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Parliament, Politics and Policy: Gun Control in Canada, 1867-2003

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A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of
Doctor of Philosophy

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ABSTRACT

Gun control was one of the most controversial areas of public policy in the 1990s. At the centre of that controversy was the federal *Firearms Act* of 1995, which represented a substantial departure from the previously established pattern of gun regulation in Canada. While gun control may have been viewed by the Liberal government as necessary for the purpose of reducing gun violence, this thesis argues that to better comprehend both the timing of and the political motivation behind the *Firearms Act* it is necessary to consider the history of firearms policy in Canada as well as the institutional context in which it has evolved.

The central framework of analysis for this thesis is provided by John W. Kingdon's notion of policy streams and policy windows. The idea of a 'policy window' opening to allow policies to succeed where they were previously blocked is readily applicable to an analysis of Canadian firearms policy. The concept of blame avoidance as outlined by R. Kent Weaver is also employed to explain why the combination of public opinion and the support of a number of federal administrations did not result in the passage comprehensive gun controls until 1995. This thesis also draws on examinations of Parliament, the party system and the electoral system to explain the politics behind the *Firearms Act*.

The election of 1993 can be correctly viewed as a 'policy window' that facilitated the passage of Canada's first comprehensive gun control policy. By considering the political dynamic of the gun control issue over time it becomes obvious that the results of the 1993 election created a unique parliamentary environment that facilitated tougher gun control. That election transformed federal politics, party competition and completely altered the dynamic of the gun control debate in Canada. The election of 1993 reduced and, in some ways, eliminated barriers that had previously prevented the passage of tougher gun controls. Despite a number of supporting factors, had the election of 1993 not altered the parliamentary dynamic in such a dramatic way, it is very unlikely that any comprehensive gun control package could have been implemented.

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CHAPTER 1

INTRODUCTION

Gun control was one of the most controversial areas of public policy in the 1990s. At the centre of that controversy was the federal *Firearms Act* of 1995, which represented a substantial departure from the previously established pattern of gun regulation in Canada.¹ From Confederation until 1995, changes to federal firearms policy were, for the most part, very gradual and generally moved in the direction of more stringent controls. As Canada's first comprehensive gun control policy, the *Firearms Act* took a markedly different approach to the issue of firearms regulation, both in terms of substance and scope.² While the vast majority of firearms owners had been relatively unaffected by previous gun control legislation, the *Firearms Act* brought Canada's three million gun owners under a mandatory licencing regime. Under the *Act*, all firearms in Canada, approximately seven million in total, were required to be registered.³ In the past, federal law required that only handguns and certain 'restricted' weapons must be registered with authorities.⁴ Prior to the passage of the *Firearms Act*, ordinary long guns such as rifles and shotguns were not covered by gun control legislation. As these guns were the most widely owned by Canadians, requiring their universal registration ushered in a new era in gun control and sparked one of the most heated public policy debates in recent times.

¹ *The Firearms Act*, S.C. 1995. c. 39.

² For a good overview of the contents of the *Firearms Act* see Jonathan Keene Brunet, *The Annotated Firearms Act and Related Legislation 1999/2000* (Toronto: Butterworths, 1999).

³ Canada, "Background Information on Firearms Control" (Ottawa: Dept. of Justice, 1994). p. 20.

⁴ *Ibid.* p. 20.

The *Firearms Act* was promoted by the government primarily as a measure designed to improve the public safety of Canadians and, more specifically, to counter the growing perception among Canadians that crime was on the rise.⁵ Beyond crime statistics, the government often pointed to a number of high-profile, gun-related murders from the Montreal Massacre in 1989 to the shooting at the Just Desserts Café in Toronto in 1994 as demonstrating the need for much more stringent gun control.⁶ While gun control may have indeed been viewed by the Liberal government as necessary for the purpose of reducing gun violence, this thesis argues that to better comprehend both the timing of and the political motivation behind the *Firearms Act* it is necessary to consider the historical evolution of firearms policy in Canada as well as the institutional context in which it has evolved. By considering the political dynamic of the gun control issue over time it becomes obvious that the results of the 1993 election created a parliamentary environment that facilitated tougher gun control. That election transformed federal politics and altered the dynamic of the gun control debate. The election of 1993 reduced and, in some ways, eliminated barriers that had previously prevented the passage of tougher gun controls. In fact, had the election of 1993 not altered the parliamentary dynamic in such a dramatic way, it is very unlikely that any comprehensive gun control package could have been implemented.

⁵ See for example, "The Government's Action Plan on Firearms Control," (Ottawa: Department of Justice (Canada), 1994). p. 1. Another good example of this sentiment was provided by Justice Minister Allan Rock in April 1994, when he defended the principle of gun control by stating that "...government must and will do everything it can do to achieve the objective we all want, which is a safe society" (David Vienneau, "Handgun ban being studied," *Toronto Star*, April 12, 1994). p. A1.

⁶ See for example, the comments of Russell MacLellan, Parliamentary Secretary to the Minister of Justice in 1995: "While it is true that deaths with guns are significantly lower in Canada than the United States, several high profile firearms incidents in recent years have caused the Canadian public great concern." Russell MacLellan, "Canada's Firearms Proposals," *Canadian Journal of Criminology*, April 1995. p. 161.

At first glance, it is difficult to understand why Canada lacked a comprehensive gun control policy until 1995. As long as there have been polls conducted on the issue, dating back to the 1960s, a strong majority of Canadians have supported tougher gun controls. In fact, every national poll ever conducted on the subject of gun control by a reputable polling firm has indicated that a majority of Canadians support tougher gun laws. The first poll ever taken on the issue of firearms policy in Canada was released in 1967. That poll asked “would you favour or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?”⁷ Eighty-six percent of respondents supported mandatory police permits in this poll.⁸ Many polls have been conducted on the issue since the late 1960s, all of them indicating that Canadians are supportive of tough gun control laws.

In addition, starting in the late 1960s, a number of federal governments indicated their preference for tougher gun laws, even introducing a comprehensive gun control bill in Parliament in 1976. One might expect that the combination of strong public support coinciding with a governmental preference would have resulted in tougher gun control measures becoming law much sooner than 1995, especially given the strength of party discipline and the domination of Parliament by the government party in a majority situation. However, even a focusing event such as the Montreal Massacre of 1989 did not result in the rapid passage of significantly stronger gun controls as similar incidents did in Australia and the United Kingdom where massacres involving a large number of deaths and a single killer directly precipitated tougher guns laws. Although both

⁷ The Canadian Institute of Public Opinion, “General Public Would Favour Police Permits for New Guns,” Toronto: The Gallup Poll of Canada, Jan. 18, 1967. p. 30.

⁸ Ibid. p. 30.

countries had strong public support for tougher gun control, it took large-scale and tragic shooting incidents that fully captured the public interest to facilitate a re-examination of the each county's firearms laws. In Australia it took only twelve days for the Commonwealth government to initiate such legislation. In Britain the government acted within months.

In order to explain the political motivations behind the *Firearms Act*, as well as the timing of its passage, it is also essential to understand why comprehensive gun control did not become law until 1995. This thesis argues that a number of political forces combined to block the passage of comprehensive gun controls prior to the 1993 election. The two most important of these were the nature of the gun control debate, which allowed anti-gun control groups to possess more political clout than their numbers warranted, and the dynamic of parliamentary party competition, which made gun control a politically unpalatable policy for any federal government to pursue. These two factors proved insurmountable for governments seeking to implement tougher gun laws. The vocal minority of Canadians who were opposed to gun controls benefited from this unreceptive parliamentary environment and were able to block comprehensive gun regulations until 1995. In simple terms, the politics of the gun control issue did not couple well with the structure of federal politics. Parliamentary politics was structured in a way that presented a substantial obstacle to implementing tougher gun laws.

There are a number of alternative explanations that account for the passage of the *Firearms Act* in 1995. The most common of these accepts the Liberal government's assertion that violent incidents involving firearms were on the rise in early 1990s or that

Canadians had developed a new found concern for their public safety. While it is undoubtedly true that many Canadians had expressed the belief that gun crime was increasing, this sentiment did not first come to light in the 1990s. Even in the mid-1960s concern was raised about the growing gun 'problem' in Canada.⁹ In addition, high-profile gun-related incidents in Canada are not limited to the period immediately prior to the passage of the *Firearms Act*. Tragic shootings occurred in Canada throughout the 1970s, 1980s and 1990s. In fact, as far back as the 1870s, apprehension was expressed about the belief that the misuse of firearms was increasing. Therefore, while the perception that there is a gun problem is an undeniable precursor to gun control, it does not explain why a comprehensive gun control package succeeded in 1995 where previous attempts failed.

The Montreal Massacre and the pro-gun control activism that emerged in its aftermath, has also often been cited as the reason for the passage of the *Firearms Act*. A good example of this is provided by James John Guy, who argues that "[s]ometimes public policies are created out of crisis and tragedy, generating powerful grass-roots political efforts to push governments to change or administer their laws with greater force and determination. Such was the case of Canada's gun control law."¹⁰ Guy views the passage of the *Firearms Act* as a direct consequence of the Montreal Massacre and attributes the successful passage of the *Act* entirely to the Canadian gun control movement.

⁹ For example, in June 1966, a Private Member's Bill (C-214) was introduced by Ferdinand E. Leblanc to address the "firearms problem."

¹⁰ James John Guy, *People, Politics and Government: A Canadian Perspective* (Toronto: Prentice-Hall, 2001). pp. 344-345.

Without a doubt, the Montreal Massacre changed the very character of the gun control debate in Canada and led directly to the establishment of the country's first gun control movement in the form of the Coalition for Gun Control. As the Massacre was a deliberate crime against women, it also resulted in establishing gun control as a women's issue. Consequently, after the Massacre the call for tougher gun laws was championed by feminist organizations.¹¹ Women's groups and the Coalition for Gun Control proved to be important and tireless allies to the Liberals in the debates that surrounded the *Firearms Act* and served to counteract the lobbying efforts of gun organizations. However, although the Massacre and the participation of motivated groups and individuals lobbying for tougher gun control were indeed factors that supported tougher gun control, such an analysis does not fully account for the larger political forces at play on the issue. Without the transformation of federal politics initiated by the election of 1993 it is unlikely that the Massacre, the establishment of the Coalition or the feminization of the gun control issue would have resulted in comprehensive gun control.

Although not immediately obvious, the election of 1993 provided an opening for gun control advocates, as it removed many of the barriers that had prevented previous attempts at comprehensive gun control. The emergence of the gun control movement and the Montreal Massacre supported these changes taking place at a higher political level. With the benefit of hindsight, it appears that the 'planets were aligned' for proponents of gun control in the mid-1990s; the Montreal Massacre had raised sensitivities to the gun control issue and led directly to the creation of Canada's first gun control movement and

¹¹ For an overview of feminist activism on the gun control issue, see Melissa O'Leary, "Women's Advocacy and Firearms Control: The Case of Bill C-68," (Unpublished Master's Thesis, Department of Criminology, University of Ottawa, June 2000).

pushed women's organizations to embrace the cause. This activism on the issue encouraged the government to implement tougher gun laws in a new political environment that was uniquely receptive to gun control. In this sense, the Massacre and the emergence of pro-gun control activism can be seen as playing supporting roles. Nevertheless, without the remarkable outcome of the 1993 election, the result of which was completely independent of the gun control issue, it is doubtful that gun control advocates could have overcome the political barriers that hindered the implementation of comprehensive gun control legislation.

Perhaps the best evidence supporting an institutionalist explanation for the transformation of gun control politics in Canada is the observation that only four years prior to the passage of the *Firearms Act*, comprehensive gun control was considered to be a political impossibility. The widely debated gun control proposals of the early 1990s were extremely limited. However, when the federal government toughened the gun control provisions outlined in the *Criminal Code* in 1991, those changes were considered to be substantial. It was widely believed that the government had succeeded in passing the toughest gun control legislation that was politically possible at the time, given the strength of anti-gun control sentiment and the opposition from gun organizations. Yet, compared to the *Firearms Act*, all previous gun control law in Canada was remarkably modest and affected only a small percentage of gun owners.

So what accounts for the drastic transformation of gun control politics? Canadian society did not change enough in those four years to have such a significant impact on gun control policy. Since the Montreal Massacre of 1989 took place prior to both the gun

control reforms of the early 1990s and the passage *Firearms Act*, it cannot be the sole determining factor, nor can the participation of interests groups; the activism the gun control movement remained fundamentally the same throughout the 1990s. The gun control debates of the early 1990s and passage of the *Firearms Act* in 1995, however, took place in two distinct parliamentary systems and are separated by one of the most remarkable elections in Canadian history. For that reason, the 1993 election should properly be considered as the defining event that transformed that politics of gun control and facilitated the passage of comprehensive gun control in Canada.

While the primary purpose of this thesis is to explain the political forces behind the *Firearms Act*, the historical evolution of gun control in Canada also sheds light on the often overlooked relationship between Parliament and policymaking. At a higher level of analysis, the case of gun control also demonstrates the structuring affect that institutions have on politics and policy. Because of the organization of Canada's Westminster-style Parliament which fuses the executive and legislative branches of government, the House of Commons is dominated by the government party holding a majority of the seats. Due to the excessive degree of party discipline observed in the Commons, the impact of that legislature on political outcomes is often underestimated. In the policymaking stream, MPs are generally seen as merely rubberstamping policy introduced into the House by the Prime Minister and Cabinet. From this perspective, Parliament and parliamentary politics are largely irrelevant in determining policy outcomes. While this may be an accurate assessment of the day-to-day workings of Parliament, it fails to take into account the structure Parliament provides to federal politics. The fact that Parliament is not

directly involved in the policymaking process does not mean that it is irrelevant to the policymaking process.

The decline of Parliament is well documented.¹² This thesis suggests, however, that although its impact may be difficult to detect, Parliament and party politics are still relevant to determining political outcomes. The day-to-day operation of Parliament is undeniably dominated by the executive. From a wider perspective, however, the case of firearms policy demonstrates that Parliament organizes federal politics. The partisan composition of the House, as well as the nature of party competition among federal parties structures federal political discourse, the political agenda and the political strategies of every parliamentary party, including the government. The structure provided by the party competition in Parliament privileges certain policies over others depending on how they fit into the parliamentary dynamic of the day. Consequently, for strategic political reasons some policies are more attractive to the government than others. For example, many Canadian political scientists attributed a lack of policy innovation in federal politics to the domination of Parliament by two competing brokerage parties prior to 1993. Another example is provided by the relatively strong presence of the NDP in Parliament during the 1970s, which was often cited as pushing the Liberal government to the left of the political spectrum. By the 1990s, fiscal policy was pushed to the right under the pressure from the Reform Party. In these cases, federal political discourse was influenced by the parliamentary dynamic of the time and the

¹² See for example, C.E.S. Franks, "The Decline of the Canadian Parliament," *The Hill Times*, May 25, 1998.

parliamentary agenda, which reflected the partisan debates of the House, influenced the policymaking process in general.

It should not be surprising, therefore, that the partisan composition of Parliament shapes many areas of policymaking in more subtle ways than the examples provided above. The parliamentary dynamic provides a structure that encourages some policies and stymies others. This is clearly the case with firearms policy, which was substantially hindered, even blocked, by the nature of federal politics from 1968-1993. The demise of that party system and the emergence of a substantially different dynamic of party competition ushered in the by the 1993 election removed many of the barriers to implementing comprehensive gun control and, in fact, even encouraged it.

This thesis also suggests that the structure provided by party competition in Parliament should be viewed as substantial constraint on the prime minister and cabinet, at least in some policy areas. While a Canadian prime minister with a majority in Parliament is undeniably powerful, he or she still must operate under a framework provided by Parliament. Too often, majority government in Canada is equated with democratic dictatorship. The cabinet, dominated by the Prime Minister is often viewed as having an almost free hand to pursue their policy preferences within the federal sphere. The history of federal firearms policy shows that this is not always the case. Contrary to popular belief, even governments that possess a majority in Parliament are not completely free to implement all of their policy preferences. For strategic political purposes, prime ministers must take into account how their politics will fit into the parliamentary environment. In the case of firearms policy, it is obvious that the prime

minister and cabinet were significantly constrained by the structure provided by Parliament prior to 1993.

Definitions and Terminology

Although this examination of Canadian firearms policy is not concerned with the technical aspects of firearms control, a number of terms used in this paper may need some clarification to those unfamiliar to the language of guns and gun control. Throughout this paper, the expression 'long gun' refers to ordinary shotguns and single-shot rifles only and does not include automatic weapons. Military weapons and assault rifles are not included in this category and are described separately. An automatic weapon is a gun that fires a number of bullets in rapid succession with one pull of the trigger. A semi-automatic weapon is a gun that fires only one shot with every pull of the trigger, but automatically reloads for each successive shot making it possible to shoot a number of times in quick succession. The terms 'hand gun' and 'sidearm,' are used interchangeably to denote both pistols and revolvers, but not automatic hand-held weapons.

