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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 31, 1994

Dr. Timothy W. Wheeler
Southern California Permanente Medical Group
9985 Sierra Avenue
Fontana, CA 92335

Dear Dr. Wheeler:

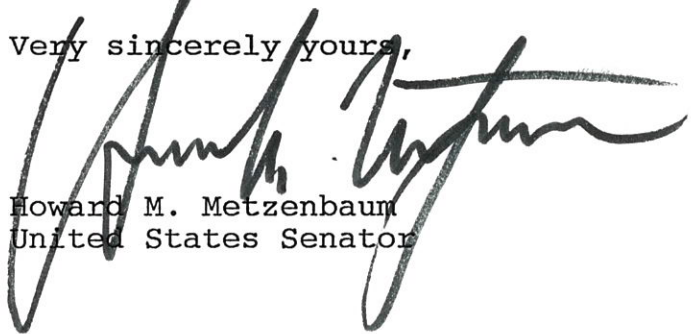
Thank you for testifying at the March 23, 1994 Constitution Subcommittee hearing on the Gun Violence Prevention Act. Your views on this issue are greatly appreciated and very helpful.

Unfortunately, due to the time constraints on the day of the hearing, there are a few questions that were not answered. Please respond, in writing, to the attached questions by April 11, 1994.

I look forward to working with you in the future as the Subcommittee continues its work in this area.

Again, thank you for your contribution.

Very sincerely yours,



Howard M. Metzenbaum
United States Senator

HMM/mew

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Timothy W. Wheeler, M.D.
President
Robert L. Bridges, M.D.
Secretary

April 18, 1994

The Honorable Howard Metzenbaum
Subcommittee on the Constitution
Committee on the Judiciary
United States Senate
Washington, DC 20510-6275

Dear Senator Metzenbaum:

Thank you for the opportunity to respond to your further questions regarding the Gun Violence Prevention Act hearing on March 23, 1994. I hope that my answers are informative to you in the resolution of the debate on this issue. My answers are as follows.

1. **Question:** You have argued that people have the right to defend themselves against criminals. Do all people have this right? Do you agree that felons, mentally defectives, and those prone to violence should not have guns? If so, how do you think such persons should be prevented from buying guns?

Answer: All citizens have the right to defend themselves against criminal violence. In fact, if one believes that life has value, then there arguably exists a moral imperative to assert that right. Laws authorizing appropriate citizen use of force, up to and including deadly force, recognize the right to self defense against criminals.

This right to self defense does not confer on all people the right of gun ownership. Those who have demonstrated an inability or unwillingness to exercise responsible gun ownership (violent criminals and the mentally incompetent) must not be allowed to own guns. It is a curious and grotesque reality, given the current push to disarm the law abiding, that our current laws do allow criminals to own guns. A career felon, rushed one more time through the revolving door of our criminal justice system, has no trouble securing a weapon out on the street.

Such persons should never be given the opportunity to own a gun. Repeat violent felons should be incarcerated until they are past the age of career predation, not for the three to

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five year terms most rapists and murderers serve. Where the law mandates the death penalty it should be carried out, and not delayed by endless bad faith legal maneuvers.

Government should have the burden of proving a person incapable of responsible gun ownership. And this process should never be used to deny responsible citizens their right to gun ownership. Since most criminals obtain their guns through illegal sources, and since thousands of gun laws have failed to reduce gun violence, it is clear that criminals and not guns should be the focus of government control.

2. **Question:** You appear to disagree with Doctor Kellerman and others about the connection between gun accidents and guns in the home. Other than your own opinion, what empirical, peer-reviewed studies have you published in independent medical journals that support your opinions?

Answer: Just as most criminologists have not published articles about head and neck surgery, I have not published articles about criminology.

As a physician, Doctor Kellerman might be forgiven for not knowing that his "body count" methodology for assessing effectiveness of armed self defense is grossly in error. Only a professional in the field of criminology would be likely to know that fewer than one percent of self defense gun uses result in the death of the criminal.

I find it disturbing that the editor of the New England Journal of Medicine, perhaps America's most prestigious peer reviewed medical journal, has overtly rejected fact as a basis for his outspoken judgments about firearm ownership (see New England Journal of Medicine February 3, 1994).

