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Press Release

A Critical Appraisal of Surgeon General Murthy's Firearm Violence Advisory

Sacramento California, June 27, 2024: During Barack Obama's 2008 presidential campaign, Dr. Vivek Murthy co-founded "Doctors for Obama," which morphed into "Doctors for America," after Obama was elected as president. While serving as president of Doctors for America in October of 2012, Dr. Murthy "tweeted:"

Tired of politicians playing politics w/guns, putting lives at risk b/c they're scared of NRA. Guns are a health care issue.¹

After the resignation of Surgeon General Regina Benjamin in July of 2013, President Obama nominated Dr. Murthy to replace her. In his opening statement in his Senate confirmation hearing, Dr. Murthy didn't mention gun violence. When Senator Lamar Alexander of Tennessee, an ardent opponent of gun control, read Murthy's tweet to him and asked Murthy if he intended to use the Surgeon General's office as a "bully pulpit" for advocating gun control. Murthy replied:

I do not intend to use the Surgeon General's Office as a bully pulpit for gun control. That is not going to be my priority. As we spoke about, my priority and focus is going to be on obesity prevention.²

Murthy was largely silent on the subject of gun violence prevention while serving as Surgeon General during the Obama administration from 2013-2016, despite a steep rise in annual numbers of gun-related deaths and multiple high profile mass shootings, including the 2016 Pulse nightclub mass shooting in Orlando, Florida, the worst shooting in U.S. history up to that time, in which 49 people were killed and 58 were wounded.

Dr. Murthy was relieved of his position as Surgeon General when Donald Trump became President in 2017, but he was renominated as Surgeon General by President Biden in 2021. Dr. Murthy continued to be largely silent on the gun violence issue during the Biden Administration until June 25, 2024, when he declared gun violence "a public health crisis in America."

In a recorded video message posted on the Surgeon General's website, Murthy stated, "Today, for first time in the history of our office, I am issuing a Surgeon General's advisory on firearm violence."³

Actually, Dr. C. Everett Koop, who was Surgeon General from 1982-1989, and who was a

practicing pediatric surgeon during most of his professional career, convened a Surgeon General's Workshop on Violence and Public Health in 1985, with a particular focus on gun violence prevention. The recommendations from that workshop were reported by Surgeon General Koop to the Senate Committee on Children, Families, Drugs, and Alcoholism; and regional, state, and local workshops followed.

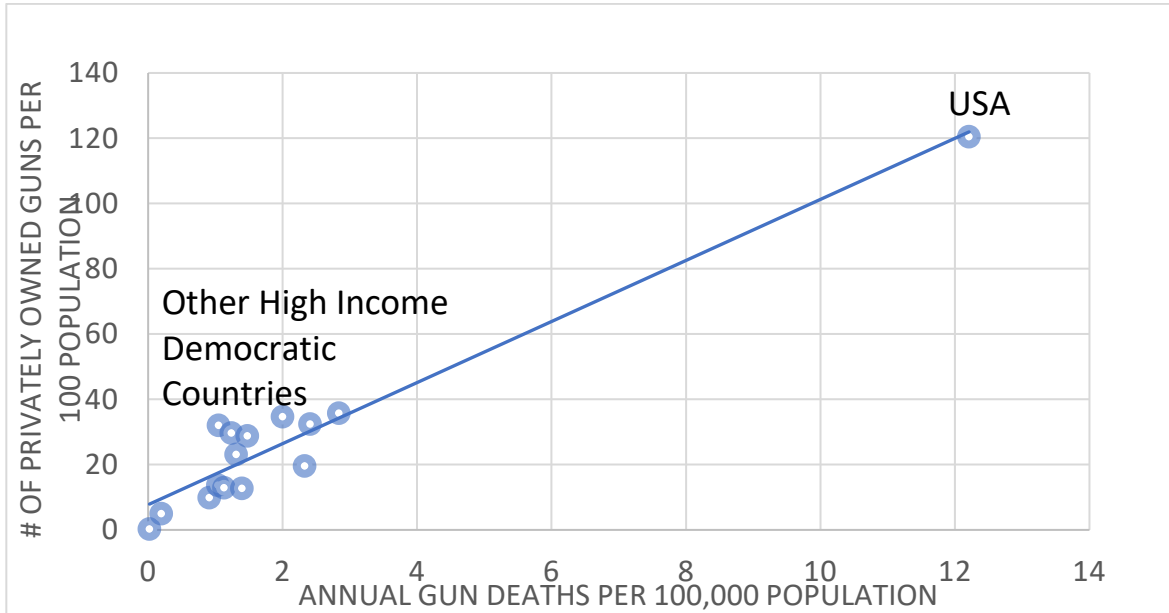
In 1992, Dr. Koop summarized his recommendations for preventing gun violence in an article he co-authored with Dr. George Lundberg in the *Journal of the American Medical Association* entitled, *Violence in America: A Public Health Emergency – Time to Bite the Bullet Back*.⁴ These recommendations included a requirement that persons seeking to acquire a gun “be of a certain age and physical/mental condition;” that they “be required to demonstrate knowledge and skill in proper use of that firearm,” that they be “monitored in the firearm’s use;” that they “forfeit the right to own or operate the firearm if these conditions are abrogated;” that these restrictions “should apply uniformly to all firearms and to all US inhabitants across all states through a system of gun registration and licensing;” and that “no grandfather clauses should be allowed.” Dr. Koop and Dr. Lundberg added, “We believe that anything short of this proposed registration and licensing for gun ownership and use would be too little action to recommend at this time.” Notably, they did not recommend waiting for more research.