In this thesis, 'comprehensive gun control' applies to any firearms regulations that cover all guns or gun owners. Comprehensive gun control can take a number of forms, from the simple requirement that all gun owners require a permit to own or possess a gun, to the *Firearms Act* which requires both the licencing of all gun owners in Canada as well as the registration of all privately held firearms in the country. Although the expression 'gun control' is currently in wide usage, it also needs some clarification. The concept of

gun control emerged relatively recently and was not firmly established in the Canadian political lexicon until the early 1970s. In fact, it was not until 1977-78 that Hansard listed 'gun control' as a subject heading. Previously, parliamentary debates and proceedings relating to gun control were listed under a variety of headings including arms, arms and munitions, firearms, rifles, pistols and a host of others. The concept of 'gun control' would have been completely foreign to politicians and the public during the first half of Canadian history since Confederation. Therefore, to avoid revising history, the term 'gun control' is not used in this thesis to discuss firearms regulation prior to 1968.

The very notion of 'gun control' carries with it political baggage and implies that guns are a problem that must be 'controlled.' Despite this baggage, using the term 'gun control' is unavoidable in any discussion of firearms policy. However, this thesis is restricted to explaining the political forces behind the evolution of gun policy in Canada and does not wade into the morass of seemingly irreconcilable arguments regarding the effectiveness of gun control in reducing crime, or whether the *Firearms Act* has had a positive or negative impact in the quality of life of Canadians.

There are many other politically loaded terms inherent to any examination of firearms policy. To those in the gun control movement, those people opposed to gun control are often collectively described derisively as the 'gun lobby,' as are groups dedicated to firearms, shooting sports and hunting. To be fair, activists on both sides of the issue have done their share of 'lobbying' in pursuit of their own interests and policy preferences. Those opposed to gun control are oriented along a fairly wide spectrum

from hunters, sports shooters and gun enthusiasts to more extreme 'gun rights' advocates, all with different positions on the issue. Of course, those fighting gun control also rhetorically describe their opponents in a negative light. While an effort has been made to avoid the language of the political debates that surrounds the gun control debate, it is not possible to entirely escape the political discourse inherent to the issue.

A note should also be made about the term 'gun vote,' which is used throughout this thesis to denote those individuals whose opposition to gun control is politically salient and therefore influences their voting preferences. It is impossible to calculate the actual size of the 'gun vote' at any given time. It is likely that the 'gun vote' has never been substantial at any point in recent Canadian history. Nevertheless, until recently, the Canadian 'gun lobby' has been considered by politicians and many in the media to be a powerful political force because they controlled the 'gun vote.' Because of the gun vote, the 'gun lobby' has been given credit for defeating a number of federal gun control initiatives. The strength of the 'gun vote,' however, may have been vastly overestimated and was not fully tested until the introduction of the *Firearms Act*. In fact, the 'gun vote' may have been somewhat of a paper tiger, as it was long perceived to include enough voters under its umbrella to substantially influence electoral outcomes. Once tested, however, the 'gun vote' proved to have only a very limited ability to affect election results, and then only in a few specific ridings. Despite the *actual* power of the 'gun vote,' it has been an important force in the politics of gun control and has influenced policymaking in the area of firearms control. Consequently, unless otherwise noted, the term 'gun vote,' as used in this thesis refers to the inflated perception of the number of

Canadians to whom gun control was a vote determining issue, rather than to the actual size of the population for whom opposing gun control was the prime consideration when voting. The character and perception of the 'gun vote' is discussed at greater length in Chapter 7.

Overview of the Thesis

The central premise of this thesis – that the 1993 election created a parliamentary environment that facilitated the passage of Canada's first comprehensive gun controls – relies on a number of theoretical pillars. These pillars are outlined in Chapter 2. The central framework of analysis is provided by John W. Kingdon's notion of policy streams and policy windows.¹³ The idea of a policy window opening to allow policies to succeed where they were previously blocked is readily applicable to an analysis of Canadian firearms policy. The election of 1993 can be correctly viewed as a 'policy window' that facilitated the passage of Canada's first comprehensive gun control policy. The concept of blame avoidance as outlined by R. Kent Weaver helps explain why the combination of public opinion and the preference of the cabinet for tougher gun control did not result in the passage of comprehensive gun controls until 1995.¹⁴ Clearly there was a negativity-bias inherent to the issue that prevented government action. In a more recent work, Leslie A. Pal and R. Kent Weaver have refined the concept of blame avoidance, expressed in a model of 'loss imposition' that theorizes how democratic government

¹³ John W. Kingdon, *Agendas, Alternatives, and Public Policies*, 2nd edition (New York: Longman's, 2003).

¹⁴ R. Kent Weaver, "The Politics of Blame Avoidance," *Journal of Public Policy*, 6, 4, 1986. p. 371.

imposes 'political pain' on certain constituencies.¹⁵ Pal and Weaver's work provides a greater understanding of the complex relationship that exists between political institutions, democratic policymaking and electoral politics. As the *Firearms Act* imposed a 'loss' on a large number of Canadian gun-owners, the concept of 'loss imposition' is useful to this study and is also discussed in Chapter 2.

As this thesis is concerned with the parliamentary politics underlying the gun control issue, examinations of party competition and the evolution of the party system are essential to this analysis and will also be examined in Chapter 2. In the same chapter, the thesis is also situated within the context of other firearms literature in Canada and to a lesser extent, the United States. The study of gun control and firearms regulations crosses a wide variety of academic disciplines with no central focus, structure or debate. Additionally, the issue of gun control is placed within the larger legal and social context of Canadian politics.

Comparing the politics of firearms in Canada across time obviously requires a detailed historical analysis. Chapters 3 to 6 examine the historical evolution of firearms policy and the politics that has surrounded the issue of gun control. Firearms policy in Canada can be divided into three distinct periods. In each period firearm regulation takes place in a markedly different political and institutional environment. A brief overview of the history of firearms regulation demonstrates the evolution of the issue and provides the background for understanding how the 1993 election facilitated the enactment of Canada's first comprehensive gun control policy.

¹⁵ Leslie A. Pal and R. Kent Weaver, *The Government Taketh Away: The Politics of Pain in the United States and Canada* (Washington D.C.: Georgetown University Press, 2003).

Chapter 3 examines the first hundred years of firearms policy after Confederation. During this period, the regulation of firearms was not particularly controversial because there was little restriction on gun owners and few calls for tougher measures to control firearms and firearms ownership. Put simply, until the 1960s firearms were not viewed as a 'problem' to be addressed by government. One of the most interesting aspects of firearms policy from 1867-1967 is that it remained remarkably unchanged. The legacy of Canada's initial approach to regulating firearms established both the framework and the underlying philosophy. To use the terminology of Paul Pierson, it seems apparent that firearms policy, until the late 1960s, was 'path dependent,' following the course charted by Canada's original firearms policies.¹⁶ After one hundred years, Canada's firearm policies and their supporting philosophies had acquired a substantial degree of institutional inertia that increased their resistance to change.

By the late 1960s, however, there were increasing calls for tougher gun laws that challenged the century old status quo. Chapter 4 examines the second phase of Canadian firearms policy (1968-1993), when a number of federal administrations attempted to implement, or expressed a desire for tougher gun laws, yet were unable to put them into law. While some minor changes were made to gun control during this period, the government was prevented from implementing a comprehensive gun control scheme because of the negativity-bias inherent to the issue and the nature of party competition in Parliament. Federal politics, structured by a similar parliamentary dynamic from the late 1960s to the early 1990s, presented many barriers to passing substantially tougher gun

¹⁶ Paul Pierson, "Increasing Returns, Path Dependence and the Study of Politics," *American Political Science Review*, Vol. 94, No. 2. June 2000. p. 252.

laws, which even pro-gun control governments and positive public opinion could not overcome.

The political forces that had prevented the passage of comprehensive gun controls were effectively removed in the aftermath of the election of 1993. The most important change took place in Parliament. The 1993 election was a turning point in Canadian politics. That election transformed the partisan composition of the House of Commons, which, in turn, radically altered the federal politics and federal political discourse. In this new political environment, the barriers to passing comprehensive gun control were significantly reduced. Employing the theoretical framework provided by Kingdon, the election of 1993 opened a 'policy window' that presented an opportunity for a pro-gun control government to pursue comprehensive gun controls. In fact, the election of 1993 constituted more than a policy window as conceived by Kingdon, because it actually encouraged the government to pursue tougher gun controls. For the first time, the government could use gun control as a strategic political issue to its advantage. Chapter 5 investigates the election of 1993 and how it transformed the politics of gun control in Canada and facilitated the passage of the *Firearms Act*.

After the *Firearms Act* became law, the gun control issue had been dramatically altered. Chapter 6 examines how the politics of gun control played out after the passage of the *Act* and illustrates what a radical impact the election of 1993 had on firearms policy. The fact that the subject was almost avoided entirely throughout the 1997 election campaign demonstrated the degree to which the negativity-bias had been removed, or even reversed, and could no longer be exploited by the opposition. That the

governing Liberals were the only party to raise the issue to any extent during the election campaign of 1997 proved that gun control was no longer a political loser; the potential losses involved with pursuing comprehensive gun controls had been minimized. The minor risks that remained were offset by credit that could now be claimed from gun control supporters and the strategic advantages the Liberals could gain at the expense of their opponents, particularly the Reform Party. It is difficult to imagine that if gun controls had been passed prior to 1993, that the opposition would not have attempted to use the issue against the government. Most likely, it would have been the government, rather than the opposition, that would have downplayed the issue.

The final chapter summarizes the central arguments of the thesis and discusses how the case of gun control sheds light on the workings of Canadian politics and the structure Parliament provides to the policymaking process. Clearly, party competition and the partisan composition of the House of Commons had a profound impact on firearms policy over the last thirty-five years. Beyond that, Chapter 7 argues that even when controlled by a majority government, party politics and Parliament remain important structural factors that shape public policy outcomes. The case of gun control demonstrates that the party system and the dynamic of party competition in Parliament structures federal politics in a way that constrains the executive and make some policies more attractive to pursue than others. That Parliament has a 'structural' impact on policy, however, is unlikely to give any comfort to those in favour of parliamentary reform. From a structural perspective, the day-to-day activity of individual MPs does not have any substantial impact on public policy. Chapter 7 also suggests that, contrary to the

opinion of many observers, that highly centralized nature of the federal government may actually make strategic political considerations more important to the policymaking process than had been previously thought.

Research Approach

Given the controversy surrounding gun control, surprisingly few analyses have been completed on Canadian firearms policy. As a result, this thesis relies heavily on primary material including: statutes, debates of the House of Commons, court reports and the media record. Despite efforts to conduct interviews with people involved in the gun control debate, no meaningful data was obtained through this method. Interviews with the some of the major protagonists were respectfully declined and information gleaned from speaking to other participants in the gun control debate was not particularly useful. Given the institutional approach taken by this thesis, the lack of interview data does not detract from this study. An untold number of interviews with the major players involved in the gun control issue are recorded in the media archive and provide substantial insight into the issue. If interviews had been conducted for this thesis it is unlikely that that they would have gone beyond that which is already on the public record; the issue remains far too controversial for politicians to speak frankly on the subject, and probably will be for some time.

In providing the historical evolution of gun control politics in Canada, this thesis relies heavily on newspapers archives, especially during the last fifteen years of the gun control debate. This is because a substantial portion of events surrounding the gun

control issue have been recorded only by the media; some of the most important announcements on the subject of gun control were made in news conferences, press releases, interviews and parliamentary scrums. In fact, during the debate over the *Firearms Act*, most of the government's own policy announcements (and reactions to them) were made outside of Parliament. This information is generally only recorded for posterity by the media. The use of newspaper clippings is generally limited in this thesis to extracting direct quotes from those involved in the debate or discerning important events in the gun control debate, rather than for analysis of political events. Of course, for an issue as controversial as gun control, the media itself becomes an influential part of the debate. Therefore, ascertaining the media reaction to any event in the gun control debate is itself important to gaining a complete picture of the environment in which gun control politics takes place.

CHAPTER 2

THEORETICAL FRAMEWORK: 'STREAMS,' 'WINDOWS' AND FIREARMS POLICY

This thesis analyzes the evolution of Canadian firearms policy through a number of theoretical lenses in an attempt to explain the timing of the *Firearms Act*. The most significant of these is the model of agenda setting and policy formulation articulated by John W. Kingdon,¹ and the concepts of blame-avoidance and negativity-bias from the work of R. Kent Weaver. This paper also draws on theories of Canadian voting behaviour as well as interpretations of the Canadian party system to explain why the *Firearm Act* became law when it did. In analyzing the first hundred years of Canadian firearms, Paul Pierson's work on path dependency sheds light on the institutional inertia acquired by Canada's original approach to firearms policy from 1867-1995, which accounts, in part, for its longevity.

This chapter also looks at some of the background issues important to any study of firearms policy. The constitutional setting of firearms control is examined, as is the place of firearms policy within Canadian federalism. While this thesis is not directly concerned with many of the academic debates regarding gun control, particularly those dedicated to assessing the effectiveness of gun control, it is also important to identify what those debates are as they have influenced the wider political discourse that surrounds firearms policy. Crime statistics are central to any discussion of the gun control issue so they are also considered here. In particular, historical trends on crime

¹ John W. Kingdon, *Agenda's, Alternatives, and Public Policies*, 2nd edition (New York: Longman's, 2003).

and incidents involving firearms in Canada are examined due to their potential impact on the firearms debate and the perception between both the public and policy makers that there was a firearms 'problem' in Canadian during the period in question.

Gun Control and the Policy Stream

While there are many different understandings of how public policy is made, John W. Kingdon's examination of the processes involved in policymaking is particularly useful to the study of Canadian firearms policy. This thesis employs Kingdon's model of how perceived problems enter the political agenda, come to the attention of policymakers and are implemented as policy. Kingdon's conception of the policymaking process is based on the three 'streams' of problems, policies and politics. When these streams converge "[s]olutions become joined to problems, and both of them are joined to favourable political forces."² The result is that 'policy windows' become available, presenting unique opportunities for policymakers to implement their policy preferences. Put simply, policy windows allow previously blocked policy options to become politically viable. These policy windows, however, usually appear only briefly and often do so unpredictably.

For Kingdon there are three main processes involved in the formation of public policy. The first of these is problem identification and definition. The second is the generation of policy proposals presented as solutions designed to address the problem. The third process in the stream is the coupling of those proposals with larger political forces. If the political situation is unfavourable to any given policy then it is unlikely to

² Ibid. p.20.

succeed. However, if the political climate is receptive to the policy proposals, then the proposal may make the successful transition to policy. Kingdon describes the stream as follows: “[p]eople recognize problems, they generate proposals for public policy changes, and they engage in such political activities as election campaigns...”³ to put these policies in place. The outcome of such political activism depends on how well it links up with larger, often unrelated, political forces.

The process of problem recognition and definition is not as straightforward as it may seem at first glance. At any given time there is an almost endless list of problems, all of which could be addressed by government.⁴ However, only a few of these issues can be dealt with by authorities at a time. For Kingdon, problems come to the attention of policymakers through a myriad of possible indicators. He argues that systemic indicators provide information to administrators through routine monitoring, information contained in studies, census data and a host of others. There are many systemic indicators that can be interpreted by policymakers as revealing a ‘problem.’ Policymakers are also made aware of other problems through focusing events and crises.⁵ These dramatic events can, by themselves, indicate the existence of a problem or can reinforce the identification of a problem previously only suggested by more systemic indicators. As Kingdon notes, “problems are not self-evident by the indicators... they need a little push to get the attention of people in and around government. That push is sometimes provided by a

³ Ibid. p. 87.

⁴ Ibid. p. 90.

⁵ Ibid. pp. 94-95.

focusing event like a crisis or a disaster that comes along to call to the attention to the problem or creates a “powerful symbol that catches on”⁶

In terms of firearms policy, the identification of a ‘gun’ problem may, in part, be interpreted from crime statistics. More than systemic indicators, the idea that there is a gun problem usually comes from media coverage of gun crime involving guns. However, more often than not, a focusing event such as a mass shooting, reinforces already an existing notion that there is a gun problem to address. In fact, more than any issue, a ‘gun problem’ usually comes to the attention of both the public and policymakers through focusing events. Criminal acts involving guns can occur at any time without warning and do so in seemingly random fashion. Such sensational events invariably receive widespread media coverage. The more bloody and tragic the event the more media attention it receives, further underscoring the perception that there is a gun problem. A series of minor shootings over a period of time may also contribute to the idea that there is a significant gun problem, despite indications otherwise. For the gun control issue, massacres and other profoundly disturbing events involving firearms can act as powerful symbols that bring attention to the issue; the massacres at Montreal, Port Arthur, Dunblane and Columbine have all become watchwords in the lexicon of the gun control movement, both domestically and internationally.