Peer review is legitimate only when it is based on facts determined within the scientific discipline in question. It is sham when it is fueled by emotion and willful ignorance of the facts.

For an empirical and peer-acclaimed study of gun accidents and guns in the home I would refer you to the book Point Blank: Guns and Violence in America New York, Aldine DeGruyter, 1991 by Dr. Gary Kleck. Dr. Kleck is a criminologist, not a medical doctor.

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3. **Question:** Please list all of your published articles.

Answer: Wheeler, T. et al "Predicting Postoperative Head and Neck Complications Using Nutritional Assessment: The Prognostic Nutritional Index", Archives of Otolaryngology, Vol. 109 February 1983, 83-85.

I am a full time nonacademic practicing surgeon and have not published since my residency training.

Unlike some physicians, I have never written articles outside my field of expertise and held them out as science. I am a surgeon, not a criminologist.

4. **Question:** How many members are in the organization "Doctors for Responsible Gun Ownership"? Who constitutes the organization's leadership? When was the organization formed? How were you chosen chair? Have you ever had an agreement or understanding with any individual or entity regarding payment or reimbursement of your expenses in connection with appearing before this subcommittee? If so, with whom?

Answer: DRGO has about 315 members at this writing. I am the President and Robert L. Bridges, M.D. is the Secretary.

The organization is only five months old. As the founder of DRGO I thought it reasonable for me to serve as President at the beginning. I have received encouragement, advice, and repeated expressions of gratitude from our members for assuming the leadership. They say they are as dismayed as I am to see bias and emotion masquerading as medical science.

The Senate Committee on the Judiciary has kindly agreed to reimburse my travel expenses for my appearance before the Subcommittee.

5. **Question:** Your testimony refers to Dr. Gary Kleck's finding that there are 2.4 million defensive gun uses per year. Have you performed any independent research that confirms this figure? If so, please explain such research.

Answer: I have performed no independent research in this area, since I am not trained to do criminology research. However, I do rely on peer-acclaimed experts such as Dr. Kleck to inform me, just as others rely on my expertise in medicine.

6. **Question:** Do you think that children should carry guns for their protection? Should they be able to take guns to school?

Answer: I believe that children should not have to carry guns for protection, that parents have a moral duty to protect them. Although I do not believe children should be allowed to take guns to school, any such prohibition should be coupled to the responsibility of adults to provide safe schools for them. Here we have failed our children.

7. **Question:** Should manufacturers be required to add safety devices to guns in order to prevent accidents? If not, why not?

Answer: Firearm manufacturers already provide safety devices on their products, and they have for decades. Technology development, market demand, and the risk of product liability litigation have motivated them to continually refine safety devices. This process and increasing private sector efforts at gun safety instruction have resulted in a steady decline in firearm accidents for the last 60 years.

One proposal for a mandated device, the "loaded" indicator would actually be dangerous. It would foster a lack of reliance on one of the basic rules of gun handling; treat every gun as if it were loaded. Further legislatively or administratively mandated safety devices have the very real potential for abuse by those persons who would thereby effect gun prohibition through oppressive bureaucracy.

8. **Question:** Do you think people have the right to have any gun for their protection?

Answer: American citizens have the right to own any firearm for their protection as long as they have not been shown to be unable to exercise that right responsibly.

The caliber, type of action, or appearance of the firearm is much less important in the proper exercise of the right than is the character of the firearm owner.

9. **Question:** Is there any firearm that you think people do not have the right to own?

Answer: Again, every citizen has the right to own firearms, which are defined as "any weapon which expels the charge by the combustion of powder or other explosives; especially, such a weapon small enough to be carried, as a pistol, rifle, et cetera" (Websters' New Twentieth Century Dictionary Unabridged, Second Edition).


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This definition includes any firearm for self defense applications regardless of its caliber, action, or whether some people consider it unattractive. There is absolutely no relation between these mechanical factors and the integrity of the firearm user.

10. **Question:** Do people have the right to own an unlimited number of firearms?

Answer: Good citizens as defined above do have that right. But violent criminals should not be allowed to own even one.

Yours truly,

A handwritten signature in cursive script, appearing to read "T. Wheeler", with a horizontal line above the first few letters.

Timothy W. Wheeler, M.D.
President

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