

Written by Atty. Bernard Lehrer

Friday, 04 January 2008 16:43 - Last Updated Saturday, 21 July 2012 19:58

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**O maha underscores need for gun control.** [In the wake of the Omaha mall massacre] The National Rifle Association came up with their usual cliché that “Guns don’t kill people; people kill people.” The logical implication of that is that we have to somehow monitor all homes for misfit kids and adults; either keep them out of society or require all of them to take regular psychological counseling, rather than in any way further restrict and control of firearms.

□ **Editor's Note: *It is very relevant to bring back to the Front Page the January 2008 "dissenting opinion" of Atty. Bernard Lehrer (now deceased) in view of the latest movie-house massacre last Friday, July 20, 2012, in Aurora, Colorado.***

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To read the initial commentary of the author, please click on this link:

A war of words over gun control - *Ventura County Reporter*

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Here is my original entry to which they refer:

The National Rifle Association will come up with their usual cliché that “Guns don’t kill people; people kill people.”

The logical implication of that is that we have to somehow monitor all homes for misfit kids and adults; either keep them out of society or require all of them to take regular psychological counseling, rather than in any way further restrict and control of firearms.

Which of these options do you think is more practical, more effective? The NRA’s spin jockeys are working on it now in anticipation of the outrage. Will the American public finally force its representatives to turn a deaf ear, stop taking huge contributions from their lobbyists and start protecting the public? Yes, they will say that criminals can get the firearms anyway. But these “massacres” are carried out by those who were not otherwise criminals.

Some are in favor of getting rid of all privately owned firearms. In a perfect world that would be ideal. But it is not realistic. I believe a person has a right to protect his home and his family. If that requires ownership of a firearm that `right` should become a `privilege.` And just as driving a car is a `privilege` it must carry with it certain conditions and responsibilities:

- 1) Each gun purchased, either privately or from a dealer, should be registered and marked.
- 2) Buying a gun should require a license which would include a background check of the buyer’s history to demonstrate responsible ownership.
- 3) In order to get a license the buyer must study the laws relating to guns and demonstrate an ability to handle and store the weapon. The applicant should pass a test demonstrating that knowledge.
- 4) The law should include absolute liability in the event that weapon falls into the wrong hands

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and does damage. The owner should be held equally responsible.

## "Absolute Liability

Liability without fault; also known as liability without regard to fault or strict liability. Absolute liability is imposed in various states when actions of an individual or business are deemed contrary to public policy, even though an action may not have been intentional or negligent. For example, in product liability, manufacturers and retailers have been held strictly liable for products that have caused injuries and have been shown to be defective, even though the manufacturer or retailer was not proven to be at fault or negligent. In many states the owner of an animal is held strictly liable for injuries it may cause, even though it does not have a past history of violence."

It is the mentally unbalanced who get guns from the owners and who are conditioned by video games or the `voices in the heads` who start shooting up schools, malls, etc. The gun owner should not have an excuse that the shooter broke into the gun cabinet, or that he felt that the shooter would act responsibly. There should be both criminal and civil responsibility.

The NRA would consider these requirements outrageous. I consider these reasonable conditions. An assault rifle can certainly be considered as dangerous as a dog. I also realize that criminals would not be constrained in any way by these laws. But the criminals are not the ones slaughtering the innocents.

Editor's Note; The author is Bernard Lehrer, LLB, JD.

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