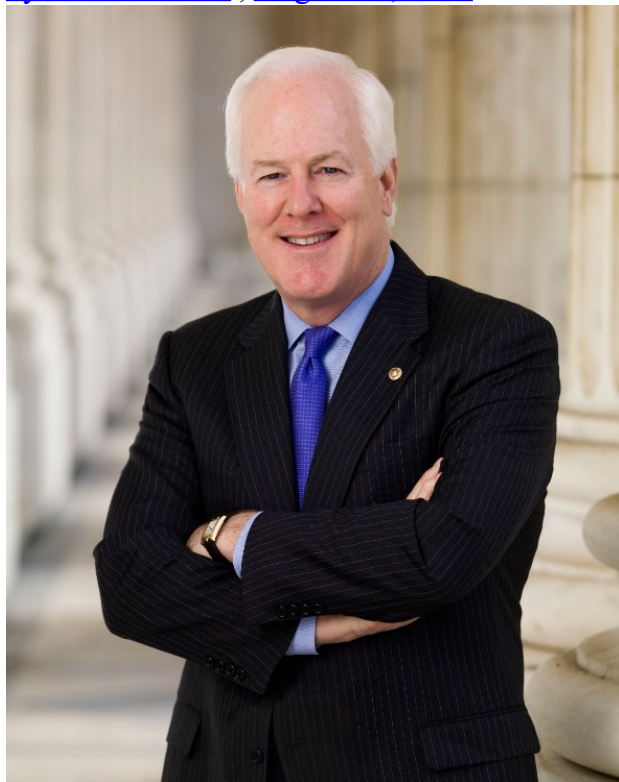


Cornyn Mental Health Bill Promises Protection but Raises Concerns

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by David Codrea , [August 10, 2015](#)



What “improvements” are being offered that outweigh submitting even more names to a system lacking transparent protections against biased “adjudicators”?

Despite the [text of the bill](#) not even being publicly available yet (at this writing), gun owners are already taking sides on Sen. John Cornyn’s “Mental Health and Safe Communities Act,” which he [announced and outlined](#) last Wednesday.

The “legislation [is] designed to enhance the ability of local communities to identify and treat potentially dangerous, mentally-ill individuals,” Cornyn assures us. “[I]t will help fix the existing background check system without expanding it, increase the use of treatment-based alternatives for mentally-ill offenders, and improve crisis response and prevention by local officials.”

One group that most certainly has seen the text, and no doubt had a hand in crafting it, is the National Rifle Association, which has come out strongly praising the bill as a needed improvement.

“S. 2002 [is] a bill to protect the Second Amendment rights of law-abiding citizens from continued bureaucratic abuse by the Obama Administration,” [NRA assures us](#). “The bill clarifies that an ‘adjudication’ ... will require due process protections ... removes the category ‘lacks the ability to contract or manage affairs’ as relevant to the determination of a prohibited person [and] requires notification to veterans who have been submitted to NICS under the ‘fiduciary’ program and an opportunity to have their individual case reviewed by a board established for this purpose.”

OK, so what's the trade-off "compromise"? Does that make it worth funding states to submit even more records to the feds?

I stated some concerns I have in [a Friday article](#) over at The Truth About Guns, and what I've seen so far does not give me confidence that the language of the bill itself will address them.

It would help if we knew what protections *equivalent to those provided in a jury trial* the bill will provide. Specifically, will decisions rely on those who may have biases of their own, as [can currently be the case](#), with ATF's "clarifying the term 'adjudicated as a mental defective' to mean a determination by a court, board, commission or other lawful authority," and with some states applying even broader "standards"?

What protections will exist to offset politically-connected anti-gun judges, politically-appointed boards, and "expert" adherents of the [American Psychiatric Association's](#) "Position Statement on Firearm Access, Acts of Violence and the Relationship to Mental Illness and Mental Health Services." It's fair to ask, because APA includes in its advocacy platform registration-enabling, background checks, "smart" guns, storage requirements, "gun-free" zones, doctor-patient boundary violations, tax-funded anti-gun "studies," all outside the scope of the training and credentialing of those making these proposals.

Also of interest – or it should be – how will rights be restored when there is no longer a compelling mental health prescription to deny them? What universal appeal mechanism – affordable to all, not just to elites for whom money is no object – will exist to declare a person is once more "eligible" to keep and bear arms? What guarantees are there that the same biases that colored the disability ruling in the first place won't reassert themselves in the "parole" process? And have we identified psychiatric evaluators, risk management administrators and insurers who will be willing to subject themselves to malpractice liabilities should a person deemed "fit" be misdiagnosed? Or will the pressure be to "err on the side of caution"?

We need to be real careful here, because we've seen historical precedence, predominantly in [citizen disarmament "paradises"](#) like the Soviet Union, Cuba... Anybody who blindly asserts that can never happen here has either not been paying attention — or is a liar. Maybe instead of enforcing and "improving" existing Intolerable Acts, we ought to be focused on repealing the damned things.

Categories: [2nd amendment](#), [All](#)
Tags: [mental health](#), [NRA](#), [veterans](#)

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