Due to wide-scale media coverage of incidents involving firearms, the public’s perception of gun crime is often much higher than the actual gun crime rate. This was clearly the case in the mid-1990s when the *Firearms Act* was passed. At that time, rates for crimes involving guns were decreasing, but the perception that there was a ‘gun’

⁶ Ibid. pp. 94-95.

crisis had increased substantially among the public.⁷ In fact, many calls for gun control often point to firearms-related incidents rather than to crime statistics. For policymakers the perception that there is a gun ‘crisis’ in the eyes of the public is more likely to indicate a gun problem than an actual increase in crime. After all, if crime rates increase without notice, it is unlikely to be viewed as a problem. However, once the government does identify the existence of a gun ‘crisis,’ it reinforces the idea among the public that there is indeed a problem which must be addressed by policymakers.

Kingdon also raises a number of other points regarding problem definition that are relevant to Canadian firearms policy. For example, he points out that “[t]here is a difference between a condition and a problem... [c]onditions become defined as problems when we come believe that we should do something about them.”⁸ The condition itself does not have to change. It merely takes a change in perception of the condition to turn it into a problem. Kingdon cites the example of U.S. President Lyndon Johnson’s “War on Poverty,” noting that the condition of poverty itself had not worsened. However, the White House’s perception of poverty had changed, and the President now viewed it as a problem that must be addressed.⁹

This is clearly the case with Canadian firearms policy; for more than one hundred years Canadian firearms policy remained fundamentally unchanged and unchallenged. As values evolved, Canadians began to view firearms in a different light. One historian commenting on the gun control issue noted this transformation: “[o]nce, there were guns

⁷ See for example, Philip C. Stenning, “Solutions in Search of Problems: A Critique of the Federal Government’s Gun Control Proposals,” *Canadian Journal of Criminology*, April 1995. p. 185.

⁸ Kingdon. p. 109.

⁹ Ibid. p. 110.

in every cabin and canoe. Today, they occupy a more confined and less comfortable place in our lives.”¹⁰ At least part of the reason why a gun ‘problem’ emerged in the 1960s can be attributed to the dramatic transformation of Canadian society in that decade and the changing political culture that came with it. By the 1960s guns had little place in Canada and even threatened an urbanized Canada that supported the Canadian ‘value’ of non-violence.

Also applicable to Canadian firearms policy is Kingdon’s view that policymakers often address problems with little or no political pressure placed on them to act. As Kingdon argues, “[f]airly often, problems come to the attention of governmental decision makers not through some sort of political pressure or perceptual slight of hand but because some more or less systematic indicator simply shows that there is a problem out there.”¹¹ This was clearly the case with Canadian firearms policy, as prior to 1990 there was no Canadian gun control movement to speak of, and support for gun control was diffuse. Despite the lack of pressure, every high-profile, gun-related crime suggested to both the public and the government that there was at least the possibility of an underlying gun ‘problem.’

Identifying that there is a gun ‘problem’ is much less difficult than defining exactly what that problem is. Criminologists have argued that, in the attempt to solve the gun ‘problem,’ governments often tend to lump all incidents involving guns into the same category with little differential between diverse gun problems.¹² Massacres, murders,

¹⁰ Marilyn Simonds, “Code of Arms,” *Canadian Geographic*, March/April 1996. p. 46.

¹¹ Kingdon, p. 90.

¹² Philip C. Stenning, “Gun Control: A Critique of Current Policy,” *Policy Options*, Oct. 1994. p.

domestic disputes involving firearms, robberies and suicides are often conflated into the same generic category of the 'gun problem.'¹³ To those in government, a vaguely defined solution of gun control is almost always the answer to an even more vaguely defined gun problem. The difficulty in defining both the problem and solution to that problem does not imply that there were no legitimate reasons to be concerned with the misuse of firearms in Canada or that gun control was not necessary. It merely points to the complexity of the issue.

Kingdon's second stream of policy formation involves developing a solution to the identified problem. He argues that during this process alternatives and ideas are floated in the policy community. With firearms policy, the 'solution' is usually gun control with much of the debate regarding ideas and alternatives focused on determining what 'gun control' should entail. In recent times, governments and federal justice ministers, in particular, have often announced proposals for tougher gun controls without filling in the details. The specific provisions of a gun control policy are then later worked out in Parliamentary committees and within the bureaucracy.

Kingdon's third and final component of the policy formulation process is politics. Writing from an American perspective, he argues that "[f]ollowing along independently of the problems and policy streams is the political stream, composed of such things as the public mood, pressure group campaigns, election results, partisan or ideological distributions in Congress, and changes to the administration."¹⁴ From Kingdon's perspective, the political stream must converge both with the problem and the policy

¹³ Ibid. p. 14.

¹⁴ Kingdon. p. 145.

solution to that problem if the policy is to become law. Due to unreceptive political forces, most policy proposals do not succeed in becoming policy. However, when the political situation is favourable to the proposed solutions to recognized problems, the opportunity for policy change arises. Kingdon refers to this alignment of the policy stream as a 'policy window.' He argues that: "windows open in policy systems. These policy windows, the opportunity for action on given initiatives, present themselves and stay open for only short periods. If the participants cannot or do not take advantage of these opportunities, they must bide their time until the next opportunity comes along."¹⁵ Kingdon also notes that these policy windows often open unpredictably and then only for brief periods of time.

An examination of Canadian firearms policy over the last thirty-five years demonstrates how rare the occurrence of policy windows can be. From 1968 to 1993 there were a number of times when clear governmental preference for stronger gun controls coincided with popular opinion supporting a tougher firearms policy, yet the government was unable to act on those preferences due to unreceptive political forces. During this period, the nature of the party system and party competition, along with patterns in voting behaviour, stymied any significant action on the gun control issue. For that reason, justice ministers who indicated their support for stronger gun controls were unable to put them into law despite having the majority of seats in a parliament dominated by party discipline. Why political forces were not receptive to comprehensive gun controls during this period is discussed at greater length below.

¹⁵ Ibid. p. 166.

While there are a number of events that can cause a policy window to open, one of the most obvious is a change in political actors. In the American context, Kingdon argues that turnover of congressional personnel, changes in the presidential administration or even the replacement of a congress committee chair can open a policy window. While changes in administrative personnel can occur on a small scale at any time, elections often result in wholesale changes of personnel occupying legislative and executive positions. This is especially true in Canadian federal elections, where there are traditionally few safe seats and a completely new government occasionally sweeps in to power with a majority government.

Unlike the American situation described by Kingdon, in Canada when a government is defeated in an election there is a wide-scale transformation of both executive and legislative branches due to the fusion of the branches under the Westminster Parliamentary system of government. From 1968 to 1992 there were three occasions when a federal government was replaced and wholesale changes took place in Parliament and the administration. These changes in governments, however, did not result in the opening of a policy window for comprehensive gun controls. Although the party and personnel of government changed, the political dynamic in Parliament remained relatively unchanged. Furthermore, as discussed below, the fundamental similarity of the Liberals and Conservatives reduced the significance of personnel changes in government, especially given the power of party discipline in the Canadian government; a policy change in a controversial area such as comprehensive gun controls would inevitably have to go through the Prime Minister. As a result, the replacement of

individual legislators, parliamentary committee members, and even cabinet ministers are significantly less likely to open a policy window than in the United States. In addition, unlike in the United States, where the top bureaucratic levels are replaced when the administration changes, in Canada the bureaucracy remains the same regardless of any election result.

In Kingdon's conception of the policymaking process there are, at any given time, a large number of policy entrepreneurs waiting for opportunities to implement their policy preferences: "[w]hen a window opens, advocates of proposals sense their opportunity and rush to take advantage of it."¹⁶ He also argues that most policies can be traced back to a single policy entrepreneur responsible for placing the issue on the political agenda. It was Kingdon's experience that "[w]hen researching case studies, one can nearly always pinpoint a particular person, or at the most a few persons, who were central in moving a subject up on the agenda and into a position for enactment."¹⁷ The role of leading policy entrepreneur in the case of the *Firearms Act* can probably be given to former Justice Minister Allan Rock. Elected as an MP for the first time in 1993 and appointed to the cabinet shortly after, Rock almost immediately championed comprehensive gun controls. Representing the Toronto riding of Etobicoke-Centre, Rock made no secret of his dislike of firearms, stating in April 1994: "I came to Ottawa in November of last year with the firm belief that the only people in this country who should have guns are police officers and soldiers."¹⁸ At the time this was by far the most radically pro-gun control statement ever made publicly by a Justice Minister or, for that

¹⁶ Ibid. p. 175.

¹⁷ Ibid. p. 180.

¹⁸ David Vienneau, "Handgun ban being studied," *Toronto Star*, April 12, 1994. p. A1.

matter, a senior cabinet minister. In fact, Rock's sentiment went beyond mere gun control and supported the outright banning or confiscation of the private gun ownership. Prime Minister Chrétien also played an active role in pushing through the *Firearms Act*; whereas, previous prime ministers, including Trudeau and Mulroney, indicated their support for tougher gun controls but remained in the background, shielded from criticism by their justice ministers.

For over thirty years the 'problem' of gun control was identified, and tougher gun laws were intermittently presented as the solution to that problem. However, the political stream was not receptive to the policy of tougher gun controls until the transformation of federal politics brought on by the 1993 election. After that election, the political forces that had long impeded gun control were eliminated or substantially reduced. In fact, the election of 1993 should be considered to represent more than a policy window as conceived by Kingdon because it went beyond just creating an opportunity for implementing gun controls; after the election of 1993, there were clear political incentives for the government to embark on a program of comprehensive gun control. Put simply, where previously to the election of 1993 there had always been disincentives for any government to pursue a policy of gun control, after 1993, the government could use the gun control issue to its own strategic political advantage.

One criticism of Kingdon's interpretation of the policymaking process comes from those who are skeptical of irrational models of policymaking. This is especially true of those approaches which, like Kingdon's, are based on a 'garbage can' understanding of institutional decision making. The most substantial concern for this

thesis is the suggestion that Kingdon's approach might be limited in its applicability to certain types of policymaking environments and political systems than others.¹⁹ These potential shortcomings were noted by Guy Mucciarioni who argues that:

[p]erhaps the mode of policy-making depicted by the garbage can model is itself embedded in a particular institutional structure. Put another way, the model may be better at depicting decision-making in certain polities than in others. It may be useful for describing policymaking in the United States, where the institutional structure is fragmented and permeable, participation is pluralistic and fluid, and coalitions are often temporary and ad hoc. By contrast, policy-making in other countries takes place among institutions that are more centralized and integrated, where the number of participants is limited and their participation is highly structured and predictable... [Where this occurs] the result has been a process described as 'stable,' 'predictable,' 'orderly,' 'rationalistic,' 'deliberative' and 'planned,' quite unlike the garbage can model's image of decision-making that is more fluid open and ad hoc.²⁰

Despite these criticisms, Kingdon's core assertion that the policymaking stream requires problems and solutions to couple with political forces in order for a policy to be successfully implemented is applicable to any democratic political system. The most significant of Kingdon's contributions to our understanding of the policymaking process is the simple observation that 'politics matters' in the policymaking process. This thesis demonstrates the applicability of Kingdon's work to highly centralized administrations, such as the Canadian federal government. In fact, this thesis suggests that although Canadian federal policymaking may be more 'predictable' it may be more influenced by 'politics' than less predictable and less centralized polities, such as the United States. It is precisely because the Canadian prime minister dominates most aspects of the policymaking process and is simultaneously the leader of the governing party that greater political considerations are given by the PM to the policymaking process. In this

¹⁹ Michael Howlett, "Policy Development," in Christopher Dunn, ed., *The Handbook of Canadian Public Administration* (Toronto: Oxford University Press, 2002). p. 177.

²⁰ Guy Mucciarioni, "The Garbage Can Model and the Study of Policy Making: A Critique," *Polity* 24, 3, 1992. Quoted in *ibid.* p. 177. Square brackets added by Howlett.

environment, strategic political considerations, in some cases, may be determining factors in why some policies are pursued while others are not. Consequently, politics, Parliament and the dynamic of party competition may play a larger role in determining public policy in Canada than had been previously thought.

Blame Avoidance, Negativity-Bias and Loss Imposition

How did political forces prevent the passage of a comprehensive gun control law before 1993? One useful explanation is provided by the concept of blame avoidance. As R. Kent Weaver has observed, “[p]oliticians are motivated primarily by the desire to avoid blame for unpopular actions rather than by seeking to claim credit for popular ones.”²¹ This is largely because of public reaction to government policies:

...voters are more sensitive to what has been done *to* them, than to what has been done *for* them. Thus the concentrated losses to constituents need not outweigh benefits for a policymaker to have strong blame-avoiding incentives; it is enough that those costs are substantial. When this situation arises, policymakers will probably attempt not to maximize credit claiming net benefits but to minimize blame generating losses.²²

While blame avoiding tendencies can be found in most areas of policymaking, the tendency to avoid blame is especially strong in controversial, and largely symbolic, subject matters such as gun control.

On the issue of firearms policy, Weaver notes that blame avoidance is exemplified by the politics of the American gun control debate. The National Rifle Association (NRA) and its members ensure that there is a strong negativity-bias against those seeking to impose tougher gun control. While Weaver does not address firearms

²¹ Weaver, “The Politics of Blame Avoidance.” p. 371.

²² Ibid. p. 373. Emphasis in original.

policy in a Canadian context, this has also been the case in Canada, where gun control is also a much more salient political issue for anti-gun control organizations and voters, reinforcing the reluctance of governments to legislate tougher gun controls. In fact, until the early 1990s, the large majority of Canadians who supported gun control in principle did so only passively. However, many of those opposed to gun control have been active in the issue, and, for some gun enthusiasts, gun control has long been of vote-determining importance. Consider, for example, that while there has never been a substantial pro-gun control protest in Canada, anti-gun control rallies have drawn thousands of participants on a number of occasions.²³ Furthermore, members of the largest firearms organization outnumber members of the most prominent gun control organization by a factor of almost ten, and there are many more pro-gun groups than the few organizations that make up the gun control movement.²⁴ Heidi Rathjen, an executive with the Coalition for Gun Control, acknowledged that, in terms of numbers, those in the gun control movement were unable to compete with anti-gun control activists: “[w]e’d hear about most [anti-gun control] rallies at the last minute, then scramble like crazy to get a few sympathizers to show up. It was a thankless job. Our supporters would be outnumbered by anywhere from fifty to a thousand opponents....”²⁵ She further points out that not only were supporters of the Coalition unable to be physically present at all the gun rallies to counteract the claims

²³ The biggest rally to protest against the Liberals’ gun control package took place in September 1994 when ten thousand gun users demonstrated on Parliament Hill in an event entitled “Fed Up”. Four years later to the day (September 22, 1998), the ‘Fed Up II rally’ drew nine thousand protesters to the Hill. Throughout the gun debate there were many gun protests all across Canada.

²⁴ For example the Coalition for Gun Control claims to have a membership of “more than 12 000,” individuals according to its website (www.guncontrol.ca/Content/Supporters.html). In 1994, the NFA claimed a membership of 113 000, making it by far the biggest gun association in Canada.

²⁵ Heidi Rathjen and Charles Montpetit, *December 6: From the Montreal Massacre to Gun Control: The Inside Story* (Toronto: McClelland & Stewart, 1999). p. 156.

made by gun enthusiasts, “doing so would have made us look like we were the only people in the country demanding tighter controls.... We were always in defensive mode, and we were getting clobbered.”²⁶

As a result of the negativity-bias in the issue, Canadian governments have historically been unwilling to alienate the ‘gun vote’ for fear of suffering significant electoral losses, especially in rural ridings. Therefore, despite the belief that gun control was inherently ‘good policy,’ designed to address the gun ‘problem,’ the issue was either avoided entirely by the government or their commitment to tougher gun control was reduced substantially in the face of opposition. What makes the Canadian gun control case strikingly different from the American gun control experience is that the blame-avoiding tendencies inherent in the issue changed dramatically in Canada after the 1993 election, and the government was able to pass a comprehensive gun control package into law. After that election, the negative-bias inherent to the issue had been substantially reduced and for the first time there were strategic political gains that made pursuing comprehensive gun control an attractive policy. In addition, by 1990, with the emergence of a Canadian gun control lobby, the government could for the first time, claim some credit from those that supported gun control.

In a recent publication, Leslie A. Pal and R. Kent Weaver refined the concept of blame avoidance. Pal and Weaver examine how democratic governments impose political losses.²⁷ The authors look at how “political institutions affect governmental

²⁶ Ibid. pp. 156-157.

²⁷ Leslie A. Pal and R. Kent Weaver, “The Politics of Pain” in Pal and Weaver, ed., *The Government Taketh Away: The Politics of Pain in the United States and Canada* (Washington D.C.: Georgetown University Press, 2003). p. 2.

capacity for loss imposition, and how policymakers and social groups work through and around particular sets of institutions in order to achieve or derail loss-imposing initiatives. Both popular wisdom and political science theorizing suggest that some institutional arrangements facilitate loss imposition more than others.”²⁸ The notion of loss imposition and how it relates to political institutions is also very relevant to this thesis. The government’s ability to impose ‘losses’ on the gun community changed dramatically after the election of 1993 realigned Parliament. Without this institutional transformation the *Firearms Act* would not have been possible.

