



A RESOLUTION OPPOSING RED FLAG LAWS AND DEFENDING CONSTITUTIONAL DUE PROCESS

- WHEREAS**, The Second Amendment to the United States Constitution affirms that the right of the people to keep and bear arms shall not be infringed, recognizing firearm ownership as a fundamental, pre-existing right essential to personal liberty, self-defense, and the security of a free state; and
- WHEREAS**, Red Flag Laws, also known as Extreme Risk Protection Orders, allow the government to confiscate firearms from law-abiding citizens based on accusations or predictions of future behavior rather than proven criminal conduct; and
- WHEREAS**, These laws frequently permit the suspension of constitutional rights without due process, often through *ex parte* proceedings in which the accused has no opportunity to confront their accuser before their rights are restricted; and
- WHEREAS**, The cornerstone of American justice is the presumption of innocence, not guilt by allegation, suspicion, or political pressure; and
- WHEREAS**, Red Flag Laws invert this principle by forcing citizens to prove their innocence after their rights have already been violated; and
- WHEREAS**, Such laws are ripe for abuse, misuse, and politically or personally motivated accusations, including but not limited to disputes involving family members, neighbors, or ideological opponents; and
- WHEREAS**, The enforcement of Red Flag Laws places law enforcement officers and citizens alike in unnecessary and dangerous situations, undermining community trust and public safety; and
- WHEREAS**, There is no credible evidence that Red Flag Laws meaningfully reduce violent crime, while there is substantial concern that they divert attention from enforcing existing laws against actual criminal behavior; and

WHEREAS, Conservative principles hold that government power must be limited, narrowly tailored, and restrained, particularly when it threatens fundamental liberties; and

WHEREAS, A free people do not require government permission to exercise their rights, nor should those rights be revoked absent clear, due-process-protected criminal adjudication; and

WHEREAS, Public safety is best served by enforcing existing laws, addressing criminal activity directly, improving mental health resources voluntarily and lawfully, and strengthening families and communities—not by expanding preemptive government control over peaceful citizens;

BE IT THEREFORE RESOLVED, That the Elko County Republican Party unequivocally opposes Red Flag Laws at the federal, state, and local levels as unconstitutional, ineffective, and incompatible with the principles of liberty and due process; and

RESOLVED, That we affirm our commitment to the full protection of the Second, Fourth, Fifth, and Fourteenth Amendments, and reject any policy that allows the deprivation of rights without robust due process of law; and

RESOLVED, that we call upon all elected officials to resist, repeal, or refuse to enforce Red Flag Laws and similar measures that erode constitutional freedoms; and

RESOLVED, that we reaffirm a core conservative truth: the role of government is to punish crime after it occurs, not to preemptively punish liberty based on speculation; and

RESOLVED, that we stand for a Republic where individual rights are protected from government overreach, where freedom is the default, and where the Constitution is not treated as optional in times of political convenience.

This resolution adopted by the Elko County Republican Party in Convention on 21 February 2026.



Scott A. Gavorsky

Chair, Elko County Republican Party