



Written by [Alex Newman](#) on May 8, 2013

Obama Pursues Gun Control via Executive Action After Senate Blow

In the wake of a [humiliating defeat](#) for gun-control advocates in the Senate last month, President Obama and a coalition of allied anti-Second Amendment extremists [vowed not to give up the fight](#). Unlike its failure in keeping many promises, however, the administration is [already making good](#) on that particular lawless threat, seeking to bypass Congress and use “executive actions” to impose a [controversial assault on gun rights and healthcare privacy](#) through Kathleen Sebelius’ Department of Health and Human Services.



If approved, [the new “regulation”](#) would — by executive decree — shred remaining federal privacy-protection laws keeping patient data confidential. The HHS’s proposed rule would also, among other radical changes, encourage psychiatrists to report their clients to the FBI’s background check system by waiving the legal prohibition on sharing private healthcare information contained in the Health Insurance Portability and Accountability Act (HIPAA).

While the administration [claims](#) the scheme is aimed at keeping weapons out of the hands of “potentially dangerous” people, critics of the plan, and [especially gun rights activists](#), see it as part of an ongoing effort to disarm increasingly wide swaths of the public. In a [press release](#) about the scheme, the Department of Health and Human Services said it was just part of Obama’s “common sense plan to reduce gun violence.” For opponents, however, the scheme is “crazy” — yet another backdoor assault on the rights of Americans as well as an attack on the Constitution and congressional authority.

According to HHS, privacy protections in HIPAA “may” be preventing states from reporting certain mental health data to the FBI’s controversial National Instant Criminal Background Check System (NICS). As such, the proposed new “rule,” [part of Obama’s 23 unconstitutional “executive actions” attacking gun rights](#), would target over a dozen states that the Obama administration believes should be sending more names of “prohibited persons” to the federal government.

“In order to protect our children and communities, we must ensure that information on potentially dangerous individuals who are prohibited from possessing firearms is available to the background check system,” HHS Secretary Sebelius said in a [statement](#). “At the same time, it is important to note that the vast majority of Americans with mental health conditions are not violent and that those with mental illness are in fact more likely to be victims than perpetrators.”

Perhaps attempting to preempt some concerns that have already been trumpeted by critics, Sebelius also noted that the administration was aware of at least one of the potential negative consequences of the move. “We do not want to discourage individuals who need help from seeking mental health services, and our actions will be carefully tailored to ensure patient confidentiality as well as public health and safety,” she claimed.



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The proposed measure, quietly unveiled last month by the HHS so-called Office for Civil Rights (OCR), is currently accepting public comments about the rule as required by law. “Through the public comment process, we will use the data and information provided by states, health providers, patient advocates and others to determine how best to remove unnecessary barriers to NICS reporting while protecting patient privacy,” claimed OCR Director Leon Rodriguez in the statement.

Opponents of the move, however, are urging gun-rights activists to send in their own comments calling for the “crazy” proposal to be shot down entirely. Gun Owners of America, for example, widely viewed as the most principled major organization defending the right to keep and bear arms in Congress, sent out [an e-mail](#) to supporters blasting the proposed HHS rule and urging opponents to make their voices heard.

“The Obama Administration is trying to unilaterally undo our recent victory in the Senate — and to undo the ‘damage’ that all of us inflicted together,” the group said, referring to gun-rights advocates’ recent victory over the most brazen assault on the Second Amendment in decades. “Barack Obama has just concluded that ‘he don’t need no stinkin’ Senate.’”

In the message to supporters, GOA explained that the failed Obama-backed amendment to establish so-called universal background checks offered by an “unholy alliance” — Senators Pat Toomey (R-Pa.), Joe Manchin (D-W.V.), and anti-gun zealot Chuck Schumer (D-N.Y.) — would have also prodded psychiatrists to turn their patients into the FBI’s gun-ban list. The National Rifle Association, GOA, other gun rights groups, and a bipartisan coalition of senators who “found it to be odious and a violation of the Second Amendment,” however, [managed to stop the effort](#).

Still, neither the Constitution nor the crushing defeat in the Senate deterred Obama and his anti-Second Amendment allies. Indeed, as *The New American* [reported](#), the administration is still charging full-speed ahead on gun control. Shortly after the Senate vote, Obama threw a now-infamous fit, promising that the battle was not over. “Even without Congress, my administration will keep doing everything it can to protect more of our communities,” he said.

More recently, during a trip to Mexico, the president essentially blamed U.S. gun laws for the wild Mexican murder rate despite that nation’s virtual total ban on private firearm ownership. “Most of the guns used to commit violence here in Mexico come from the United States,” Obama [alleged, falsely](#). Of course, the president omitted any reference to his administration’s gun-running program known as [Fast and Furious](#), which [armed certain Mexican drug cartels with heavy weapons at U.S. taxpayer expense](#). The [resulting violence](#) was also [used to push more restrictions on the Second Amendment](#).

While the [hundreds killed with Obama’s Fast and Furious guns](#) were left unmentioned, the president vowed to keep pushing gun control in the United States, drawing applause from the crowd. “I will continue to do everything in my power to pass common-sense reforms that keep guns out of the hands of criminals and dangerous people,” he said. “That can save lives here in Mexico and back home in the United States. It’s the right thing to do.”

The latest bid to expand gun control through executive rule making, however, is a serious threat that must be stopped, GOA said. “Understand a couple of things: First, the standard which your doctor would use to turn you in is embodied in Clinton-era ATF language and in the anti-gun Veterans Disarmament Act of 2007,” the group explained. “Specifically, your doctor would ‘drop a dime’ on you if he suspected you were even a slight ‘danger to yourself or others’ or were ‘unable to manage your financial affairs.’”



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According to the organization's analysis, the HHS scheme would seek to deny the gun rights of anyone who the government claims cannot balance a checkbook — ironic considering Washington's trillion-dollar deficits. Another major problem is that as soon as a psychiatrist gets sued for failing to report a patient, the rule of thumb will become "see a shrink; lose your guns."

Meanwhile, more than 150,000 veterans have [already had their rights infringed upon](#) because of similar schemes, with government-sector mental health authorities continuing to strip America's soldiers of their ability to defend themselves. If and when the HHS "rule" is approved, private-sector psychiatrists would be forced to comply, meaning all Americans would be in the administration's anti-gun crosshairs. In some states, it is already happening.

On top of constitutional problems, privacy issues and fears that such reforms will have unintended (or not) consequences — people refusing to visit psychiatrists due to concerns about potentially being stripped of their right to keep and bear arms, for example — opponents also say the background check system is a de facto gun-registration scheme. In a phone interview with *The New American*, GOA chief Larry Pratt made it clear how serious the threat is.

"The instant background check is gun registration," he explained, saying it was crucial that citizens continue fighting back against efforts to infringe on the Second Amendment. "The government will not answer when we ask how they are destroying the names and addresses, as required by law, of those that have been checked. They just don't respond; 'so sue us' is kind of the attitude that they have."

Gun-rights activists across America have been pushing back hard — multiple [states](#), [cities](#), [counties](#), and [sheriffs](#), for example, have already vowed to resist any federal attack on the Second Amendment. However, the administration, and HHS in particular, have opened another front in the battle. Analysts on both sides of the issue say that for gun rights to survive in the long term, citizens must stay engaged until the effort to trample on the constitutionally protected right to keep and bear arms is ultimately crushed.

Photo of President Barack Obama: AP Images

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