In that same volume, Leslie A. Pal compares the politics of loss imposition in the gun control policy of Canada and the United States. Pal points out that, despite some material losses, the losses associated with gun control are primarily symbolic. This explains why gun controls are often “vigorously resisted as threats to ways of life.”²⁹ According to Pal, the symbolic nature of the losses to gun control enthusiasts make it difficult for governments to avoid blame through compensation. Because gun control, like other highly emotional issues, has a “combined emphasis on way of life, core political values, and status.... Imposing losses in this context is particularly challenging and dangerous — and, unsurprisingly, politicians are normally reluctant to upset any stable status quo.”³⁰ Pal demonstrates the complexity of the gun control issue which makes imposing losses much more difficult than it would appear on the surface. The concept of ‘loss imposition,’ as expressed by Pal and Weaver, is particularly useful for

²⁸ Ibid. p. 2.

²⁹ Ibid. p. 235.

³⁰ Ibid. p. 235.

the Canadian gun control issue. Pal's analysis of the more specific aspects of Canadian gun control policy is discussed further below.

Brokerage Politics, Flexible Partisans and Party Competition

To fully understand why some policies become law and others do not, the policymaking process must be examined within a larger political context. As Kingdon notes, the policymaking stream can only be completed when policies are successfully coupled with politics. In the case of gun control, it is clear that the structure provided by federal party competition, the electoral system and the voting behaviour of Canadians had an impact on the evolution of Canadian firearms policy. This structure was significantly altered by the election of 1993, which drastically transformed the very nature of parliamentary competition. These changes triggered a chain of events that transformed many central characteristics of federal politics, including party strategies, the nature of electoral competition and political discourse at the federal level. Put simply, the politics of gun control operated under a substantially different framework before and after 1993. The structure after the 1993 election was much more favourable to gun control than in previous periods. In order to comprehend the larger political picture that framed the politics of gun control, it is necessary to briefly compare the period before and after the election of 1993.

Prior to 1993, the Canadian party system was dominated by two brokerage parties. While often credited with being a unifying force, the brokerage nature of federal party competition before 1993 was heavily criticized by academics for the negative

impact it had on Canadian politics and policy outcomes. For example, in their 1988 analysis, Janine M. Brodie and Jane Jenson argued that Canada's party system was unique among liberal democracies because, despite having a fully industrialized economy, Canada's partisan politics did not revolve around class cleavages.³¹ This 'underdeveloped' party system resulted in the absence of the establishment of class differences within the government parties, which, in turn, lead to the few observable long-term differences between the parties. Others also observed that the domination of parliament by two brokerage parties had resulted in the absence of policy innovation in federal politics and had led to a lack political courage on controversial subject matters. For example, Clarke, Jenson, LeDuc and Pammett noted this phenomenon in 1984: "[a]s the Liberals and Progressive Conservatives continued to be basically similar 'catch-all' parties, and as the CCF/NDP floundered in its search for a viable identity, the arena of policy controversy and innovation shifted, moving more and more into the public service and into federal-provincial relations."³²

The nature of party competition therefore precluded the development of an innovative solution for the 'gun problem.' In this environment of party competition, it was unlikely that any party would embrace a controversial issue like gun control because of the high political risk involved with little possible credit to be claimed. In 1991, Clarke, Jenson, LeDuc and Pammett assessed the nature of federal party competition as being largely about short-term electoral gain: "parties try to assess the state of the public mind

³¹ Janine M. Brodie and Jane Jenson, *Crisis, Challenge and Change: Party and Class in Canada Revisited* (Ottawa: Carleton University Press, 1988). p. 3.

³² Harold D. Clarke, Jane Jenson, Lawrence LeDuc and Jon H. Pammett, *Absent Mandate: The Politics of Discontent in Canada* (Toronto: Gage, 1984). p. 12.

at the moment and tailor their issue agendas accordingly. The result is that issues are presented and discarded with remarkable rapidity. What sells, and not what's needed, remains the guiding principle."³³ Given the negativity-bias favouring the 'gun vote,' it was clear that until after the election of 1993, gun control did not 'sell' electorally although a number of administrations felt that it was 'needed.'

During the period in question (1968-1993), Clarke et al. noted the general lack of party identification in Canadian federal politics.³⁴ In fact, they argued that Canadian voters could accurately be described as "flexible partisans," referring to the lack of long-term commitment to political parties by the electorate.³⁵ The result was that many Canadian voters readily switched their partisan allegiances based on short-term factors such as image, leadership and the ability to solve immediate problems. The relatively large number of 'flexible partisans' dramatically increased the negativity-bias inherent to the gun control issue as those who viewed gun control as a salient political issue could easily abandon a party that had initiated a gun control program.

In this environment of ever shifting partisan loyalties, parties were overly sensitive to potential political losses: "[p]arties feel compelled to remain flexible, to be able to respond to the shifting short-term preferences of potential voters. In fact, they possess few guaranteed support bases which can be counted on from election to election."³⁶ Moreover, "all parties had, in the very recent past, faced situations where

³³ Harold D. Clarke, Lawrence Leduc, Jane Jenson and Jon H. Pammett, *Absent Mandate: Interpreting Change in Canadian Elections* (Toronto: Gage, 1991). p. 86.

³⁴ See for example, Harold D. Clarke, Lawrence Leduc, Jane Jenson and Jon H. Pammett, *Political Choice in Canada* (Toronto: McGraw-Hill, 1979), *Absent Mandate* (1984) and *Absent Mandate* (1991).

³⁵ In fact, Clarke et al. note that "the hallmark of Canadian partisanship in Canada has been its flexibility," *Absent Mandate* (1991). p. 47.

³⁶ Clarke et al, *Absent Mandate* (1991). p. 13.

many seats were highly competitive and/or where they experienced a rapid decline of seemingly stable support.”³⁷ Given the idiosyncrasies of Canada’s single-member plurality electoral system, which does not consistently translate vote percentage into seat percentage, political parties assumed that the loss of a few percentage points of popular vote might have a profoundly negative impact on their ability to form the next government. This impact would, in effect, be doubled because the government losses would be Official Opposition gains. In this situation, parties could not risk losing even the small percent of voters that would be enraged enough with tougher gun laws to vote against them. As firearms enthusiasts have traditionally been concentrated in rural ridings, shifting the ‘gun vote’ from one party to the other could have a significant impact in many ridings. However, it must be emphasized that perception is much more important in this situation than reality; imagined political losses attributed to losing the ‘gun vote’ were undoubtedly much greater in the minds of politicians than they were in reality. The actual strength of the gun vote is discussed at greater length in Chapter 7.

In this environment of brokerage competition, many backbench MPs were understandably overly sensitive to pressure placed on them by vocal constituents complaining about any toughening of Canada’s gun control policy because they would not hear from those who supported gun control.³⁸ As a result, they reinforced the government’s concerns regarding potential electoral losses by reporting the high anger

³⁷ Clarke et al, *Absent Mandate* (1984). p. 13.

³⁸ On many occasions gun organizations succeeded in placing a level of pressure disproportionate to their numbers on politicians, especially rural MPs. For example, much of the original opposition to Bill C-68 from rural backbenchers was attributed to the fact that they heard from many angry gun owners during the Christmas recess of 1994. To prevent this from happening again, the government pushed C-68 through the House before Parliament recessed for the summer so backbenchers would not another wave of confrontations with angry gun owners. The actual strength of the ‘gun vote’ is discussed in Chapter 7.

levels back to caucus. The mere perception that 'the gun vote' was able to migrate between the Liberals and Conservatives substantially increased the ability of gun enthusiasts to stifle the implementation of tougher gun controls. With the two major 'catch all' parties trying to appeal to all voters and competing for the vote of each and every Canadian, the sensitivity to potential vote loss was increased exponentially, amplifying the negativity-bias in the gun control issue significantly. The ability of the government to 'impose losses' on gun enthusiasts was therefore limited because doing so might be politically costly.

Thirty-five years ago, Alan Cairns drew attention to the large discrepancy that exists between seat percentage and vote percentage and the negative impact this had on Canadian politics.³⁹ The inability of Canada's single-member plurality (SMP) system to translate votes to seats in a consistent manner undoubtedly made the Liberals and Conservatives more sensitive to the thought of losing the gun vote. For example, the Liberals won 40 percent of the vote in 1979, which translated into 40 percent of the seats. This allowed the Conservatives to obtain a minority government by winning 48 percent of the seats despite only receiving 36 percent of the vote. However, in 1945 the Liberals won 41 percent of the vote and 51 percent of the seats. In 1993, the Liberals managed to win 60 percent of the seats with only 41.3 percent of the vote. The history of electoral outcomes in Canada demonstrates that losing a few percentage points of electoral support can mean the difference between a majority or minority government or even relegation to the opposition benches.

³⁹ Alan C. Cairns, "The Electoral System and the Party System in Canada, 1921-1965," *Canadian Journal of Political Science*, March 1968, pp. 55-80.

More recently, Henry Milner has argued that electoral reform is necessary for a number of reasons, including the tendency of the electoral system to “regionalize political party representation in Parliament.”⁴⁰ Milner notes that Canada’s SMP electoral system favours regionally-based parties, rather than national ones, a fact which was emphasized by the 1993 and 1997 federal elections, which vastly over-represented the regional parties at the expense of the national parties.⁴¹ Milner argues that the distortions of the electoral system are understated because “some of the anomalies of the electoral system are purely regional and therefore hidden in national figures.”⁴² The regional distortions encourage the regional election strategies discussed above and effect how political parties deal with controversial issues, such as gun control, which plays out differently across the country.

Prior to 1993, the negativity-bias inherent to the firearms issue made governments fearful of losing the ‘gun vote’ to the opposition, which effectively doubled its impact. Even if the gun vote was not very large, the fact that it was geographically concentrated in rural ridings increased its importance. The negativity-bias was doubled as the government would be losing the ‘gun vote’ directly to the opposition. After the election of 1993, this would not be the case; the Liberal were only losing the gun vote to the Reform Party, which it was thought could not win the next election. In addition, since the Liberals had not traditionally done very well in parts of the country (in particular, the West) where gun controls were particular unpopular they had even less to lose.

⁴⁰ Henry Milner, “Introduction” in Henry Milner, ed., *Making Every Vote Count: Reassessing Canada’s Electoral System* (Peterborough, Ontario: Broadview Press). p. 16.

⁴¹ Henry Milner, “The Case for Proportional Representation in Canada,” in *ibid.* p. 38.

⁴² *Ibid.* p. 38.

The election of 1993 fundamentally changed the federal party system and the way the negativity-bias played out on the gun control issue. As Carty, Cross and Young correctly argue, the election of 1993 simultaneously signified the collapse of the old parliamentary dynamic, and the emergence of a completely new party system.⁴³ This new political order changed federal politics in a variety of ways. Especially relevant to this thesis is the observation that the new post-1993 party system led to the increased importance of region and ideology in Canadian federal politics. The character of this new party system and the emergence of new parliamentary players created favourable circumstances for gun control. The demise of the Conservatives and the NDP and their replacement with the Bloc and Reform not only opened a policy window for a pro-gun control administration to implement comprehensive gun controls, but also created political incentives to do so.

The brokerage domination of Parliament ended with the unprecedented collapse of the Progressive Conservatives, and to a lesser extent, the NDP. After 1993, the brokerage Liberals were the only party capable of operating competitively on a national scale. The separatist Bloc Québécois became the Official Opposition by winning the most seats in Quebec, and the Reform Party, guided by the slogan “the West Wants In,” captured the most seats in that region. Not only were both parties regional, but they also brought ideology to the federal legislature. The shift from a pan-Canadian brokerage party system to a system in which one national brokerage party competes with different programmatic regional parties significantly altered federal politics and the federal

⁴³ R. Kenneth Carty, William Cross and Lisa Young, *Rebuilding Canadian Party Politics* (Vancouver, UBC Press, 2000). Chapter 10.

political discourse. As demonstrated in Chapter 5, this new political environment was not only less hostile to tougher gun control policies, it may, in fact, have encouraged the government to pass gun control legislation that only a few years earlier was considered a political impossibility.

Path Dependence and Institutional Inertia

The concept of path dependence as understood by Paul Pierson is also a useful analytical tool for studying Canadian firearms policy, particularly for the period from 1867-1967. For the first hundred years after Confederation, the pattern of firearms regulation faithfully followed the federal government's original approach to the issue in 1867 (which itself was the continuation of earlier colonial policy). The government viewed the issue through a decidedly conservative or tory lens: firearms regulation was designed to protect the regime against potential uprisings, preserve public order, keep guns out of the hands of the unruly and punish those individuals that misused firearms. The persistence of Canada's original underlying philosophy toward the regulation of firearms cannot be explained merely as the deliberate intention of successive governments. The pattern of firearm regulation was established in Canada's earlier years and created the framework for all subsequent firearms regulation until 1995. With the passage of the *Firearms Act*, the pattern had been broken. However, it is possible to argue that the *Firearms Act* has created a new policy legacy of its own, and even after only ten years has acquired significant institutional inertia.

The lasting legacy of Canada's first firearms policy can be explained in large part by Paul Pierson's notion of path dependence and increasing returns. Pierson defines path dependence as "social processes that exhibit increasing returns."⁴⁴ He explains how the two forces are connected:

[the] conception of path dependence, in which preceding steps in a particular direction induce further movement in the same direction, is well captured by the idea of increasing returns. In an increasing returns process, the probability of further steps along the same path increases with each move down that path. This is because the *relative* benefits of the current activity compared with other possible options increase over time. To put it a different way, the costs of exit — of switching to some previously plausible alternative — rise. Increasing returns processes can also be described as self-reinforcing or positive feedback processes.⁴⁵

Pierson's approach emphasizes the importance of inertia in politics; "[o]nce an increasing returns process is established, positive feedback may lead to a single equilibrium. This equilibrium will in turn be resistant to change."⁴⁶ From Pierson's perspective, institutional inertia is a powerful force in determining political outcomes.

In defining institutional inertia, Pierson argues for a broad definition of what constitutes an institution. Pierson points out that political science has tended to emphasize the constraints placed on political actors by institutions. However, he argues that those constraints should also be applied to policies as well: "[i]n politics, institutional constraints are ubiquitous... public policies place extensive, legally binding constraints on behaviour."⁴⁷ He further argues that "[a]lthough unorthodox, the inclusion of public policies as well as formal institutions in this formulation is important. Policies are generally more easily altered than the constitutive rules of formal institutions, but they

⁴⁴ Paul Pierson, "Increasing Returns, Path Dependence and the Study of Politics," *American Political Science Review*, Vol. 94, No. 2, June 2000. p. 252.

⁴⁵ Ibid. p. 252. Emphasis in original.

⁴⁶ Ibid. p. 263.

⁴⁷ Ibid. p. 259.

are nevertheless extremely prominent constraining features of the political environment. ...[m]ost policies are remarkably resilient”⁴⁸ The constraints associated with many policies are self-reinforcing which makes radical changes or reversals difficult. The longer the policy is in place, the more durable and constraining it becomes. Pierson also notes that path dependence and increasing returns are aided by the complexity of the nature of politics.

For the first century after Confederation, Canadian firearms policy was undeniably path dependent as the principles behind the original policy and the very character of firearms regulation followed closely in the footsteps of the original policies long after the forces of their creation had been eroded. When these underlying principles were first challenged in the 1960s, they had acquired one hundred years of institutional inertia and were, therefore, inherently resistant to change until their complete uprooting in 1995. In addition to the negativity-bias and other institutional factors, those seeking to enact comprehensive gun controls also had to overcome the heavy weight of the institutional inertia attached to Canada’s original firearms policy. Today, those seeking to reverse the *Firearms Act* face a similar burden; many political and social forces protect Canada’s policy comprehensive gun control against any significant changes make change much more difficult than maintaining the status quo.

Gun Control Literature

It is difficult to place this thesis within the larger body of literature related to firearms. This is primarily because there are few unifying themes in the study of gun control.

⁴⁸ Ibid. p. 259.

Writing on the subject of gun control is spread across many academic disciplines with separate interests and research agendas, including political science, public policy, law, journalism, criminology, sociology, psychology, medicine, public health, epidemiology, forensic science, and a host of others.⁴⁹ Concerned with different variables and data, most of these disciplines discuss the issue with little reference to work done in other fields.

Adding to the lack of methodological focus among studies related to firearms is the high degree of advocacy inherent to the subject. Many of those who write on the subject are either part of the gun control movement or defenders of gun rights. In much of the literature these biases are obvious and deliberate; in others they are much more subtle. While it is not always the case that researchers are advancing a political agenda through their writing, readers must always be wary of the possibility of an underlying motive.

