little considered problem with denying Second Amendment rights to the "mentally ill": Our ever-expanding notion of mental illness.

With modern psychology continually diagnosing what were formerly recognized as normal faults,



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frailties or moments of weakness as diseases or conditions of the brain — and with some psychiatrists [saying](#), “We’re all mentally ill” (at least sometimes) — who among us will be deemed fit for gun ownership? Note also that specious diagnoses of mental illness were routinely used in despotic Marxist regimes as a convenient way to eliminate political “undesirables.”

In fact, with some atheists even [saying](#) that religious belief is a [mental disorder](#), one can only wonder: Will a desire to own guns also soon be labeled mental illness?



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