

Sections 1501 and 1502 of HR 3590 -- which contain the so-called "individual mandate" -- require Americans to buy government-approved insurance and give the government a carte blanche to require that these policies contain requirements like Barack Obama's oft-stated goal of computerizing medical records in a national database. (Indeed, Fox News reported on March 26, 2010, that under the new federal health care law, our medical records will soon go online to be available to all doctors.)

This would make it impossible for Americans to keep private, medical information out of the government-controlled medical database that was created under Sec. 13001 of the stimulus bill. Once a person's medical information has been put into the database, then the ATF and the FBI will be able to use it to deny law-abiding Americans their right to purchase firearms -- just like the thousands of military veterans who have been denied their right to purchase firearms.

The problem with the veterans began in 1999, when under the direction of the Clinton administration, the Department of Veteran Affairs was obliged to share certain mental health records with the FBI for the purpose of adding names to the national instant check system (NICS). People whose names are added to NICS, of course, are not allowed to purchase or possess firearms.

The health records in question had to do with persons the VA had deemed "mental defectives." Since 1968, persons so adjudicated have been prohibited from possessing firearms. For decades, the common understating of "mental defective" applied to people found not guilty of a crime by reason of insanity. In 1999, however, the Clinton Justice Department unilaterally decided to greatly expand the definition to include the VA's very broad use of the term.

Without notifying the people affected by the decision, the VA turned over the names of 90,000 veterans who "because of injury or disease lack the mental capacity to contract or manage their own affairs." Under the guise of "mental defectiveness," therefore, many veterans who served their country honorably have lost their Second Amendment rights for life because a doctor or a bureaucrat in the VA appointed someone to look over their finances.

Thanks to routine data dumps, the number of veterans who have lost their gun rights due to common maladies like Post Traumatic Stress Disorder (PTSD) has increased to an estimated 150,000. PTSD, incidentally, affects as many as one third of all combat troops.

These veterans were not convicted of a crime, were not found to be a danger to anyone, and they were not afforded any meaningful due process of law. They were added to NICS simply on the basis of the opinion of a government psychiatrist.

To make matters worse, what began under the Clinton administration as a blatant illegitimate abuse of power was codified by a law, the so-called Veterans Disarmament Act of 2008, signed by President George W. Bush.

If such a travesty of justice was made possible through the VA's national health care system, there is every reason to believe that it will also occur under Obama's proposed health care legislation.

Now, we fast forward to the present, where our medical records will go online soon. Is there any reason to believe that this information won't also be available to the ATF and the FBI?

We remember how after Joe the Plumber took on then-Presidential candidate Barack Obama, Joe's tax records were "mysteriously" discovered and released to the public in an effort to discredit him.

Clearly, once one arm of the federal government has our medical records, other arms will gain access, in the same way that the FBI got the original veterans' names (90,000 of them) in 1999.

What about the Second Amendment protections in the bill?

Question: How does the above square with SEC. 2716 (2) and (3) of the bill? This section says:

(2) LIMITATION ON DATA COLLECTION.—None of the authorities provided to the Secretary

under the Patient Protection and Affordable Care Act or an amendment made by that Act shall be construed to authorize or may be used for the collection of any information relating to—A) the lawful ownership or possession of a firearm or ammunition; (B) the lawful use of a firearm or ammunition; or (C) the lawful storage of a firearm or ammunition.

(3) LIMITATION ON DATABASES OR DATA BANKS.— None of the authorities provided to the Secretary under the Patient Protection and Affordable Care Act or an amendment made by that Act shall be construed to authorize or may be used to maintain records of individual ownership or possession of a firearm or ammunition.

This language appears on the face to prohibit the use of any data collection with regard to use firearms. Does this section provide adequate protection for gun owners, and specifically for veterans?

Answer: This language (section 2716) prohibits the use of the federal database for storing information about who has a gun (based on questions asked by a physician with respect to gun ownership).

It does not prohibit the use of the database to determine who has a psychological “disorder” like ADHD or PTSD. And it does not prohibit the ATF from trolling the database for persons with ADHD and PTSD (independent of any issue of gun ownership) -- and sending their names to the FBI’s database of prohibited persons because they are “mental defectives” (18 U.S.C. 922 (g)). HIPAA would not prohibit this “law enforcement function,” and ObamaCare may significantly broaden the list of people whose determination is an “official” determination similar to the VA psychiatrists who have disarmed 150,000 veterans.

To say that the health care database would never be used this way is to ignore history. Who ever thought in 1993 -- when the Brady Law was passed -- that the federal government would soon begin denying military veterans their right to own a gun ... not for any crimes committed, but because of a psychiatrist’s determination that such veterans suffered from PTSD?

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