It is possible to roughly divide academic 'firearms' literature into two overlapping camps. The first relates in some way to the causes of gun violence and its impact on victims and/or society as a whole and represents the majority of literature on the subject. The second is concerned with the political, moral and philosophical aspects of gun control and firearms policy. It may also be useful to conceive of firearms literature as falling along a continuum from those totally reliant on statistical analysis of firearms data to those not that are not interested in any statistical data whatsoever. Many 'political'

⁴⁹ For a good discussion of the diversity gun control literature see, Thomas Gabor, "The Impact of the Availability of Firearms on Violent Crime, Suicide, and Accidental Death: A Review of the Literature with Special Reference to the Canadian Situation" (Ottawa: Research Section of the Department of Justice Canada), 1994.

discussions of the gun control issue are reliant on the more ‘sociological’ studies and are designed to assess the effectiveness or impact of gun control policy on behaviour. However, as discussed below, there are some (usually American) authors who advocate gun owner’s rights and are not the least bit concerned with crime statistics or the relationship between gun ownership and the murder rate. Those who argue in favour of gun control generally tend to rely more heavily on socially-related firearms statistics than their opponents.

For this thesis, the political debates regarding firearms are much more relevant than the criminological aspects. Due to the large differences between American and Canadian literature on the subject, it is worthwhile looking at each country’s gun control literature separately. While this paper is not overly concerned with the particular debates that surround the criminological aspects of gun control, the debates themselves are important as they have shaped, in large part, the rhetoric associated with gun control in Canada.

In his assessment of the body of literature related to gun control Thomas, Gabor has divided them into four “discernable self-contained debates.”⁵⁰

[the first] among sociologists examining the relationship between gun density and different forms of violent crime; a second amongst experimental psychologists exploring whether the presence of weapons serves as cues to aggression; a third amongst policy analysts discussing the empirical and socio-legal issues involved in various policy options; and a forth group of public health physicians and medical practitioners analyzing coroner’s reports, gun shot wounds and the lethality of different weapons.⁵¹

All four of these debates deal, in one way or another, with public safety issues related to firearms. Although they use markedly different approaches at their core, these

⁵⁰ Ibid. p. 4.

⁵¹ Ibid. p. 4.

approaches address questions such as: what is the root cause of gun violence? What impact, if any, do gun control laws have on gun use or misuse? How can gun misuse be reduced? This thesis does not seek to answer any of these questions and, therefore, does not fit comfortably into any of the four categories outlined by Gabor.

One of the most heated of the debates (and the one that is most relevant to this paper) regarding public safety and gun control is the controversy in determining the relationship between the availability of firearms and the misuse of firearms. Many of these studies are undertaken in an American or cross-cultural context, and Canadian research often relies heavily on these studies. Canadian criminologists and sociologists have produced a considerable body of literature discussing firearms usage, the distribution of firearms among the population, and the impact of gun control on gun-related crime and suicide in Canada. An early example of this type of literature in Canadian context is *Firearms Ownership and Use in Canada* by Philip C. Stenning and Sharon Moyer.⁵² This study presented a demographic overview of firearms in Canada, based on Statistics Canada data augmented by survey research. Beyond providing a profile of Canadian gun owners, Stenning and Moyer discuss the relationship between “firearms availability and firearms incidents” and provide a good overview of how the debate is carried out among criminologists:

‘Firearms availability’ has become a central concept in the gun control debate. Gun ‘incidents’ (e.g., firearms deaths, suicides and crimes involving firearms), it is claimed by those who advocate more restrictive firearms law, are in some way a product of, or facilitated by, firearms availability. By controlling the general availability of firearms... it is argued, firearms ‘incidents’ will be reduced. Conversely, opponents of this view argue that the incidence of firearms misuse is not in any way directly related to the

⁵² Philip C. Stenning and Sharon Moyer, *Firearms Ownership and Use in Canada: A Report of Survey Findings, 1976* (Toronto: University of Toronto Centre of Criminology, 1981).

availability of firearms to the extent that any measure short of almost complete prohibition of firearms could influence it.⁵³

In 1981, Stenning and Moyer argued that there was not nearly enough data available to credibly assess the relationship between availability of firearms and firearms incidents in Canada.⁵⁴

In a similar vein, the *Canadian Journal of Criminology* dedicated an entire issue to predicting the public safety impact of the *Firearms Act* just prior to its passage.⁵⁵ In that issue, Thomas Gabor argues that the *Firearms Act* “may occasion modest reductions in firearms misuse.”⁵⁶ However, Gabor asserted that despite the potential limitations of C-68, the tougher gun controls were warranted as Canada “ought to be clearly distinguished from our neighbour to the south.”⁵⁷ Despite Gabor’s opinion, there is no consensus among Canadian sociologists and criminologists regarding a public safety assessment of the *Firearms Act*.

Historical, Legal and Policy Examinations of Gun Control in Canada

Unlike the enormous body of literature that exists on the subject of firearms policy in the United States, there has been little written on the subject in Canada. In fact, until the controversy surrounding Bill C-68 and the *Firearms Act* provoked interest in the issue, the politics of firearms did not attract much interest. Even after the *Firearms Act*, there have been few examinations of the subject and little interest from academics, especially

⁵³ Ibid. p. 170.

⁵⁴ Ibid. p. 202.

⁵⁵ *Canadian Journal of Criminology*, April 1995.

⁵⁶ Gabor, “The proposed Canadian legislation on firearms: More symbolism than prevention,” *Canadian Journal of Criminology*, April 1995, p. 208.

⁵⁷ Ibid. p. 209.

from political scientists. To date, the issue of gun control as an area public policy has been largely neglected. Most studies of gun control in Canada have been criminological and sociological in nature or have discussed the legal aspects of firearms. Almost all of these are concerned with assessing the effectiveness of gun control policy in improving public safety. There have been relatively few examinations of the historical evolution, the legal context, the policy aspects and the politics of gun control which are not, at some level, concerned with the sociological relationship between guns and crime.

Historical considerations of the evolution of the firearms policy in Canada tend to emphasize how important firearms once were in the daily life of Canadians, how much things have changed since then and how the lack of historical knowledge prevents us from fully understanding the issue.⁵⁸ For example, after examining the history of Canadian firearms law, Marilyn Simonds contends that the passage of the *Firearms Act* can be attributed to the fear held by Canadians “that the prevailing social order is unravelling.”⁵⁹ She concludes that, “[l]ike those early colonists, contemporary Canadians risk giving the gun more prominence than it deserves, finding it both the source of and a salve of our fears.”⁶⁰ In his brief historical analysis of Canadian firearms policy, Philip C. Stenning suggests that the current ambivalence over the proper place of guns in modern Canadian society has historical roots, arguing that “public debates about this do not seem to have progressed much during the last hundred years or so.”⁶¹

⁵⁸ See for example, Philip C. Stenning, “Guns & the Law,” *The Beaver*, Dec. 2000/Jan. 2001. p. 6.

⁵⁹ Marilyn Simonds, “Code of Arms,” *Canadian Geographic*, March/April 1996. p. 55.

⁶⁰ Simonds, p. 56.

⁶¹ Philip C. Stenning, “Guns & the Law.” p. 7.

There are a number of good examples of legal scholarship on the issue of gun control. Writing in 1989, Balfour Q.H. Der and Ian F. Kirkpatrick completed a now obsolete overview of the legal aspects of firearms law that exemplifies much of the legal literature on the subject. The authors provide a line-by-line interpretation of the law regarding firearms as well as a review of pertinent court cases.⁶² Like other legal examinations, Der and Kirkpatrick did not take a political stand on the issue, but only subtly hinted that Canada needed more stringent gun controls.⁶³ A year earlier, in 1988, Donna Lea Hawley completed a similar review of Canadian firearms law.⁶⁴ More recently, Jonathan Keene Brunet published a comprehensive legal guide to Canada's firearms policy including the *Firearms Act*.⁶⁵

Although somewhat dated, Martin L. Friedland wrote an interesting piece on gun control law in 1985.⁶⁶ Friedland briefly examines the history of firearms law and legal interpretation as well as a statistical overview of gun-related crime. Friedland's article is exceptional in that he attempts to account for the differences between gun control in Canada and the United States. He argues that many factors have allowed Canada to pass tougher gun legislation than the Americans, including federal control over Canadian criminal law, the role of the RCMP, the orderly development of the West, social values, a

⁶² Balfour Q.H. Der and Ian F. Kirkpatrick, *The Law of Firearms And Weapons* (Toronto: Carswell, 1989).

⁶³ Ibid. pp. xvii-xix.

⁶⁴ Donna Lea Hawley, *Canadian Firearms Law* (Toronto: Butterworths, 1988).

⁶⁵ Jonathan Keene Brunet, *The Annotated Firearms Act and Related Legislation 1999/2000* (Toronto: Butterworths, 1999).

⁶⁶ Martin L. Friedland, "Gun Control in Canada: Politics and Impact," in Anthony N. Doob and Edward L. Greenspan, eds., *Perspectives in Criminal Law: Essays in Honour of John LL.J Edwards* (Aurora, Ontario: Canada Law Book Company, 1985). pp. 226-254.

lack of the right to bear arms, the structure of the Canadian government and the weakness of the gun lobby.⁶⁷

These are all excellent points. However, in historical and comparative perspective it is difficult to argue that Canada's gun control regime was especially stringent in 1985, except regarding handguns. With the benefit of hindsight, firearms regulation at that time could not accurately be described as comprehensive and could only be considered 'tough' in comparison with the United States. In addition, Friedland, in accounting for Canada's tough gun control, did not attempt to deal with the question of why both the Canadian government and the Canadian public were in favour of tougher gun control, yet Canada still had relatively weak gun laws.

Another more recent example of legal commentary on gun control is provided by Elaine M. Davies who also conducted an overview of firearms law and suggests that gun control and, in particular, the *Firearms Act* were merely a "public relations response to the myth of violence."⁶⁸ Using a myriad of firearm statistics she argues that Canada did not have a significant 'gun problem' prior to the *Firearms Act*, and therefore, the *Act* was unnecessary.⁶⁹ This criticism is a running theme in assessing the *Firearms Act* and does not consider the political forces behind the *Act*.

The few public policy analyses of Canadian firearms policy that do not attempt to assess the effectiveness of gun control as a public policy measure, examine Canada's experience with gun control in comparison with the United States. For example, in his

⁶⁷ Ibid. pp. 240-246.

⁶⁸ Elaine M. Davies, "The 1995 *Firearms Act*: Canada's Public Relations Response to the Myth of Violence," *Appeal Review of Current Law and Law Reform*. Vol. 6, 2000. p. 44.

⁶⁹ Ibid. pp. 57-59.

comparison of Canadian and American firearms policy, Leslie A. Pal argues that although the gun control debates of the United States are similar, the markedly different political outcomes in the two countries can be explained by institutional factors especially related to executive power in each country. He argues that unlike the separation of powers which characterizes the American political system, the power that is concentrated into the hands of the Canadian prime minister and cabinet ensures that “once a legislative decision has been taken, it dominates the agenda and has a high likelihood of successful implementation.”⁷⁰ While Pal considers the historical development of firearms policy in both countries, he is primarily concerned with explaining the observed differences between the United States and Canada in terms of processes and outcomes regarding gun control during the 1990s. In that context, Pal correctly attributes the difference to institutional factors, particularly the ability of the prime minister to ‘impose losses’ on segments of the electorate. In his analysis, Pal does not attempt to explain why Canadian gun control policy changes so dramatically in 1995. The substantial institutional differences that exist between the Canadian and American systems of government explain the divergence of gun control policy in those countries but do not explain the timing of the *Firearms Act* or why it took until 1995 for Canada to get its first comprehensive gun control legislation. After all, the concentration of power in the executive has long been a central characteristic of the Canadian government.

⁷⁰ Pal. p. 234.

Gun Control Literature in the United States

More has probably been written about the policy of firearms and the issue of gun control in the United States than in all other countries combined. For historical, constitutional and social reasons, guns and their regulation have been a highly salient political issue in that country for decades. On a policy level the differences that exist between Canada and the United States are substantial. Nevertheless, for a number of reasons, the American gun control debate is important to any study of Canadian gun control policy. Not only does the majority of literature regarding firearms and gun control emanate from the U.S., but the American gun control experience has also strongly influenced the Canadian gun control debate.

In the United States, the issue of gun control speaks to relationship between state and citizen. In fact, the rights of gun owners are enshrined in the Second Amendment of the American Constitution.⁷¹ In addition, the powerful National Rifle Association is one of the most influential lobby groups in Washington and has successfully fought the implementation of tougher gun laws in the United States. For some Canadian gun organizations opposed to tougher gun controls, the NRA has represented a model of anti-gun control activism to be emulated. Indeed, the NRA has provided strategic and logistical assistance to some Canadian organizations fighting tougher gun controls.⁷² Canadian gun user groups, such as the National Firearms Association (NFA), have sought to imitate the NRA and have adopted much of the rhetoric of the American gun lobby.

⁷¹ The Second Amendment of the Constitution of the United States reads as follows: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

⁷² The NRA's constitution forbids the organization from contributing direct financial support for activities outside of the United States.

The language of the NRA, however, does not resonate to the same extent in Canada as it does south of the border, and appears threatening and extremist to many Canadians.

For those on the other side of the movement, the United States represents a model to be avoided. Those supporting tougher gun laws in Canada attribute the high gun-crime rates observed in the U.S. to its relatively lax gun laws. In fact, it has often been suggested that the American gun problem would spill over into Canada if not for tougher gun laws. This is a powerful argument and one that is continuously reinforced by constant exposure of Canadians to American gun crime through the media. The gun control movement in Canada has also borrowed from its counterparts in the American debate. The very concept of 'gun control' is an American import, as is much of the rhetoric which surrounds the Canadian debate. Politicians arguing in favour of tougher gun laws have invariably pointed to the gun problem in the United States as an example to avoid. Gun enthusiasts also point to the United States as a place where an individual's right to own firearms is protected and personal freedom is respected. For these reasons it is important to provide a brief overview of American gun control literature.

The United States has produced countless textbooks and readers on the subject of gun control, a phenomenon that is unique to the United States. A good example of this is provided by Marjolijn Bijlefeld who edited a substantial volume of the history of the gun control issue containing primary documents on the issue extending from the English Bill of Rights to contemporary law.⁷³ The very existence of this type of documentary history indicates the importance of gun control in America; such a volume does not exist for

⁷³ Marjolijn Bijlefeld, *The Gun Control Debate: A Documentary History* (Westport, Connecticut: Greenwood Press, 1997).

Canadian firearms politics, or for the firearms politics of any other country for that matter. Another type of literature is exemplified by Jan E. Dizard et. al. who edited a work entitled, *Guns in America: A Reader*. In this work a number of authors provide historical and social background to the gun control issue useful for those doing further research. A third example is provided by John M. Bruce and Clyde Wilcox whose edited volume, *The Changing Politics of Gun Control*,⁷⁴ discusses the historical development of gun control politics in the United States. It also examines the administration of gun control laws,⁷⁵ the politics of gun control in a number of states,⁷⁶ gun rights groups,⁷⁷ the gun control movement,⁷⁸ public opinion and gun control,⁷⁹ and the electoral politics of gun control.⁸⁰ There are a myriad of similar bound collections of gun control articles that present both sides of the issue through different authors and primary sources.⁸¹

There are also a number of 'balanced' works written by single authors. An excellent example of this is provided by Robert J. Spitzer in his *The Politics of Gun*

⁷⁴ John M. Bruce and Clyde Wilcox, eds., *The Changing Politics of Gun Control* (New York: Rowman & Littlefield, 1998).

⁷⁵ Wendy Martinek et al., "Jackboot or Lace Panties? The Bureau of Alcohol, Tobacco and Firearms" in Bruce and Wilcox, ed. pp. 17-44.

⁷⁶ Marcia L. Godwin and Jean Reith Schroedel, "Gun Control Politics in California" in Bruce and Wilcox, ed. p. 88-110; Harry L. Wilson and Mark J. Rozell, "The Structure of Public Support for Gun Control: The 1988 Battle over Question 3 in Maryland," in Bruce and Wilcox, ed., pp. 125-138; John M. Bruce and Clyde Wilcox, "Gun Control Laws in the States: Political and Apolitical Influences," in Bruce and Wilcox, ed. pp. 139-154,

⁷⁷ Ronald G. Shaiko and Marc. A. Wallace, "Going Hunting Where the Ducks Are: The National Rifle Association and the Grass Roots," in Bruce and Wilcox, ed. pp. 155-171.

⁷⁸ Diana Lambert, "Trying to Stop the Crazyiness of this Business: Gun Control Groups," in Bruce and Wilcox, ed. pp. 172-195.

⁷⁹ David R. Harding Jr., "Public Opinion and Gun Control: Appearance and Transparence in Support and Opposition," in Bruce and Wilcox, ed.. pp. 196-223.

⁸⁰ Ted G. Jelen, "The Electoral Politics of Gun Ownership," in Bruce and Wilcox, ed.. pp. 224-246.

⁸¹ Representative of this literature is Lee Nisbett's, *The Gun Control Debate: You Decide* (Buffalo, NY: Prometheus Books, 1990).

