

Colin Allred said that the Second Amendment should never have been written. He even voted for a federal red flag gun law that would allow the government to seize every gun a person owns, depriving people of their rights, even those who have used their firearms for sport or self-defense.

In 2018, Colin Allred said that the Second Amendment should never have been written.

- **AUDIO:** Allred said “I mean, would it be better had it [Second Amendment] not been written? Of course. Of course.” “ALLRED: “Yeah. I just think it’s, probably, for one, it’s not realistic. Alright? Like, it’s not. I also don’t think that we need to. I think that, within the confines of the accurately applied Second Amendment, that we can do everything we want to do in terms of regulating weapons and all that. So, you know the Second Amendment does have in the first sentence, ‘in order to maintain a well-regulated militia.’ And then, ‘the right to keep and bear arms shall not be infringed.’ It’s full, you know, it’s two ideas there, I think. Right? The recent trend has only been to focus on the Right to Bear Arms, instead of the well-regulated militia part. So, I just think we have to accurately apply it. I mean, would it be better had it not been written? Of course. Of course. You know? There’s no chance that we are going to repeal any of the Bill of Rights amendments. You could pick anyone. It’s like, I’m not just talking about politically. It just wouldn’t happen. It’s not within the kind of like the bounds of reality in this country.” (Colin Allred, [Remarks At A Town Hall For Our Lives At AFL-CIO Headquarters](#), 4/7/18) (Minute: 3:164:18) ([DropBox Link](#))
- **HEADLINE:** “Ted Cruz challenger said it would’ve been ‘better’ if Second Amendment ‘had not been written.’”

Ted Cruz challenger said it would've been 'better' if Second Amendment 'had not been written'

'Would it be better if it had not been written? Of course,' Rep. Colin Allred, D-Texas, said. 'But there's no chance that we're going to repeal any of the Bill of Rights amendments'

(Houston Keene, “Ted Cruz challenger said it would’ve been ‘better’ if Second Amendment ‘had not been written,’” [Fox News](#), 05/05/23)

Colin Allred voted for a red flag gun law that would allow the government to seize every gun a person owns, even those who have used their firearms for sport or self-defense.

- In June 2022, Colin Allred voted in favor of H.R. 2377, the Federal Extreme Risk Protection Order Act of 2021. (H.R. 2377, [Roll Call #255](#), Passed: 224-202, Allred Voted Yea, 06/09/22)
 - According to his press release, the legislation was for federal red flag laws to “ensure that those who pose a threat to themselves or others do not have access to firearms.” “Today, Congressman Colin Allred (TX-32) voted for the Federal

Extreme Risk Protection Order Act. Extreme risk protection orders, or ‘red flag laws,’ empower law enforcement, family and household members to ensure that those who pose a threat to themselves or others do not have access to firearms.” (Press Release, “Allred Votes for Federal Red Flag Gun Law to Keep Guns Out of the Hands of Dangerous Individuals,” [Office of Congressman Colin Allred](#), 06/09/22)

- **The bill would “allow U.S. judges to seize firearms from someone deemed and imminent danger to themselves or others” and would “allow judges to prevent individuals from purchasing firearms.”** “The House of Representatives passed legislation that would allow U.S. judges to seize firearms from someone deemed an imminent danger to themselves or others Thursday. The Federal Extreme Risk Protection Order Act passed on a vote of 224-202, with five Republicans breaking ranks and voting in favor of the bill. The bill will also allow judges to prevent individuals from purchasing firearms under the same circumstances.” (Anders Hagstrom, “House Passes ‘red flag law’ allowing judges to seize firearms of those deemed dangerous,” [Fox News](#), 06/09/22)

Editor’s Note: *The bill would allow a federal judge to order the seizure of all firearms a person owns, under certain criteria. There is no restriction on the seizure of firearms from an individual, who in the past, used them for sport or self-defense.*

- **The bill would allow family members and police officers to ask judges to impose restrictions who “can enforce either a 14-day or 180-day ban on the possession or purchase of firearms.”** “The bill also allows family members and police officers to ask judges to impose the restrictions, so long as they provide proof of danger. Judges can enforce either a 14-day or 180-day ban on the possession or purchase of firearms.” (Anders Hagstrom, “House Passes ‘red flag law’ allowing judges to seize firearms of those deemed dangerous,” [Fox News](#), 06/09/22)
 - **According to Allred’s own press release, the bill would allow for a judge to order the short-term protection order for 14-days “without a hearing.”**

The court can issue a short-term protection order of no more than 14 days, without a hearing, or a long-term protection order of no more than 180 days, following a hearing in which the respondent is represented by counsel. Both orders are available only when necessary to prevent a risk of injury to the individual or others.

