

Response to House Select Committee on Mass Violence Prevention and Community Safety request for public (Duty #4)

My name is Paul Price. I have had a concealed carry license since they became available in the mid-1990s. I have been a hunter, a recreational and a competitive shooter since age 12 when my grandfather instructed me in the proper and safe use of his 12ga shotgun and granted me unlimited access to it. I am old enough to remember when rifles and shotguns were commonly seen in pickup truck gun racks, and when gun control laws were rarely enforced against white men. Although now retired, I spent about 30 years as an aquatic biologist documenting pre-project environmental conditions and subsequent post-project impacts of water and wastewater developments, strip mines and pipelines. This work was often conducted in remote areas; under highway and county road bridges far from any aid should bad things happen. While I never had any occasion to use one in self-defense, a firearm was usually on my person or nearby in those circumstances.

I do not think we are in a crisis situation. Statistics available from the FBI shows a steady decline in violent crime since the 1990's, while gun ownership and legal carry has been increasing nationwide. There is no surge in "gun violence", except in, ironically (?), in some congested urban areas with the most stringent gun laws.

With regard to education or training requirements, I think it is important, more so in recent years, that law enforcement training include the issue of interactions with lawfully armed citizens. On a related note, in a few circumstances it appears that officers may have been "overtrained" to react instantly to the mere presence of a gun (e.g., the Fort Worth lady killed in her own house by a police officer this last year).

Beyond law enforcement, I believe that the increasing numbers of citizens licensed to carry handguns, the present "constitutional carry" status of firearms in vehicles, and the potential for eventual passage of true constitutional carry in Texas dictates the need for mandated, age appropriate, firearms safety and handling curricula in our public schools. This could, and probably should, include instruction on current law and on conflict resolution.

There seem to be few, if any, psychological indicators of the potential for mass violence (see Respondees Ronald Acierno and Greg Hansch). Given the numbers potentially involved in any mass screening program (over 5,000,000 school children in Texas), it seems likely that any such program would produce very limited results and be hugely expensive.

Past incidences of criminal activity, or repeated episodes of threatening or abnormal behavior sufficient to notify law enforcement, are strong indicators of future criminal acts, either mass violence, whether perpetrated with a gun, a vehicle, a can of gasoline, a knife, or a bomb, or just run-of-the-mill mayhem and murder (see Respondees Greg Hansch and Jennifer Hackney-Szimanski). There are numerous instances where such individuals have come to the notice of law enforcement but have not been treated for their behavioral problems, either through therapy or incarceration, until innocent lives are lost. Attention to this problem appears to be a fertile ground for reducing criminal violence. Issues here include insufficient mental health resources or a lack of coordination with law enforcement, refusal (or

insufficient resources) to prosecute “minor” offences, excessively lenient sentencing for repeat offenders, and political and economic incentives to reduce incarceration.

U.S. Attorney General William Barr in a press conference on Wednesday said:

“One of the problems we have in the criminal justice system now is revolving-door justice,” ...

“And I think too many criminals — to tell you the truth, during my exposure to the law enforcement community, which goes back over 30 years, there’s one constant, which is that the police do their job.”

“The police do — get the suspect and get the evidence...The system falls apart in the prosecution and trial and the sentencing stage. And what’s happening these days in the country is we’re going back to some of the old practices we followed in the ’60s and ’70s where there’s revolving-door justice and people are not being held. They’re not being held before trial when they’re dangerous.”

Mass casualty events can include a variety of circumstances, including school shootings, random attacks at businesses, public spaces and events, and gang violence. I think a step toward reducing all but the latter can be accomplished by eliminating “gun free zones” First, only those without criminal intent are deterred from carrying firearms in those zones – someone with intent to commit criminal violence is unlikely to be stopped by a sign or the threat of a slap on the wrist by a district attorney disinclined to prosecute “minor” gun possession offences. Second, as the perceived threat of encountering an armed individual during the course of committing a crime increases, the criminal, whether a coward or a cold calculator of probable success, will be proportionally deterred.

Many of the actions proposed to reduce criminal violence are not aimed at the perpetrators of the violence, which are relatively few and manageable, but at the instruments used (and in fact only one of the many) that number in the millions and are no more likely to be manageable than are illegal drugs. In fact, regulation of inanimate objects does not regulate those objects, but their owners. This puts the state in the position of attempting to sort through and regulate the behavior of millions of citizens in the hope of restraining the few individuals exhibiting a real potential for criminal violence. This action would be similar to mass mental health screenings and would have about the same prospect for success.

How would universal background checks be enforced? How would the state know if John Smith gave/sold/loaned a firearm to Joe Blow? What punishment is appropriate for two individuals conducting a consensual exchange of their legally owned property? Since criminals do not obey the law (by definition), a universal background check law would, at best, affect only those without criminal intent, and would result in a loss of liberty to millions who have done no wrong, and probably increase contempt for government and law among those same citizens.

Extreme risk protection orders authorizing a judge to order seizures of firearms simply on the basis of a complaint by a family member or just someone acquainted with the individual (see Respondent Jeff Temple). Besides the subject individual being unable to face their accuser, or present evidence in their defense, they may be faced with an unexpected assault by armed law enforcement that may or may not adequately identify themselves. If innocent, they may still face loss of or damage to valuable property and court costs associated with proving themselves innocent and recovering their property. If actually a

person likely to commit criminally violent acts, they are left free with access to vehicles, gasoline, knives, ropes, and black market firearms. With such laws on the books we are all under threat by spouses in contested divorces, child custody disputes, and disgruntled individuals of all kinds, particularly if false complaints are not sanctioned and punished, or if anonymous complaints are allowed. This is a situation leading to violations not only of the second, fourth and fifth amendments to the US constitution, but also to the first amendment, as you will need to be careful as to what you say.

Thank you for the opportunity to submit these comments.