



4-28-2013

The Bavarian Case for Registering Guns

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The Bavarian Case for Registering Guns, Balt. Sun, Apr. 28, 2013.

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The Bavarian case for registering guns

The Germans love shooting, but they don't think twice about sensible regulations on firearms

April 28, 2013 | By James R. Maxeiner

Besides drinking beer, there are two other pastimes that Bavarians love: driving and sport-shooting, including hunting. Bavarians build BMW's "Ultimate Driving Machines." Bavarians' national dress is hunter green. No one who visits Munich is likely to miss the German Hunting and Fishing Museum in the middle of the main shopping street. When in Munich, I saw the world's best-known opera devoted to shooting and hunting, Carl Maria von Weber's "*Der Freischütz*" ("The Marksman"), with its unforgettable Hunters' Chorus singing, "What on earth can equal the pleasure of hunting?"

Nationwide in Germany, there are hundreds of *Schützenvereins* (shooting clubs) with thousands of members. At fairs and festivals, members march through village streets sporting their weapons. In the 19th century, German immigrants brought *Schuetzenvereins* to the United States, including one in Baltimore in the 1850s; some of the descendants of those immigrants are core supporters of shooting and hunting. At brewing beer, driving cars and shooting guns, Bavarians are world class.

When individual Bavarians want to own and operate Ultimate Driving Machines, they don't think twice about getting licenses to drive and registrations to own these vehicles. They don't think twice that they have to be of the legal age to drive, have to show that they know the traffic laws, have to show that they know how to operate these machines safely and have to present liability insurance in case their Ultimate Driving Machines injure anyone.

It's no different in America. Those who want to own and operate a car are not troubled that they must show that they are of legal age, must demonstrate that they know the traffic laws, must show that they can operate cars safely and must maintain liability insurance on the cars they own. They do not think of licensing as a limitation on their freedom but as a protection for us all against potentially dangerous use of driving machines.

Just as Bavarians accept that they must be licensed to own and operate their Ultimate Driving Machines, so too do they accept, without objection, that they must be licensed to own and shoot firearms. What are these requirements? They are similar to those for cars.

Applicants must show that they are of legal age. They must show that they are "reliable," i.e., that they have not recently been convicted of certain crimes. A background check is required. Applicants must have "personal aptitude" — they are not mentally ill or substance abusers. They must pass a test that shows that they have "specialized knowledge." They

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must maintain liability insurance.

Finally, applicants must show that they have a "need" to own a gun. The law defines "need" broadly to include "personal or economic interests meriting special recognition, above all as a hunter, marksman, traditional marksman, collector of weapons or ammunition, weapons or ammunition expert, endangered person, weapons manufacturer, weapons dealer or security firm ..." Licensing their use of firearms is no more an imposition on their freedom than is licensing the use of Ultimate Driving Machines.

Americans readily use German cars and German firearms. Just as Germans do, we should license both.

James R. Maxeiner is an associate professor of law at the University of Baltimore School of Law and author of "Failures of American Civil Justice in International Perspective." His email is jmaxeiner@ubalt.edu.

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