



Written by [Bob Adelman](#) on April 1, 2019

Sheriff Says He'll Go to Jail Before Violating Citizens' Rights Under Red Flag Law

With Colorado, now firmly in the grasp of progressive Democrats from the Governor's Mansion to the State House and Senate, about to pass and sign into law its own odious "red flag" law, a reporter from CNN [couldn't wait to interview](#) Weld County Sheriff Steve Reams about his threat to go to jail before he enforces it on any of his county's citizens:



"Are you willing to sit in your own jail to avoid enforcing this law?" CNN asked Reams. His reply:

Well, obviously, no sheriff wants to be confined in [his] own jail, but if that's what it takes to get this bill ironed out, then I guess that's a sacrifice I'll be forced to make. The worst way to bring attention to it is for me to be put in that position, but I'll do that before I'll violate somebody's constitutional rights.

We're working hard to try to figure out a mechanism to get this into the courts before somebody is harmed by it. Unfortunately, someone has to be damaged by it first. It comes down to whether I want to take this to court for violating somebody's rights, or for me [for] refusing to enforce a court order.

It comes down to Reams taking his oath of office seriously, or not. His oath is to support the Constitution of the United States and the Constitution of the State of Colorado.

Reams has a lot of support. Thirty-two of Colorado's 64 counties already officially oppose the bill, which hasn't even been signed into law yet. Many of those counties have declared themselves "sanctuary" counties, and some have declared that the sheriff may not expend county funds in enforcing the red flag law. In El Paso County, the locus of Colorado Springs, the state's second largest city, Sheriff Bill Elder has declared that he will enforce the red flag law, but has joined with others in a lawsuit in opposition to it, which will be filed once the bill is signed into law.

The problem with red flag laws in general, and Colorado's pending law in particular, is their blatant disregard for precious rights held sacred by citizens. The problem is compounded by the fact that most sheriffs are elected by the citizens living in each county. In Colorado, every sheriff but one is elected by his citizens (Denver's sheriff is appointed by the mayor, and is therefore beholden to him) to be the chief law-enforcement in each county. As a result, the sheriff is perceived to be the last line of defense against overreaching government officials, be they state or federal.

Republican Lori Saine, representing Colorado's House District 63, voted against the bill to no avail. Democrats hold a majority there, as they do in the State Senate. With a Democrat governor already anxious to sign the bill into law, it's just a matter of time before it becomes effective. In an e-mail to her constituents, Saine complimented Sheriff Reams for taking this stand: "[He] said he will sleep better in



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his own jail knowing that he didn't violate a citizen's constitutional rights should a judge hold him in contempt. That is a real sheriff, folks, one who will stand with us when things aren't easy and the political winds threaten to blow the house down."

She then outlined some of the problems with the bill about to become law:

HB1177 is an assault on the Bill of Rights, violating the Fourth Amendment right of privacy, the Fifth Amendment right against uncompensated takings of property, the Sixth Amendment right to jury trial and to confront opposing witnesses, and the Fourteenth Amendment's guarantee of due process of law....

RED FLAG: something liberals haven't apparently thought about: with an ERPO, the police can search your home with a no-knock warrant even if you don't have any firearms — it's just up to your ex-boyfriend and girlfriend to claim you have one. The bill fails to provide a civil remedy for persons who are victimized by false accusations. There should be a stronger deterrent to prevent people from using this law to harass gun owners.

RED FLAG: you are guilty until proven innocent based a standard of a preponderance of the evidence. Then the burden of proof is on YOU to prove the negative, that you are a risk, with clear and convincing evidence — which is a higher threshold of proof than a preponderance....

RED FLAG: HB1177 lays a federal trap for gun owners: A strict reading of the federal law suggests that a person under any ERPO has been "adjudicated as a mental defective" by a judge and is barred from all gun ownership from the federal perspective.

Leave it to Pastor Chuck Baldwin to lay out the threats to precious freedoms by red flag laws popping up all over the country. In his "Open Letter to Senators Lindsey Graham, Marco Rubio, Et. Al" on March 21, Baldwin minced no words:

"Red flag" gun confiscation laws violate every principle of liberty upon which our country was founded. There is no due process associated with "red flag" laws. A judge's order to seize the firearms from an American citizen who has not been accused of a crime, charged with a crime, convicted of a crime — or who never even threatened to commit a crime — based on the accusation of a single individual is anything but due process.

Our accuser could be a disgruntled employee, a bitter ex-spouse or relative, a vengeful neighbor, an anti-gun liberal or even an anti-gun policeman. By definition, "red flag" laws use mere suspicion of what one "might" do as justification to seize a person's firearms. Tactics such as these have been used in virtually every despotic regime of history. In the name of protecting society, the rights and liberties of individuals were denied. Eventually, these repressive governments included political or religious persuasion as triggering "red flags," which led to their disarmament — all in the name of public safety, of course....

Does the judge who issues a warrant to seize a person's firearms under a "red flag" law provide the accused with an opportunity to defend himself BEFORE violating his constitutional and Natural rights? No. Does the judge provide an opportunity for a close examination of the accusations against the accused (including investigating the accuser) BEFORE violating his constitutional and Natural rights? No. Does the judge allow the accused to face his accuser BEFORE violating his constitutional and Natural rights? No.

"Red flag" laws turn the Bill of Rights and the fundamental legal doctrine that a man is innocent



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until proven guilty completely upside down. “Red flag” laws are a mockery to every constitutional principle of liberty since the Magna Carta. Seizing a citizen’s firearms by force (and thereby rendering him defenseless) without a crime being committed — or even the accusation of a crime being made — is old-fashioned TYRANNY. Such an act presumes a person is guilty until proven innocent....

The implementation of “red flag” laws (at any level) is unconscionable and totally unacceptable. And I am here to warn you that there are millions of Americans who will never submit to such oppression. None of us wants to see acts of violence committed against law enforcement personnel in America, but when law enforcers begin carrying out these draconian “red flag” laws, they will begin lighting the matches of resistance in the hearts of freedom-loving people in this country like hasn’t been seen in over 150 years.

We have already heard about Gary Willis, the Maryland man who was killed by police officers in his own home as they attempted to carry out a “red flag” order to seize his guns. This man had committed no crime; he had not been accused of committing a crime; he was given no hearing and no due process. Mr. Willis did not attempt to harm the officers; he merely resisted their efforts to disarm him, and he was killed on the spot — in his own home — by police officers who had taken an oath to protect the liberties of this poor innocent man.

I assure you, Mr. Willis will not be the last American to resist the attempted confiscation of his firearms.

How many illegal and unconstitutional red flag laws must be enacted, and innocents die as a result, before a court dumps them all into the trash can of history where they belong?

Image: screenshot from [YouTube video](#)

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American, writing primarily on economics and politics. He can be reached at badelmann@thenewamerican.com.

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