(Press Release, “Allred Votes for Federal Red Flag Gun Law to Keep Guns Out of the Hands of Dangerous Individuals,” [Office of Congressman Colin Allred](#), 06/09/22)

- **According to Allred’s own press release, individuals subject to the order “must surrender their firearms and ammunition and are prohibited from purchasing or possessing firearms until the order expires.”** “Individuals subject to an order must surrender their firearms and ammunition and are prohibited from purchasing or possessing firearms until the order expires. When the order expires and the individual passes a background check, any surrendered firearms or ammunition are returned.” (Press Release, “Allred Votes for Federal Red Flag Gun Law to Keep Guns Out of the Hands of Dangerous Individuals,” [Office of Congressman Colin Allred](#), 06/09/22)

- **Red flag laws, or Extreme Risk Protection Orders, are state laws that allow law enforcement – with a court order – to temporarily seize guns from someone considered a danger to themselves or others.** “Red flag laws, or Extreme Risk Protection Orders, are state laws that allow law enforcement – with a court order – to temporarily seize guns from someone considered a danger to themselves or others.” (Erin Doherty, “How red flag gun control laws work,” [Axios](#), 05/26/22)
 - **If a judge deems an individual dangerous, law enforcement is permitted to take away all of the individuals’ firearms for a period of time, during which the individual is not allowed to buy or sell guns.** “If a judge deems an individual dangerous, law enforcement is permitted to take away all of the individuals’ firearms for a period of time, during which the individual is also not allowed to buy or sell guns, per WAMU.” (Erin Doherty, “How red flag gun control laws work,” [Axios](#), 05/26/22)

- **Federal Law establishes the framework for the lawful manufacture, sale, and possession of firearms that serves as a baseline for permissible firearm use and transactions that state and local laws generally may not contradict.** “At the national level, federal law establishes a regulatory framework for the lawful manufacture, sale, and possession of firearms that serves as a baseline for permissible firearm use and transactions that state and local laws generally may not contradict.” (Michael A. Foster, “Federal Firearms Law: Selected Developments in the Executive, Legislative, and Judicial Branches”, CRSE Reports, [Congress.gov](#), 11/03/21)

- **Only specific individuals can petition for a court for an order.** “Only specific categories of persons may petition a court for an order. Law enforcement officers are invariably included, but authorization may extend as well to family or household members, certain employers or coworkers, or certain health care providers, among others.” (Michael A. Foster, “Federal Firearms Law: Selected Developments in the Executive, Legislative, and Judicial Branches”, CRSE Reports, [Congress.gov](#), 11/03/21)
 - **After the individual who is subject to the order has been given a notice and an opportunity to appear, final durations to the order can be entered; they can last up to a year and are subject to renewal.** “Preliminary orders of brief duration may be available ex parte, i.e., without notice to or appearance by the person who is the subject of the order. After the person who is alleged to pose a risk of gun violence has been given notice and an opportunity to appear, a final order of longer duration may be entered. Final orders can last up to one year under many state provisions, with the opportunity for renewal.” (Michael A. Foster, “Federal Firearms Law: Selected Developments in the Executive, Legislative, and Judicial Branches”, CRSE Reports, [Congress.gov](#), 11/03/21)
 - **For either a preliminary or final order to be issued, some factual showing must be made that the person for whom the order is sought poses a risk of using a firearm to harm themselves or others.** “For either a preliminary or final order to

be issued, some factual showing must be made that the person for whom the order is sought poses a risk of using a firearm to harm themselves or others, with the stringency of the requisite showing depending on whether an ex parte or final order is requested. The standard, and the standard of proof, vary by state. For ex parte orders, the standard is typically framed as reasonable or probable cause to believe the person poses an imminent risk, significant danger, or some variation. For final orders, a preponderance of the evidence, or the more stringent standard of clear and convincing evidence, of a significant danger, extreme risk, or an alternative formulation is often required.” (Michael A. Foster, “Federal Firearms Law: Selected Developments in the Executive, Legislative, and Judicial Branches”, CRSE Reports, [Congress.gov](https://www.congress.gov), 11/03/21)

- **Once the order is entered and serviced, the individual subject to the order must give up their firearms.** “Upon entry and service of an order, the person who is the subject of the order must relinquish his or her firearms (if he or she possesses any) immediately or within a certain amount of time. In some states, a warrant will or can also be issued authorizing search and seizure by law enforcement.” (Michael A. Foster, “Federal Firearms Law: Selected Developments in the Executive, Legislative, and Judicial Branches”, CRSE Reports, [Congress.gov](https://www.congress.gov), 11/03/21)