Control.⁸² Spitzer takes a comprehensive look at the gun issue in the political context of contemporary America and takes the middle ground position that the state must reconcile the competing interest of gun owners and the gun control movement. Specifically, he argues that new technically advanced weapons should be regulated before they are distributed and that weapons designed primarily for criminal purpose should be controlled. Paul Weir, in his book *A Well Regulated Militia: The Battle Over Gun Control*, also presents a fair and insightful account of the gun control debate in the United States. In his account of American Gun Control Politics, William J. Vizzard illustrated the complexity of the issue and argues that because of the massive political barriers, comprehensive gun control is unlikely to take root in the United States.⁸³

Many American studies of gun control politics, however, are not neutral, but are polemics on the issue (this is probably the case of a substantial portion of literature on the subject of gun control everywhere). These books either tend to vigorously defend the Second Amendment and lament its corruption or decry the proliferation of firearms in American society by emphasizing the relationship between guns and violence. Not surprisingly, there is a wide range in quality of these types of writing; many are purely political and written in a journalistic style while others are well-crafted academic pieces.

Perhaps the best example of literature from the gun-rights camp is Wayne LaPierre's *Guns, Crime and Freedom*.⁸⁴ LaPierre is a former official with the NRA, and his book is a spirited defence of the right to bear arms, arguing that the Second

⁸² Robert J. Spitzer, *The Politics of Gun Control* (New York: Chatham House, 1998).

⁸³ William J. Vizzard, *Shots in the Dark: The Policy, Politics and Symbolism of Gun Control* (New York: Rowman & Littlefield, 2000).

⁸⁴ Wayne LaPierre, *Guns, Crime and Freedom* (Washington, D.C.: Regnery Publishing, 1994).

Amendment has been largely misinterpreted and that American freedom depends on the liberty of its citizens to possess firearms. Similar works include "A Nation of Cowards," in which Jeffery R. Snyder argues that the high degree of self-expression and individualism enjoyed by Americans is dependant of the ability of people to defend themselves⁸⁵ and Tanya K. Metaska's, "Self-Defence: A Primary Civil Right" in which she asserts that the "Second Amendment is more than an affirmation of your right to protect yourself and your family. The Second Amendment marks the property line between individual liberty and state sovereignty."⁸⁶ A sophisticated academic defence of the right to bear arms is perhaps best exemplified by Joyce Lee Malcolm's *To Keep and Bear Arms*, which provides a detailed philosophical treatment of the history of the rights of firearms owners in the United States from the English Bill of Rights to current debates about gun control.⁸⁷

On the other side of the issue are authors such as Osha Gray Davidson who have taken a journalistic approach to examining the issue.⁸⁸ Davidson's *Under Fire* is a passionate attack on the NRA, arguing that the organization's staunch opposition to gun control has cost many lives. Using social movement theory, Gregg Lee Carter has examined the American gun control movement pointing out the significant political forces that block gun control in that country. He argues that America would benefit from

⁸⁵ Jeffery R. Snyder, "A Nation of Cowards," *The Public Interest*, no. 133, Fall 1976, pp. 40-56.

⁸⁶ Tanya K. Metaska, "Self-Defence: A Primary Civil Right," *American Rifleman*, Nov. 1995, 41. pp. 74-75.

⁸⁷ Joyce Lee Malcolm, *The Right to Bear Arms: the Origins of an Anglo-American Right* (Cambridge, Mass.: Harvard University Press, 1994). Malcolm claims that she "is not an advocate but a historian and ask merely for a decent respect for the past. (p. 177)." However, she is clearly supportive of the rights to bear arms, "we are not forced into lockstep with our forefathers. But we owe them our considered attention before they disregard a right they felt imperative to bestow (p. 177)."

⁸⁸ Osha Gray Davidson, *Under Fire: The NRA and the Battle for Gun Control* (Iowa City: University of Iowa Press, 1998).

gun control, but to enact it would take “a liberal president, a liberal Congress, public opinion strongly favouring gun control and a well-organized gun control movement” to defeat the status quo bias that supports “ineffective” gun laws.⁸⁹

A second category of gun control literature in the United State is concerned with sociological and criminological aspects of firearms. One branch of this type of analysis is international in scope and debates the relationship between the accessibility of firearms and the misuse of firearms. This type of research is heavily reliant on statistical analysis, psychological profiles and sociological data. Representative of the numerous works in this vein of research is *Targeting Guns* by Gary Kleck.⁹⁰ After correlating gun related violence with the misuse of firearms, Fleck asserts that gun control is not useful in reducing crime, arguing that “the most fundamental flaw in advocacy of gun control as violence reduction is not that gun laws could not disarm anyone, but rather that reducing gun levels would not necessarily produce any net violence-reducing impact... [l]evels of gun ownership appear to have no significant net effect on rates of homicide, rape, robbery or aggravated assault...”⁹¹ From Kleck’s perspective, the proliferation of firearms also has a deterrent effect on crime which could actually lower the crime rate.⁹² One particularly interesting defence of gun control is provided by Phillip J. Cook and Jean Ludwig, who argue that the high degree of gun violence experienced in America has

⁸⁹ Gregg Lee Carter, *The Gun Control Movement* (New York: Twayne, 1997). p. 113,

⁹⁰ Gary Kleck, *Targeting Guns: Firearms and Their Control* (New York: Aldine De Gruyter, 1997).

⁹¹ Ibid. p. 383.

⁹² Ibid. p. 383.

significantly reduced the quality of life in the United States, primarily due to the high economic cost of gun violence to Americans and the American state.⁹³

There is also considerable discussion in the United States on the subject of 'gun culture.' The central question in these debates is determining the importance of firearms in American culture and in understanding its historical development. This is a distinctly American debate and has not received much attention in Canada. Michael A. Bellesiles notes the pervasiveness of guns in American culture:

[w]e are familiar with the manifestations of American gun culture; the sincere love and affection with which our society views its weapons pours forth daily from the television and movie screens. Every form of the media reinforces the notion that the solution to your problems can be held in your hand and provide immediate gratification.⁹⁴

David T. Cartwright also notes the symbolic importance of guns in America through the Cowboy image, "[t]he twentieth-century image of the cowboy, the most evocative of America's mythic figures, is that of a hero, a knight-errant with a horse and a gun. The gun and his skills with it, make the cowboy a deadly antagonist, but only against rustlers, bandits and renegades."⁹⁵ Of course, those in favour of tougher gun control lament the growth of the American obsession with firearms, with those on the pro-gun side celebrating it. Peter Squires takes an interesting approach to the issue of gun culture by comparing the perception of guns in the United States and the United Kingdom. He

⁹³ Philip J. Cook and Jens Ludwig, *Gun Violence: The Real Costs* (New York: Oxford University Press, 2000). The authors assess the economic impact of gun violence and firearms accidents to be as much as one hundred billion dollars (pp. ix-x).

⁹⁴ Michael A. Bellesiles, "The Origin of Gun Culture in the United States, 1960-1865," *Journal of American History*, 83, 2. Sept. 1996. pp. 425-426.

⁹⁵ David T. Cartwright, "The Cowboy Subculture" in Jan E. Dizard et al. *Guns in America: A Reader* (New York: NYU Press, 1999). pp. 86-104.

argues that any expression of gun culture in the UK can be attributed to “alien” imports from the United States.⁹⁶ For Squires, the collectivist values inherent to British society preclude the formation of a *bona fide* American-style gun culture which is supported by staunch individualism and the denial of communitarian rights.⁹⁷

Symbolism and the Politics of Gun Control

On the surface, the issue of gun control appears to be a fairly straightforward debate between those who believe tough gun control will reduce gun crime and those who argue that gun control is an ineffective crime-control policy that places an unnecessary burden on ‘law-abiding’ firearms owners. While Canadian firearms policy is ostensibly about public safety and crime prevention, there are many important and subtle issues that underlie the debate. Gun control speaks as much to competing values and visions of Canada as it does to the regulation of firearms.

Until fairly recently, guns were not viewed as something that needed to be ‘controlled.’ From the earliest days of European settlement, guns were essential tools in the daily life of many Canadians and were often necessary for their very survival. Many in contemporary Canada, including the Liberal government, view gun control as a Canadian “value.”⁹⁸ As guns are the symbolic representation of violence for a majority of Canadians who no longer have a practical use for firearms, their regulation represents

⁹⁶ Peter Squires, *Gun Culture of Gun Control: Firearms, Violence and Society* (London: Routledge, 2000). p. 223.

⁹⁷ Ibid. p. 233.

⁹⁸ See for example, Liberal Party of Canada, *Creating Opportunity: The Liberal Plan for Canada* (Ottawa: Liberal Party of Canada, 1993). In this document, the Liberals argue that “[f]or most Canadians, the non-violent character of Canada is one of the distinguishing features of Canadian identity.” p. 84.

an affirmation that Canadians are a peaceful people committed to promoting non-violence. From this perspective, guns have little or no place in a modern, urban Canada. Notwithstanding the public safety issue, gun ownership should therefore be restricted merely because of its symbolic representation of violence. On the other side of the debate, guns are often seen as important part of the cultural heritage of Canadians. For some firearms enthusiasts, gun control represents the intrusion of the state into their private lives, the regulation of legitimate livelihoods and hobbies, as well as imposition of urban values onto the Canadian countryside.

From a practical standpoint, firearms remain an important tool for farmers and other rural residents. Farmers and ranchers need firearms to control animal pests that threaten crops, livestock and property. Furthermore, in many parts of Canada, hunting is more than just a 'sporting' activity. For some Canadians, the meat obtained from hunting provides food that would otherwise be unaffordable. In remote Canada, where there are no grocery stores, hunting is essential for the very survival of those who live off the land. It is often difficult for urban dwellers, who have no practical use for firearms, to comprehend that guns are still necessary in the day-to-day life of many Canadians living in rural environments.

The symbolic aspect of the gun control issue should not be underestimated. Tens of thousands of gun owners did not take part in numerous anti-gun control protests, write an untold number of letters and campaign passionately against the *Firearms Act* merely because they did not want to suffer the minor inconvenience of registering their guns. Many actively opposing tougher gun controls argued that they were defending a way of

life, as well as their personal rights and freedoms. While those in the gun control movement focus on the public safety components of gun control, they too are promoting and defending their own vision of Canada with passion and vigour. The debate over gun control is much more than a debate over public policy; it is also a heated battle between two competing conceptions of Canada that occupy two different political worlds.

That Alberta has been a leading opponent of the federal firearms registry points again to the symbolic importance of gun control. Although Alberta criticized the federal firearms program, questioning both its effectiveness in reducing crime as well as the cost of the program, the federal-provincial dispute over the *Firearms Act* should properly be seen in the context of an ongoing debate about the very nature of Confederation. For many in the prairie provinces, the *Firearms Act* is another example in a long line of federal policies that favour the opinions of central Canadians over those in the West.

The Constitutional Framework of Canadian Firearms Policy

Unlike the constitutions of the United States and the United Kingdom, the Canadian Constitution does not explicitly address the issue of firearms. Canada's original constitution, the *British North America (BNA) Act* does not mention firearms at all, nor does it mention the right of citizens to possess weapons. In fact, the *BNA Act* did not explicitly enumerate any individual rights for Canadians. Subsequent amendments to the *BNA Act* (after 1982, the *Constitution Act*) do not make any mention to firearms, and there has never been a serious attempt to address the issue in the constitution. In

addition, no unwritten constitutional conventions have been found that deal with firearms.

The absence of a constitutional reference to firearms represents a substantial divergence from the American constitution, which guarantees the right to bear arms in the Second Amendment of the American Bill of Rights. While this difference between the Canadian and American Constitution is widely understood, what is lesser known is that the lack of gun owners right's throughout Canada's constitutional history also differentiates it from British constitutional heritage; it has only been over the last century that the right of 'Englishmen' to possess firearms has been eroded. From the time of passage of the English Bill of Rights in 1689, a right was recognized both in law and by convention that British subjects could bear arms. This right was gradually limited by Parliament and should now rightly be considered to have been extinguished by legislation.

Although Canada's constitution was modeled after the British constitution, the right to gun ownership was not inherited by Canada. At the time of Confederation an argument could have been made that the right to arms recognized by the English Bill of Rights and English Common law was transferred to Canadians through the preamble of the *BNA Act* which declares that Canada shall have "a constitutional similar in principle" to that of the United Kingdom. At best this was an 'implied' right which does not appear to ever have been asserted or tested in court. In Britain and Canada, the supremacy of Parliament compared to the constitutional absolutism of the United States has provided a vastly different institutional environment for firearms policy.

Despite the absence of a right to arms in the Canadian constitution, there have been some demands to enshrine such a right into the constitution. This sentiment, however, has emerged only in recent times and is obviously an import from the American gun control debate. For example, during the debate over Bill C-17 a number of gun owners demanded that the right to bear arms be included in future constitutional negotiations.⁹⁹ It should not be surprising that gun rights activists have adopted the rhetoric of their remarkably successful American counterparts in the face of one of the toughest gun control laws in the world. One gun enthusiast, for example, provided a typical explanation for why Canadians need the right to bear arms: “[f]or it to be a democracy, you have to have the right to bear arms. You have to protect democracy and you can’t protect democracy without firearms.”¹⁰⁰ This notion has never been supported by Canadians at large, or any Canadian government. In fact, only the most extreme Canadian gun-rights organizations supported the entrenchment of the right to bear arms. During the debate over Bill C-68, the National Firearms Association (NFA) gave its support for a Canadian equivalent of the American Second Amendment. To that effect, an NFA executive issued a press release stating: “[a]n armed population is the foundation of democracy.... A government that has disarmed the people can slaughter the people any time it wants to.”¹⁰¹ Most of the other groups opposed to gun control, such as the

⁹⁹ Jim Cunningham, “Gun owners demand rights in Constitution,” *Calgary Herald*, Oct. 20, 1991, p. 3.

¹⁰⁰ Ibid. p. 3.

¹⁰¹ Stewart Bell, “Pro-gun lobbyist shoots for armed citizenry,” *Vancouver Sun*, June 2, 1995, p. A1.

Canadian Wildlife Federation and the Dominion Rifle Association, did not endorse the right to bear arms or extol the virtues of an armed populace.¹⁰²

The Canadian government has never officially recognized the right for Canadians to arm themselves. However, during the gun control debates of the 1970s, Justice Minister Ron Basford indicated that the government recognized a limited right of gun ownership in Canada stating that: “[f]irearms have a legitimate and frequently enjoyable place in the lives of many Canadians.... The government respects the rights and position of responsible gun owners.”¹⁰³ The degree to which this statement is limited to responsible gun owners is indicative of the large differences that have always been present between Canadian and American gun politics. While no mainstream Canadian political party has ever endorsed a constitutional right to bear arms, at least one Reform MP supported changing the constitution to include the individual right to possess firearms.

Another set of rights that have historically been associated with the rights of gun owners in Canada deals with the ownership of private property. For many hard-line gun owners, gun control is seen as an infringement on their right to the enjoyment of private property. This claim is particularly evident in the case of formerly legal guns that have been banned or restricted without compensation to the gun owner. This notion is clearly expressed by Lorne Gunter in an opinion piece appearing in the *Calgary Herald* in 1997:

For more than two years now, Ottawa has been confiscating guns from law-abiding Canadians – guns that were once legal but which, in November of 1994, cabinet decided should be prohibited. And for two years, the thousands of affected owners have been

¹⁰² Ibid. p. A1.

¹⁰³ John Powers, “Ottawa recognizes fight to own guns,” *Toronto Star*, Feb 22, 1977. p. C5.

wondering when the federal government was going to pay them compensation. After all, they bought these guns legally, stored them legally, shot them legally. Then, out of the blue, federal politicians and bureaucrats deemed them a threat to public safety.¹⁰⁴

While many gun rights advocates, such as Gunter, acknowledged (and lamented) the lack of property rights, they argued that those guns made illegal should be purchased by the government. This is precisely what happened in Australia where the government compensated owners for weapons made illegal by legislation at full market value.¹⁰⁵

For some opponents of C-68, the 'seizure' of private property associated with the gun law represented the start of the decline down a slippery slope which would inevitably lead to the confiscation of firearms, or to a tyrannical government which does not respect private property at all. The comments of the Reform Party's justice critic on the gun control issue is indicative of the latter sentiment: "if [the government] will seize guns, which in themselves are personal property, what will stop them from seizing anything they want?"¹⁰⁶ Others suggested that gun control is about the confiscation of firearms by the government with the ultimate goal of eliminating guns from Canada altogether.¹⁰⁷

Property rights have enjoyed some protection in Canada through the common law.¹⁰⁸ In addition, as a signatory to the United Nations Universal Declaration of Human

¹⁰⁴ Lorne Gunter, "Gun owners forced to forfeit property without compensation," *Calgary Herald*, April 11, 1997, p. A19.

¹⁰⁵ Under the Australia firearms 'buyback,' more than 600,000 firearms were handed in to the government by gun owners who received more than \$294 million (Australian) in compensation. See the press release issued by the Australian Attorney-General on September 30, 1997, available at: www.law.gov.au/www/attorneygeneralHome.nsf, viewed Jan. 8, 2004.

¹⁰⁶ Celeste McGovern, "Much more than mere gun control," *Western Report*, April, 1995, p. 28. Brackets in original quote.

