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Statement of Thomas A. Dooling to
Interim Law and Justice Committee, February 13, 2014

Mr. Chairman, members of the Committee:

My name is Tom Dooling. I am a native of Montana, born and raised on a cattle ranch in the Big Hole Valley, the son of a hunter, fisherman and peace officer. I had a .22 rifle in my hand in my earliest memories and qualified as an Expert Marksman by the NRA when I was sixteen. I am proud to own the Colt Official Police 32-20 revolver issued to my father by the Sheriff of Beaverhead County in the mid-1930's. I am even more proud that it has never been raised against another human being.

I have also experienced assault by firearms, both legal and illegal, no less than four times, not only on the streets of New York and Washington DC, but right here in Montana.

My final assertion of a right to speak to you today is that I have practiced law for over 40 years, and have defended the Bill of Rights since I was first sworn to do so not thirty yards from where this Committee meets.

I am an unashamed supporter of legislation, both in Montana and in the Federal system, to regulate the illegal trafficking in weapons to people like the ones who have threatened me and the ones I have defended. We need to develop a comprehensive system to identify people who can't or won't be trusted with lethal weapons, and to prevent unscrupulous traffickers from selling guns illegally to people who can't or won't buy them legally. I differ only from my friends and colleagues in the various activist anti-illegal-gun-violence organizations on only one issue, in which I believe passionately.

There must be protections in the NICS and other databases against discriminatory labelling of people who can in fact use firearms responsibly. Some -- possibly many -- non-dangerous offenders labeled as "felons" can honor their right to keep and bear arms for hunting, target recreation and to defend their homes, families and country as well as you or I. I simply wish to sound a word of caution before we label all "felons" as dangerous, and assure that non-violent offenders have the opportunity to show that they can be trusted with firearms.

Perhaps even more important, and certainly more difficult, is to draw back from labelling all people with organic or traumatic brain problems or disabilities as "mentally ill" or as "of unsound mind". The terms "seriously mentally ill" or "dangerously mentally ill" are not diagnoses, but very faulty legal labels, and the scientific literature suggests that they are notoriously inaccurate.

When Constitutional rights are in conflict with each other, the representatives of the people in every branch of government should be very, very careful. Civil rights, especially those of the most marginalized people, are as dear to the Constitution as is the right of the people to keep and bear arms on the one hand, and the right of people to live safely together on the other.

Law and Justice Meeting
February 13, 2014

Exhibit 10