



## Expanded Mental Health Recording Raises Privacy, Gun Control Issues

As more of President Obama's "[Now is the Time](#)" agenda announced in January is implemented, [more and more concerns are being expressed](#) over the impact on privacy and the right to own firearms. Said the president on January 16 following the horrific shooting at Sandy Hook Elementary School: "We must strengthen efforts to keep guns from falling into the wrong hands ... to make sure those who would commit acts of violence cannot get access to guns."



There are at least two major concerns about the president's statement: Who defines "wrong hands" and how effective are predictions about persons "who would commit acts of violence" in advance of such acts?

There are privacy concerns as well, as noted by Roberta Rampton, writing for Reuters: "Mental health advocates are worried that the privacy of people who have received treatment for their illnesses would be jeopardized." They are also concerned that persons seeking treatment would be discouraged from disclosing their problems to professionals because such information could wind up in a government database. And further, such a listing might reasonably jeopardize their freedom to own firearms. As Daniel Fisher, who was treated for schizophrenia decades ago and is now a mental health advocate, noted:

I think it's a bad idea. It would really put a chill on people getting services. They find it very scary — the idea of a national database that the government will keep [on them].

As Obama explained:

The background check system is the most efficient and effective way to keep guns out of the hands of dangerous individuals, but we need to make sure it has access to complete information about these individuals. For example, although the number of mental health records available to the system has increased by 800 percent since 2004, a recent report by the Government Accountability Office found that there are still 17 states that have made fewer than 10 mental health records available.

We need to make sure reliable data on prohibited purchasers is available to the background check system....

We need to make sure our laws are effective at identifying the dangerous or untrustworthy individuals [who] should not have access to guns.

Some have tried to minimize the impact of such expansion of mental health information into the National Instant Criminal Background Check System (NICS), saying the data sought is limited in scope. Privacy concerns are "unfounded" according to Lindsay Nichols, an attorney with the Law Center to Prevent Gun Violence, because only those with "a severe mental illness" would be included in the



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database. This was an echo of Health and Human Services Secretary Kathleen Sebelius when she promised in April, “Our actions will be carefully tailored to ensure patient confidentiality as well as public health and safety.”

Drawbacks to such inclusion of sensitive mental health information are numerous and would actually work against those individuals who need treatment. Writing for *The American Prospect*, Abby Rapoport [said](#) the basic assumption underlying such data gathering is that the mentally ill, however defined, are a threat to public safety, that “there’s a widespread belief that mental health monitoring and treatment is key to decreasing gun violence.” But that assumption turns the mentally ill into scapegoats in the ongoing gun violence debate:

Rather than offering solutions to the existing problems that patients and providers face, policymakers instead promise to keep guns out of the hands of the mentally ill. The trouble is, that often means presenting policies that are actually detrimental to mental-health treatment — threatening doctor-patient confidentiality, expanding forced treatment rather than successful voluntary programs, and further stigmatizing people with databases that track who’s been committed to hospitals or mental institutions.

It’s clear from the president’s comments that he means to confiscate firearms from the mentally ill — a defacto declaration that the mentally ill present a threat to public safety, and a sufficient excuse to invade their privacy and seize their weapons. As Rapoport explains:

The new rules and proposals perpetuate the assumption that people with mental illness are dangerous; instead of making people safer, the requirements may hurt efforts to get the mentally ill treatment.

For instance, the expanded reporting requirements mean mental-health providers must alert officials if a patient may harm herself or others. Law-enforcement officials can then show up and confiscate any guns the patient owns.

Ron Honberg, national director at the National Alliance on Mental Illness, put it bluntly: “If they’re aware that by seeking help they’re going to lose their right to have a gun, we’re concerned it’s going to have a chilling effect.”

Another false assumption is that violence can somehow be predicted and lessened by taking guns away from those on a list (who are there because some mental health “professional” put them there). Exactly the opposite is true. According to Debbie Plotnick, senior director at Mental Health America, “People with mental illness are so much more likely to be victims of crimes than perpetrators that it’s almost immeasurable,” with one study showing that the mentally ill are 11 times more likely to be victims of gun violence compared to the general population.

In 2010 more than six million background checks were run using the NICS and just 72,659 gun purchases were denied by the FBI. Half were due to felony indictments or convictions, while one in five persons who were checked were fugitives with outstanding warrants, and 11 percent were those who had violated state laws. But if the definitions were expanded to allow the “mentally defective” to be included, the potential for denial would rise enormously. [Mallory Sauer at \*The New American\* magazine](#) cited sources that state that “there is more than a 50-percent chance that an American will develop a mental disorder in his or her lifetime” and that one in four “already suffer from mental illness.”

This clearly illustrates the danger to law-abiding Americans enjoying their Second Amendment rights: If



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the definition of mental illness is broad enough, and states are mandated to enter into the database every person whom someone has diagnosed with some form of mental illness, what is to keep the government from essentially labeling every living soul as mentally defective, thus denying them essential rights under the Constitution?

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