¹⁰⁷ Shafer Parker, "Call it elimination, not confiscation," *Western Report*, Mar. 27, 2000.

¹⁰⁸ David Johansen, "Property Rights and the Constitution," a background paper issued by the Research Branch of the Library of Parliament (Ottawa: The Library of Parliament, 1991), p. 9. Johansen points to the case of *Harrison v. Carswell* (1975, 62 D.L.R.), in which the Supreme Court outlined its opinion on the existence of common law property rights in Canada: "Anglo-Canadian jurisprudence has

Rights (1948), Canada endorsed the property rights provisions contained within the provisions of that document.¹⁰⁹ In the post-war era, some Canadian politicians considered giving greater protection to property rights as there were increasing calls for domestic protection of individual rights in Canada.¹¹⁰ Consequently, property rights were included in the *Canadian Bill of Rights* enacted in 1960.¹¹¹ However, There does not appear to have been much governmental support for the inclusion of property rights into Canada's written constitution until the election of Pierre Trudeau as Prime Minister in 1968.¹¹² For the duration of Trudeau's tenure as Prime Minister, the entrenchment of property rights in the Canadian Constitution was a policy of the Liberal government.¹¹³ In fact, in the late 1960s, when Trudeau was Justice Minister, he recommended a charter of rights, which among other rights would have guaranteed the 'enjoyment of property.'¹¹⁴

Despite Trudeau's support for the concept of enshrining property rights, the 1971 Victoria Charter did not mention property rights. Later, in 1978, Bill C-60 was introduced and was designed to protect rights under Ottawa's jurisdiction.¹¹⁵ Although it

traditionally recognized, as a fundamental freedom, the right of the individual to the enjoyment of property and the right not to be deprived thereof, of any interest therein, save by due process of law (p. 9).

¹⁰⁹ Article 17 of the U.N. Declaration states that: 1) Everyone has the right to own property alone as well as in association with others; 2) No one shall be arbitrarily deprived of his property.

¹¹⁰ Johansen. pp. 2-9.

¹¹¹ Peter H. Russell, Rainer Knopff and Ted Morton, *Federalism and the Charter: Leading Constitutional Decisions* (Ottawa: Carleton University Press, 1993). p. 347. Although often considered a quasi-constitutional document, the Bill of Rights was a piece of federal legislation and therefore did not apply to the provinces. The Supreme Court of Canada was reluctant to employ the Bill of Rights, preferring judicial deference to activism (pp. 347-349). The *Canadian Bill of Rights* reads as follows: 1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely: a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law...

¹¹² Johansen. p. 1.

¹¹³ Ibid. p. 1.

¹¹⁴ Ibid. pp. 1-2.

¹¹⁵ Roy Romanow et al., *Canada... Notwithstanding: The Making of the Constitution 1976-1982* (Toronto: Carswell/Methuen, 1984), p. 235. Bill C-80, failed according to Romanow et. al., because "the

would not apply to the provinces, it did enumerate the “right of the individual to the use and enjoyment of property, and the right not to be deprived thereof except in accordance with law.”¹¹⁶ During the 1978-79 First Minister’s conferences, preliminary drafts of the Charter of Rights were considered by federal and provincial negotiators, some of which would have protected property rights.¹¹⁷ A federal draft of the Charter in 1980 included property rights along similar lines of the United Nations Declaration of Human Rights.¹¹⁸

After several federal revisions in 1980, property rights were dropped from the Charter, as first indicated by a federal draft released on August 22, 1980. This was due to vigorous provincial opposition to the entrenchment of even a highly qualified right to private property. As Johansen noted “[i]n the absence of a consensus on this issue, the government was prepared to defer it to the ‘second round’ of constitutional negotiations.”¹¹⁹ While the Special Joint Committee on the Constitution of Canada was discussing the Charter, the Progressive Conservatives sought to add property to the list of enumerated rights by adding the phrase “and enjoyment of property” to the basic legal rights contained in s. 7. As the NDP and some of the provinces would not accept the amendment without careful consideration, the Liberals helped defeat the Conservative proposal in order to ensure smooth passage of the Charter. In 1983, during a first

federal government, although pursuing a modest ambition, was insufficiently modest in defining what it might do unilaterally (p. 235).”

¹¹⁶ Johansen. p. 2.

¹¹⁷ Romanow et. al., pp. 242-243.

¹¹⁸ That draft dedicated an entire section of the document to property rights. Section 9 (1) stated that: “Everyone has the right to the use and enjoyment of property, individually or in association with others, and the right not to be deprived thereof except in accordance with law and for reasonable compensation.” Section 9 (2) qualified that right: “Nothing in this section precludes the enactment of or renders invalid laws controlling or restricting the use of property in the public interest or securing against property the payment of taxes or duties or other levies or penalties. Quoted from Johansen. p. 2.

¹¹⁹ Ibid. p. 3.

ministers' conference to discuss Aboriginal constitutional issues, interest in enshrining property rights was again expressed by Prime Minister Trudeau and some first ministers. Parliament addressed this issue, but the constitutional status of property rights in Canada were not changed.

In 1988, the House of Commons passed a resolution that the "*Constitution Act*, 1982 should be amended in order to recognize the right to enjoyment of property, and the right not to be deprived thereof, except in accordance with the principles of fundamental justice, and in keeping with the tradition of the usual federal-provincial consultative process."¹²⁰ Since that time, there has been no serious attempt to include property rights in the constitution.

The absence of entrenched property rights has had significant ramifications for the gun control debate. Property rights are a key component of the rhetoric of the gun lobby in the United States. Combined with the Second Amendment the guarantee of property rights in the Fourth and Fifth and Amendments of the Constitution of the United States ensures that no firearms confiscation scheme can be put in place as has occurred in Australia. It also hinders any possibility of implementing a regulation or licencing regime and makes difficult the outlawing of guns already legally owned by Americans.

During the debate over the *Firearms Act*, the government denied that the outlawing of certain weapons was tantamount to confiscation and thus absolved itself from paying compensation that would be expected under the common law for expropriations.¹²¹ Not surprisingly, the lack of compensation offered by Ottawa cost gun

¹²⁰ Ibid. p. 5.

¹²¹ Joshua Avram, "Rock's latest victim: property rights," *Western Report*, April 28, 1997. p. 30.

collectors dearly and devalued the worth of their collections substantially. In response to a letter from a gun collector, who protested the *Firearms Act* as an intrusion on his property rights that would reduce the value his gun collection significantly, Justice Minister Allan Rock stated that the government should always seek to limit private property injury. However, “where a firearm is prohibited because it is deemed an unacceptable risk to public safety, it is not in the public interest to compensate those who may have owned the firearm when the decision was implemented. The government of Canada derives no monetary benefit from the process.”¹²² It is also important to note that not compensating gun owners and denying a property rights component of the *Firearms Act* was an important strategic move by the government. As discussed below, acknowledging anything other than a public safety purpose for the *Firearms Act* may have placed the *Act* in jeopardy, particularly because jurisdiction over property rights is explicitly given to the provinces in the constitution.

Another constitutional argument used against the *Firearms Act* was that many unwritten rights and freedoms of Canadians would be trampled. Many argued that C-68 violated privacy rights, various legal rights and infringed on personal liberty.¹²³ McGill University Professor Christopher Manfredi, for example, argued that C-68 represented an violation of the liberty of Canadians and individual freedoms should not be trumped by collective goals unless there was a pressing need: “[t]o infringe on individual rights in

¹²² Ibid. p. 30.

¹²³ Shafer Parker, “Much more than mere gun control,” *Western Report*, April 24, 1995. pp. 26-29.

the name of a social good, you have to be able to show compelling evidence that there will be benefits. Gun control does not meet that standard.”¹²⁴

Federalism and Gun Control

The historical record appears to suggest that both levels of government in Canada are independently capable of regulating firearms through the different constitutional powers assigned to them. It appears to be the case that Canadian federalism actually favours tougher gun laws as both levels are capable of passing tougher gun laws, but are not able to infringe on the other level’s ability to do so. Currently, every province has laws on the books that regulate firearms, as does the Canadian government. Furthermore, in its ruling in *Reference re the Firearms Act*, the Supreme Court of Canada did not rule out the possibility that both levels of government could regulate guns:

...the most important jurisdictional effect of [the *Firearms Act*] is its elimination of the ability of the provinces to not have any regulations on the ownership of ordinary firearms. The provinces argue that it is in their power to choose whether or not to have such a law. By taking over the field, the federal government has deprived the provinces of that choice. Assuming (without deciding) that the provincial legislatures would have the jurisdiction to enact a law in relation to the property aspects of ordinary firearms, this does not prevent Parliament from addressing the safety aspects of ordinary firearms. The double aspect doctrine permits both levels of government to legislate in one jurisdictional field for two different purposes.¹²⁵

The Supreme Court, therefore, supported the claim that both levels of government may regulate firearms independently of one another.

For a long time, all of the provinces have had in place some form of gun control. These include storage regulations, hunting rules, and gun discharge legislation which

¹²⁴ Ibid. p. 28.

¹²⁵ *Reference re Firearms Act*. s. 52.

regulates or prohibits the shooting of guns in certain places, such as within city limits or at certain times of day. Ontario, for example, regulates the purchasing of ammunition,¹²⁶ prohibits the use of 'imitation' firearms,¹²⁷ and the *Provincial Offences Act* lists a number of firearms offences, including the 'unlawful shooting' of a firearm, 'unlawful use' of a firearm and the 'unlawful discharging' of a firearm (among many others).¹²⁸ Ontario hunters are also well regulated regarding use and handling of weapons and require a licence to do so. In addition, the Ontario *Municipal Act* empowers all municipalities to make by-laws: "[f]or the purpose of public safety, for prohibiting or regulating the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof."¹²⁹ There are a litany of firearms-related provincial hunting offences including, but not limited to, hunting "with a firearm in an unsafe area," using "a firearm carelessly to hunt," unlawfully having a loaded firearm in a vehicle, firing a weapon from a vehicle and a host of others.¹³⁰ Ontario's regulation of firearms is not a new phenomenon; the province has been regulating guns and their use for more than a century.

In some cases the provincial laws on the subject did not differ substantially from federal laws. For example, in 1914 the Revised Statutes of Ontario contained an *Act Respecting Offensive Weapons*¹³¹ by which any person who sells any offensive weapons, including handguns, to a person not possessing the certificate required under the *Criminal*

¹²⁶ See for example, *Ammunition Regulation Act*, 1994, S.O. 1994. c. 20.

¹²⁷ *Imitation Firearms Regulation Act*, 2000, S.O. 2000. c. 37.

¹²⁸ *Provincial Offences Act* - R.R.O. 1990, Reg. 950., Sch. 2.

¹²⁹ *Municipal Act*, R.S.O. 1990, c. M.45.

¹³⁰ *Provincial Offences Act* - R.R.O. 1990, Reg. 950, schedule 17.5 - Offences Relating to the *Fish and Wildlife Conservation Act*, 1997.

¹³¹ *An Act Respecting Offensive Weapons*, R.S.O, 1914. c. 239. p. 3116.

Code to have such a weapon was subject to a \$25-\$250 fine or as much as six months in jail.¹³² In addition, the *Act* required the seller of every handgun or air gun sold in the province of Ontario to record the date of sale, the make of gun, the serial number and the name and address of the individual purchasing the weapon. It was also a provincial offence to offer for sale any revolver or pistol that did not bear the name of the maker and the serial number.¹³³ As discussed in the following chapter this *Act* uses the same language and imposes similar penalties in its regulation of firearms.

Ontario is not unique among Canadian provinces in its regulation of firearms; all of the provinces also have a similar tradition of regulating firearms and possess a substantial body of regulation and legislation on the subject.¹³⁴ All ten provinces have regulated guns in some form or another for most of their existence. Much of this legislation is found in provincial *Game Acts* (or similar pieces of legislation), which often regulated where guns may or may be fired, as well as storage and transportation conditions.¹³⁵ In addition provincial governments have set age limits and other competency requirements for the use of firearms.¹³⁶ Furthermore, in many provinces, only those with hunting or firearms licences are/were entitled to engage in certain activities involving firearms. For example, as far back as 1936, British Columbia had a

¹³² Ibid. p. 3116.

¹³³ Ibid. p. 3116.

¹³⁴ Ibid. p. 3116.

¹³⁵ *An Act for the Protection of Game (The Game Act)*, S.A., 1941. c. 89. p. 801.

¹³⁶ As early as 1948, the legislature of British Columbia had passed the *Firearms Act -- An Act to Prevent Minors From Carrying Firearms*, which prohibited anyone under the age of sixteen "unless accompanied by his father or guardian" from carrying firearms." R.S.B.C., 1948. c. 123.

regulation on the books that required the possession of a provincial firearms licence to transport a weapon.¹³⁷

Canadian municipal governments also regulate firearms through their by-laws. For example, the City of Ottawa has a *Discharge of Firearms* by-law prohibiting the discharge of a firearm within the populated portions of the city boundaries.¹³⁸ Many cities have similar by-laws. It is also worth noting that federal and provincial firearms policy has been historically intertwined as some provincial legislation relied on the federal issuance of an offensive weapons permit. At the same time, federal gun legislation has always relied to some extent on provincial enforcement and administration of any gun laws issued by Ottawa.

Public Opinion and Gun Control in Canada

Every major poll conducted on the subject of gun control by a reputable polling firm has confirmed the popularity of tough gun laws in Canada. Poll after poll has demonstrated Canadians have overwhelmingly supported gun control in general. Due to the high profile of the issue, a large number of polls were conducted on the gun control issue throughout the period from 1994 to 2003.¹³⁹ While there were some fluctuations, public opinion during the period remained consistently and convincingly in favour of gun control. However, there have been a number of polls that have indicated the regional

¹³⁷ *An Act for the Protection of Certain Animals and Birds*, R.S.B.C. 1936, c. 108, s. 1. pp. 1743-1744.

¹³⁸ By-Law no. 2002-344. After a recent municipal amalgamation, the City of Ottawa expanded to include a number of rural towns and sparsely populated territory.

¹³⁹ Beyond professional polls, there were also numerous polls conducted by partisans in the gun control debate with suspect methodology and questionable results.

division of the issue. In general terms, Albertans, Manitobans, and residents of Saskatchewan have indicated less enthusiastic support for tougher gun controls than the Canadian public at large.

After the Liberals announced the national registry and licencing scheme, polls began to ask questions regarding more specific questions on the government's regulatory policies. The first major national poll on the issue taken after the gun registry was introduced into Parliament was released in early June 1995 and showed a slight dip in support for the plan. That poll indicated that 64 percent of Canadians supported C-68 in general with 71 percent approving of the firearms registry specifically.¹⁴⁰ Albertans, who indicated that they supported C-68 by the slim margin of 51 percent for to 47 percent against, did not represent the area with the least support.¹⁴¹ In fact, it was in Saskatchewan and Manitoba that the lowest support for C-68 was found with only 40 percent of respondents from those provinces indicating their support.¹⁴² In the Atlantic provinces, more people also opposed than supported the Bill (only 46 percent of Atlantic Canadians indicated their support compared to 52 opposed).¹⁴³ Again Quebec remained the most supportive of gun control, with 79 percent of Quebecers approving of C-68 and 85 percent supporting the principle of mandatory gun registration.¹⁴⁴

Despite the fact that twice as many Canadians continued to support gun control than opposed it, many opponents of C-68, such as Preston Manning, predicted that the

¹⁴⁰ Joan Bryden, "Gun-law poll pleases Rock," *Vancouver Sun*, June 3, 1995. p. A2. The poll was conducted by Angus Reid-Southam News.

¹⁴¹ Kim Lunman, "Women 'not heard' on gun control," *Calgary Herald*, June 2, 1995, p. A2.

¹⁴² Doug Fischer, "Angus Reid poll: Gun control support falls; Opposition strongest on prairies," *Ottawa Citizen*, June 2, 1995. p. A1.

¹⁴³ Lunman. "Women 'not heard' on gun control. p. A1.

¹⁴⁴ *Ibid.* p. A2.

declining support for gun control would continue.¹⁴⁵ This, however, was not the case, as the poll in question was conducted in the heat of the gun control debate in the face of substantial and well-publicized criticism of the Bill and represented only a temporary drop in nation-wide and regional support for gun control. Support for gun control remained strong in 1996 with 65 percent of Canadians supporting the *Firearms Act* and 44 percent of those individuals stating that they strongly supported the *Act*.¹⁴⁶ In 1998, at least one poll showed that almost 80 percent of Canadians supported the *Act*.¹⁴⁷ A year later, the national gun registry was favoured by 73 percent of Canadians.¹⁴⁸ By 2001, 76 percent of Canadians indicated they supported the federal gun registry.¹⁴⁹ Perhaps the best indicator of the decline of opposition to the gun registry also came in 2001 when a poll found that a clear majority (60 percent) of Canadian Alliance supporters was in favour of the mandatory registration of all guns on Canada.¹⁵⁰

It is not a stretch to argue that the most important 'polls' ever conducted on the issue, the federal election of 1997, and to a lesser extent, the federal election of 2000, also demonstrated that Canadians are supportive of gun controls. The gun lobby worked hard to make the election of 1997 a central campaign issue with limited success. Nevertheless, Canadians returned a majority Liberal government in both elections. While it could be

¹⁴⁵ Sheldon Alberts and Kim Lunman, "Manning predicts declining support," *Calgary Herald*, June 3, 1995. p. A3.

