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Editor:

In the last issue of the *Journal*, Dr. Victoria Dreisbach and I had the opportunity to advise readers of the use of the term “mental defective” by Congress and in the U.S. Code to refer to individuals who have experienced one of several mental health adjudications and are thereafter considered “denied persons” for the purpose of sale and possession of guns.<sup>1</sup> We noted that states are now required to submit data on such individuals to the National Instance Criminal Background Check System (NICS) managed by the FBI. We also noted that the FBI had expressed its willingness to cooperate with states to avoid the use of offensive language when referring to people with mental illness.

I write now to inform readers that the FBI has indeed followed through with that cooperation. The FBI intends to rewrite their coding manuals so that the code that states must use to enter data about individuals who have experienced the relevant mental health adjudications will no longer use the term “mental defective” as a descriptor, but will instead simply refer to “denied persons pursuant to 18 U.S.C. § 922(d)(4)” or similar neutral language. Such a term will also be used by the FBI to make its mandated reports to the Attorney General and Congress.

What remains to be accomplished is for Congress to repeal the use of the offensive language in U.S. Code and the Code of Federal Regulations. Readers are encouraged to contact their Congressional representatives to express their opinions about this use of language. (Please see the previous letter to the editor for suggested changes.<sup>1</sup>)

American history has regrettably illustrated the common usage of many derogatory terms to refer to various groups of people in our country. Fortunately, such language is no longer tolerated in public discourse and certainly not in official acts and laws of our government. Most Americans would cringe at the sight or mention of such words in social exchange; such language is unimaginable in official government enactments and publications. It is time for “mental defective” to go the way of such words; our Congress should be ashamed of its

Editor:

With much interest, I read Mr. Sullivan’s enlightening and witty editorial<sup>1</sup> regarding my article published in the *Journal* last year.<sup>2</sup> His comments provide an authoritative insider’s appreciation of the crafting of legislation and help advance the discourse in this area of the law. Mr. Sullivan’s points are well taken: politics are messy, and they engender odd bedfellows. We have a lesser government than we deserve, and we ought to seize the opportunity to express our opinion. There is, however, one point I need to clarify. Mr. Sullivan indicated that in the article I stated that I was “surprised and not happily” about the way substance abuse treatment laws for adolescents have been crafted (Ref. 1, p 11). While learning details about the fashioning of said laws was eye-opening, I did not include in the paper the phrase Mr. Sullivan ascribes to me. Furthermore, I was neither amazed nor distressed by the data I obtained. As the number 1 cliché for 2004, according to *USA Today*, states: it is what it is! My findings simply provide further support to the quote attributed by some to Otto von Bismarck: Laws are like sausages—it is best not to see them being made.

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