Pitting the Second Amendment against the First

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Do you as a primary care provider value your First Amendment right to free speech? You may be unaware that legislation passed by the Florida legislature in 2011 (The Firearm Owners’ Privacy Act) specifically bars physicians (mostly pediatricians) from discussing with parents firearms safety issues such as keeping guns that are in the home locked away, unloaded, and apart from stored ammunition. Six other states — Alabama, Minnesota, North Carolina, Oklahoma, Tennessee, and West Virginia — also have tried to pass the National Rifle Association-backed Firearms Owners’ Privacy Act.

This bill was signed by Florida Governor Rick Scott, but fortunately has not yet gone into effect because of a lawsuit filed against Scott and other Florida officials by three physicians and the Florida chapters of the American Academy of Pediatrics, the American Academy of Family Physicians, and the American College of Physicians, 4 days after Scott signed the law. Implementation of the law was blocked by US District Judge Marcia Cooke of Miami, who issued a permanent injunction shortly after it was passed, and she then in July 2012 ruled that the law violates doctors’ freedom of speech. Undeterred, the state of Florida has appealed this ruling to the 11th Circuit Court of Appeals in Atlanta, seeking to overturn Judge Cooke’s ruling.

NRA’S IMPACT ON PEDIATRICS

Invoking the Second Amendment right to bear arms, the National Rifle Association (NRA) conceived and lobbied for the passage of this legislation. The NRA also succeeded in adding a provision to the Affordable Care Act penalizing doctors for having discussions about gun safety. It also prevents doctors from collecting data on guns in the home; however, President Obama recently issued an executive order to indicate that the new health care law, in fact, does not preclude doctors from discussing gun safety.

The US is home to less than 5% of the world’s population but with approximately 300 million weapons in circulation, has 40% of the world’s guns in civilian hands. Many of these weapons are military-style assault weapons for which there is absolutely no legitimate use in a civilian population. The same is true for high-capacity ammunition magazines. These have been the weapons of choice in the series of tragic mass killings, including in Newtown, CT late last year. Meanwhile, handguns are the most common weapon used in what seems the daily urban shootings that in the aggregate take more lives of young people than do mass shootings.

We have become a land ruled by the NRA, which is against any change in gun legislation, and certainly against Americans having any evidence-based data with which to formulate opinions. For example, according to the New York Times, in 1996, after CDC research began to contradict NRA dogma that guns in the home made families safer, the NRA kicked into gear and managed to persuade Congress to prohibit the CDC from research that might have an impact on firearms legislation. This means we do not have data to formulate policies based upon actual facts such as how effective our current laws are at curbing criminals from committing crimes with guns to how many homes have a firearm in them.

Public health researchers working with Vice President Biden’s gun violence commission created in the wake of the Newtown killings highlighted that mortality rates from almost every important cause of death have dropped impressively over the past 50 years, and that motor vehicle deaths per mile driven have fallen by more than 80%. In contrast, the US homicide rate, mostly gun-related, is virtually unchanged from the rate in 1950. In 2011, an average of 88 Americans died each day...
from firearm violence; another 202 were seriously injured.³

FIRST AMENDMENT RIGHTS

I pray that the Newtown massacre, in a way that previous mass killings of innocents by fully armed gunmen have not, will be able to galvanize a fundamental change in the attitudes of the American public and its legislatures toward the dangers of guns in the wrong hands, a deadly phenomenon that has been made possible through greedy, effective lobbying, not through science, data collection, and certainly not common sense.

And we must protect our First Amendment right to free speech to do what we can to educate parents about gun safety.

THIS MONTH’S STAMPS

The French stamp with the cartoon of the heart and lungs was issued June 18, 2012, in honor of the 30th anniversary of the first heart-lung transplant in Europe, which was performed March 1, 1982, by John Wallwork, MD, assisted by the pioneering transplant surgeons Norman Shumway, MD, and John Wallwork, MD. Apparently, Wallwork performed Europe’s first successful heart-lung transplant at Papworth Hospital (near Cambridge, UK) in 1984, and he then set up a pediatric transplant service at London’s famous mecca of pediatrics, Great Ormond Street Hospital, known as GOSH.

The other three stamps are from a set of five also issued in 2012 by Australia to honor its Nobel laureates. Sir Howard Walter Florey, PhD (1898-1968) (left); Sir John Carew Eccles, AC, FRS (1903-1997) (middle); and Sir Frank Macfarlane Burnet, MD, PhD (1899-1985) (right).

REFERENCES