It's also notable that that in 1992, there was no constitutional obstacle to the adoption of any of the recommendations of Doctors Koop and Lundberg. In 2008, however, in a narrow 5-4 decision, the U.S. Supreme Court reversed over two centuries of legal precedent, including four prior Supreme Court opinions,⁵ by ruling in the case of *District of Columbia v. Heller*⁶ that the Second Amendment conferred an individual right to own guns unrelated to service in a “well regulated militia.” It's likely that the majority of current U.S. Supreme Court justices would rule that laws that encompass the recommendations of Doctors Koop and Lundberg would be unconstitutional.

In his video message recorded on June 25, 2024, Surgeon General Murthy stated, “As a doctor, I've seen the consequences of firearm violence up close.” It appears that in recent years, however, Dr. Murthy has had little if any direct patient contact. The *Washington Post* revealed that the financial disclosure form that Murthy submitted after being renominated by President Biden as Surgeon General showed that he'd received over a million dollars in consulting fees from companies including Netflix, Airbnb, Carnival Cruise Line, and Estee Lauder, in addition to hundreds of thousands of dollars in speaking fees.⁷ This form doesn't show any income from patient care.

The 39 page advisory, *Firearm Violence: A Public Health Crisis in America*, published by the Surgeon General's office on June 25 details the seriousness of our country's gun violence epidemic, including the facts that since 2020, gunshot wounds have become the leading cause of death in children and adolescents in the 1-19 year old age group; that the rate of gun-related deaths in the United States is 11.4 times higher than the average rate in 28 other high income democratic countries; that the total number of gun-related deaths in the United States reached a record high of 48,204 in 2022; and that while mass shootings account for only about 1% of all gun-related deaths, the frequency of mass shootings is increasing. As contributing factors to gun violence, the advisory lists “socioeconomic, geographic, and racial inequities” and firearm “lethality, availability, and

access.” The advisory doesn’t include lax U.S. gun control laws or the related vast pool of privately owned guns in our country as contributing factors. As shown in the graph below, there is a direct relationship at the international level between rates of gun-related deaths and rates of private gun ownership, with the United States being an extreme outlier in both categories.



The advisory recommends a “Public Health Approach to Firearm Injury and Violence Prevention,” but it doesn’t include the adoption of stringent gun control laws comparable to the laws in other high income democratic countries – laws that would vastly reduce the pool of privately owned guns – as part of that public health approach; nor does the advisory advocate the kind of universal licensing of gun owners and registration of guns that former Surgeon General Koop recommended in 1992. Instead, the advisory recommends expanding research “to examine short-term and long-term outcomes of firearm violence,” without providing a rationale for how such research, in the absence of the adoption of stringent gun control laws, will do anything other than document more senseless, preventable firearm related deaths and injuries. The advisory recommends generic “Community Risk Reduction and Education Prevention Strategies,” but the advisory fails to note that a critical review of such strategies by the National Research Council found no evidence that they were effective.⁸

In the conclusion to his June 25 video message, Surgeon General Murthy states:

Firearm violence is a public health crisis. Our failure to address it is a moral crisis. To protect the health and well being of Americans, especially our children, we must now act with the clarity, courage, and urgency that this moment demands.

Americans Against Gun Violence agrees with this concluding statement. We urge Surgeon General Murthy to heed his own words and to join us in openly advocating and actively working toward overturning the Supreme Court’s rogue 2008 *Heller* decision and its progeny and toward adopting stringent gun control laws in the United States comparable

to the laws that have long been in effect in all the other high income democratic countries of the world.

References

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- ² “- NOMINATION OF SURGEON GENERAL DESIGNATE, VIVEK HALLEGERE MURTHY,” February 4, 2014, <https://www.govinfo.gov/content/pkg/CHRG-113shrg86664/html/CHRG-113shrg86664.htm>.
- ³ Office of the Surgeon General, “Firearm Violence in America,” Text, June 5, 2024, <https://www.hhs.gov/surgeongeneral/priorities/firearm-violence/index.html>.
- ⁴ C. Everett Koop and George D. Lundberg, “Violence in America: A Public Health Emergency: Time to Bite the Bullet Back,” *JAMA : The Journal of the American Medical Association* 267, no. 22 (1992): 3075–76, <https://doi.org/10.1001/jama.1992.03480220093036>.
- ⁵ *United States v. Cruikshank*, 92 US 542 (Supreme Court 1876); *Presser v. Illinois*, 116 US (Supreme Court 1886); *U.S. v. Miller*, 307 U.S. 174 (1939) (n.d.); *Lewis v. United States*, No. 55 (U.S. 1980).
- ⁶ *District of Columbia v. Heller*, 554 US (Supreme Court 2008).
- ⁷ “Vivek H. Murthy’s Financial Disclosure Form,” *Washington Post*, accessed June 26, 2024, <https://www.washingtonpost.com/context/vivek-h-murthy-s-financial-disclosure-form/e19ff9e1-d805-433f-81a6-46b0d7472301/>.
- ⁸ Charles F. Wellford, John V. Pepper, Carol V. Petrie, editors, *Firearms and Violence: A Critical Review* (Washington, D.C.: The National Academies Press, 2005), 201–14, <https://www.nap.edu/read/10881/chapter/1>.