¹⁴⁶ Norm Ovenden, "Poll shows most Canadians favor gun-control measures," *Vancouver Sun*, Dec. 23, 1996. p. A1.

¹⁴⁷ National Post Staff, "New gun law on track," *National Post*, Dec. 5, 1998. p. A4; Linda Goyette, "Paranoia on parade," *Montreal Gazette*, Sept. 24, 1998. p. B3.

¹⁴⁸ Norm Ovenden, "Canadians solidly back federal limits on guns," *Montreal Gazette*, Dec. 1, 1999. p. A10.

¹⁴⁹ Citizen Staff, "Gun registry gains support, survey finds," *Ottawa Citizen*, Nov. 27, 2001. p. A15.

¹⁵⁰ Tim Naumetz, "Majority of Alliance voters support gun registry, poll finds," *Ottawa Citizen*, Dec. 10, 2001. p. A8.

argued that gun control was not endorsed by a majority of the electorate, as the Liberals only received 38.5 percent of the vote, it should be remembered that the Bloc, which received almost 11 percent of the vote, also supported gun control. In addition, despite the voting record of its parliamentary caucus, the NDP officially supported the national registry plan, giving those parties supporting gun control over 60 percent of the vote.

Crime Rates, the Perception of Crime and the *Firearms Act*

As outlined above, the promotion of public safety was the rhetorical pillar behind the government's implementation of the *Firearms Act*. As Thomas Gabor suggested, "the primary purpose [of C-68] is to foster public safety through the prevention of firearm-related violence."¹⁵¹ The Liberal gun control bill was therefore specifically designed to reduce violent crime in Canada. Inherent to that goal was the belief that violent crime, particularly crime involving firearms, was a significant problem in Canada at the time. Consequently it is necessary to examine issues surrounding Canada's crime-rate and gun ownership in Canada at the time of the introduction of C-68 in 1995.

At the time of the introduction of Bill C-68 there were an estimated 7 million firearms in Canada owned by between 2.5 and 3 million Canadians.¹⁵² One million of those guns were thought to be handguns.¹⁵³ According to the United Nations' International Study of Firearms Regulations, Canada had a firearms ownership rate of

¹⁵¹ Thomas Gabor, "The proposed Canadian legislation on firearms: More symbolism than prevention," *Canadian Journal of Criminology*, April 1995. p. 195.

¹⁵² Ibid. p. 195; Rosemary Speirs, "Gun owners take shots at new licence system," *Toronto Star*, Oct. 16, 1999. p. A1; Russell MacLellan, "Canada's Firearms Proposals," p. 166.

¹⁵³ Speirs, "Gun owners take shots at new licence system," *Toronto Star*, October 16, 1999. p. A1.

241.48/1000, indicating that there was almost one firearm for every four Canadians.¹⁵⁴ This rate placed Canada among the Western countries with the highest rates of firearms ownership.

There is substantial debate among criminologists and sociologists regarding the impact of the proliferation of weapons on firearms-related violence, misuse and suicide. Gabor, for example, points out, that a “number of cross-national and American studies show a positive correlation between levels of firearm ownership and homicide rates.”¹⁵⁵ While it is beyond the scope of this paper to comment at length on this debate, there was a clear assumption during controversy over the *Firearms Act* that a strong relationship existed between firearms ownership, availability and firearms-related crime. This was demonstrated by the Liberal party literature; almost every Liberal or government document on the subject of gun control lists it under the category of crime reduction or public safety.

The 1997 Liberal Redbook, for example, includes gun control under the heading “Safe Communities” and the subheading “Protecting Canadians Through Gun Control,” where it was boasted that “there is no better example of the Liberal’s forceful action against crime than the new gun control legislation.”¹⁵⁶ The gun control represented contained in the *Firearms Act* was clearly promoted by the government as a means of reducing the firearms-related crime rate.¹⁵⁷ However, the crime rate involving guns in

¹⁵⁴ United Nations, “International Study on Firearms Regulation,” (New York: United Nations, 1998). p. 52-53.

¹⁵⁵ Thomas Gabor, “The Proposed Canadian legislation on Firearms...” p. 199.

¹⁵⁶ Liberal Party of Canada, *Securing Our Future Together: The Liberal Plan – 1997* (Ottawa, Liberal Party of Canada, 1997). p. 86.

¹⁵⁷ See for example, Russell McLellan, “Canada’s Firearms Proposals.” At the time, Russell MacLellan was Secretary to the Minister of Justice.

the years prior to the introduction of C-68 had remained fairly constant or even decreased, indicating that there was no gun 'crisis' to be managed. At the same time, there was an increasing perception among Canadians that the crime rate was increasing. These two conflicting trends undermine the suggestion that gun control was needed to curb the violent crime rate and also partially explains why gun control has been so popular among Canadians.

A brief examination of gun related crime rates clearly indicates that despite a number of high profile crimes involving firearms, including the Montreal Massacre and the shooting at the Just Desserts Café, gun related crime did not increase in the decade prior to the 1995 introduction of the *Firearms Act* and gun violence was not endemic. As Elaine M. Davies notes, "[e]ven though the 1980s and 1990s were decades of rapid social and economic change in Canada, violent incidents have actually been decreasing. In 1998, Statistics Canada reported that the crime rate in the 1990s had been falling steadily. With 1997 having the lowest crime rate since 1980."¹⁵⁸ Moreover, Statistics Canada reported that the early 1990s saw some of the lowest homicide rates in recent times. In 1994, the rate had declined for three straight years, and in that year, the number of murders in Canada reached a twenty-five year low.¹⁵⁹ A total of 586 homicides were committed in 1995.¹⁶⁰ Writing in 1995, Fedorowycz noted that "[d]espite public perceptions of increasing crime, the homicide rate has been generally declining."¹⁶¹ Furthermore, [s]ince "1961, when national homicide statistics were first collected, there

¹⁵⁸ Davies. p. 57.

¹⁵⁹ Orest Fedorowycz, "Homicide in Canada — 1995," *Justistat: Canadian Centre for Justice Statistics*, Statistics Canada — Catalogue no. 85-002-XPE, Vol. 16, no. 11. p. 1.

¹⁶⁰ *Ibid.* p. 2.

¹⁶¹ *Ibid.* p. 2.

have been two distinct trends. Between 1961 and 1975 the homicide rate increased steadily from 1.28 per 100, 000 population to a peak of 3.02, an increase of 136%. Since then, despite yearly fluctuations, the homicide rate has gradually declined to the current rate of 1.98, a decrease of 34%.”¹⁶² Attempted homicides also declined at a similar rate of homicides.¹⁶³

The violent crime rate, however, did increase up until the *Firearms Act*. In fact, from the early 1970s to the early 1990s the violent crime rate almost doubled. However, according to Statistics Canada this was primarily attributed to an increase in ‘level 1’ assaults (the lowest level of injury inflicted on the victim).¹⁶⁴ Statistics Canada accounted for some of the increased crime rates through changes in legislation that criminalized certain activities that were previously unpunished and therefore unrecorded. Statistics Canada also noted that changes in “societal tolerance” in areas such as spousal abuse also contributed to the increase.¹⁶⁵

University of Toronto criminologist Philip C. Stenning noted that the general Canadian public perception of crimes, accidents and suicides involving firearms were inconsistent with the statistical evidence. Writing in 1995, Stenning pointed out that “[t]he most recent General Social Survey Results also indicated that the use of weapons decreased over the last five years.”¹⁶⁶ Furthermore, “[e]vidence concerning non-criminal forms of firearms abuses is all in the same vein; both the proportion of suicides committed with firearms and the actual numbers of them have decreased over the last

¹⁶² Ibid. p. 2.

¹⁶³ Ibid. p. 3

¹⁶⁴ Ibid. p. 3.

¹⁶⁵ Ibid. p. 3.

¹⁶⁶ Philip C. Stenning, “Solutions in search of problems.” p. 185.

several years, despite increases in the population and in the number of firearms in household ownership, and accidental deaths involving firearms have steadily declined over the last few years.”¹⁶⁷

Writing in 1994, Roberts also argued that the perception of firearms crime held by Canadians-at-large was not based on reality: the “...widespread belief is that the incidence of crime involving firearms has increased recently. There are no statistical data to support this view.”¹⁶⁸ In fact, in 1995 only two percent of Canadians who were victimized by violent crime encountered firearms.¹⁶⁹ Indeed, seventy-two percent of those who had violent crimes committed against them faced no weapon at all.¹⁷⁰ Historically, around one-third of all homicides have involved firearms.¹⁷¹ In 1995, for example, of the 860 homicides and attempted murders in Canada twenty-nine percent involved firearms and thirty percent involved a sharp object (including knives).¹⁷² In five percent of murder/attempted murder cases blunt objects were employed and eight percent of those victims were attacked by weapons that fell into another category.¹⁷³ A full twenty percent of homicides and attempted murders involved no weapons whatsoever.¹⁷⁴

Since 1961, when data collection began on the subject, firearms homicides have gradually declined.¹⁷⁵ In 1975, shootings were the most common means of committing a

¹⁶⁷ Ibid. p. 185.

¹⁶⁸ J. Roberts, “Public Knowledge of Crime and Justice: An inventory of Canadian Findings,” Ottawa: Department of Justice (Canada). 1994.

¹⁶⁹ Tracey Leesti, “Weapons and Violent Crime,” Juristat: Canadian Centre for Justice Statistics, Statistics Canada — Catalogue no. 85-002-XPE, Vol. 17, no. 7, June 1997. p. 1.

¹⁷⁰ Ibid. p. 1.

¹⁷¹ Federowycz, “Homicide in Canada — 1995.” p. 6.

¹⁷² Leesti, “Weapons and Violent Crime.” p. 4.

¹⁷³ Ibid. p. 4.

¹⁷⁴ Ibid. p. 4.

¹⁷⁵ Federowycz, “Homicide in Canada — 1995.” p. 6.

homicide with forty-one percent of homicides involving a gun.¹⁷⁶ By 1995, only 30 percent of homicides were committed with a firearm.¹⁷⁷ The average number of Canadian victims of a firearms homicide between 1985 and 1994 was 208.¹⁷⁸ In 1994, the number was 196, and in 1995, only 176 Canadians were killed by a criminal act involving firearms.¹⁷⁹ These statistics clearly indicate that there was no pressing need for gun control in the mid-1990s when the government sought to implement and pass the toughest gun control legislation in Canadian history.

It is interesting to note the type of guns used in homicides in Canada, the composition of which has changed dramatically over time. From 1975 to 1990 the majority of firearms homicides involved long guns (rifles and shotguns), accounting for 61 percent of the total.¹⁸⁰ In 1991, handguns became the weapon of choice in the commission of gun-related homicides, being used in roughly half of all firearms-related homicides from 1991-1995.¹⁸¹ This represented a substantial increase from the 1975-1990 average of 29 percent of all firearms homicides.¹⁸² In addition, according to statistics, a substantial difference in the use of handguns has evolved between rural and urban Canada. By 1995, handguns had become by far the weapon of choice, especially in Canada's largest centres.¹⁸³

While the crime rate involving guns was in decline prior to the introduction of C-68, Canadians had developed a perception that the crime rate was actually rising. For

¹⁷⁶ Ibid. p. 6.

¹⁷⁷ Ibid. p. 6.

¹⁷⁸ Ibid. p. 6.

¹⁷⁹ Ibid. p. 6.

¹⁸⁰ Ibid. p. 6.

¹⁸¹ Ibid. p. 6.

¹⁸² Ibid. p. 6.

¹⁸³ Ibid. p. 7.

example, a *Maclean's*/CTV poll released in January 1995 found that 51 percent of Canadians thought that during the previous ten years violent crime had “increased a great deal,” with an additional 34 percent indicating that they believed that crime had increased somewhat for a total of 85 percent that felt that crime had increased.¹⁸⁴ Only 12 percent of Canadians were of the opinion that the crime rate had remained about the same. A mere 4 percent of those surveyed actually believed the crime rate had declined.¹⁸⁵ Furthermore, those surveyed placed crime as the third most important issue facing Canadians, behind taxation and government spending.¹⁸⁶ According to Marci McDonald, “[w]hat is most astounding about these figures is that in *Maclean's* polls dating back to 1985 the issue had barely registered on the public pulse: never had more than two percent identified crime as the country’s top problem.”¹⁸⁷ The *Maclean's* poll of January 1995 also found that 33 percent of Canadians indicated that they, or someone close to them had been a victim crime during the three years prior to the survey, yet only 13 percent indicated that they had themselves had been a victimized.¹⁸⁸ Crime statistics, however, did not support this high perception of crime.¹⁸⁹

In *Imagining Crime*, Alison Young has theorized about the reasons behind the perception that crime is on the rise when it is not. Writing in the British context she maintains that “[i]t has become critical commonplace that criminology, criminal justice and law are in crisis... such a crisis has arisen out of the inability to solve the conundrum

¹⁸⁴ Marci McDonald, “Crime: the perception gap,” *Maclean's*, Jan. 2, 1995. p. 28.

¹⁸⁵ *Ibid.* p. 28.

¹⁸⁶ *Ibid.* p. 28.

¹⁸⁷ *Ibid.* p. 28.

¹⁸⁸ *Ibid.* p. 28.

¹⁸⁹ *Ibid.* p. 28.

of criminality, to contain its effects.... While the notion of crisis is now commonplace, it is often presented within a frame of crisis management, in which the crisis is to be sutured or covered over.”¹⁹⁰ Young emphasizes the emotionality of the issue; crime and discussion of crime stir powerful emotions. This is compounded by an almost universal fear of crime. She notes that the fear of crime is widespread in public discourse, the media and governmental discussion: “[e]veryone is afraid of crime, whether or not they have experienced it.”¹⁹¹ This fear of crime then becomes a self-fulfilling prophecy; the more it is discussed, the more people are fearful of it. Elaine M. Davies argues a similar point in reference to the *Firearms Act*:

by acting to allay the fears of Canadians about violence, what have the government’s legislative changes actually achieved?... [B]y reacting in this manner without regard to the decreasing rate of violence in Canada, the government’s actions have arguably actually confirmed and reinforced the fears of Canadians. The belief that violence is increasing in Canada and that broad new measures are absolutely essential to defend Canadian society has been essentially corroborated by the government.¹⁹²

Davies, therefore, accepts the Liberal government’s contention that the *Firearm Act* was primarily about public safety.

This thesis rejects the notion that the *Firearms Act* should be primarily understood only as a means for the government to deal with violent crime. Undoubtedly the government had this goal in mind. However, as with many policies, political considerations are central to understanding policy outcomes. To fully comprehend the motivations behind the *Firearms Act* and account for the timing of its introduction, it is essential to consider larger political forces, such as the nature of party competition and

¹⁹⁰ Alison Young, *Imagining Crime: Textual Outlaws and Criminal Conversations* (London: Sage, 1996). pp. 3-4.

¹⁹¹ Ibid. p. 5.

¹⁹² Davies. p. 58.

partisan political strategy. The following chapters outline the historical evolution of gun control with a view to demonstrating how the politics underlying the gun control issue have evolved over time. The evidence suggests that institutional changes, more than social forces or the opinions of Canadians, altered the politics of gun control to the point where comprehensive gun controls could become law.

CHAPTER 3

THE FIRST HUNDRED YEARS: CANADIAN FIREARMS POLICY, 1867-1967

During the first hundred years after Confederation, there was actually very little in the way of firearms regulation. Owners of the most common firearms in Canada (shotguns and rifles) were not affected at all by legislation, except for a brief period during the Second World War. While some handgun owners were required to obtain permits after 1892, the requirements to acquire such a permit were not that stringent until the 1930s. As a result, the politics of firearms regulation during the first hundred years of Confederation were not controversial, primarily because the regulations were not particularly onerous. There were no calls for comprehensive gun controls and most gun owners were not impeded by regulations. After 1892, gun regulations were made in the form of an occasional minor amendment to the *Criminal Code*. Because there was no review of firearms regulation or challenge to the philosophy behind firearms regulation, it remained relatively unchanged for a century.¹

Although guns have been in Canada for centuries, the concept of 'gun control' is relatively new to Canadian politics. While there has always been at least some degree of gun regulation in Canada, early laws did not seek to 'control' guns, but rather sought to control those who used them. The term 'gun control' implies that there is a problem with firearms that needs to be addressed by lawmakers. The historical record demonstrates

¹ As this thesis is primarily concerned with federal firearms policy, Confederation is used as a starting point. However, it is important to note that there were firearms laws on the books prior to 1867. Many of Canada's early firearms policies find their origins in pre-Confederation legislation and each colony had its own laws dealing with firearms. In addition, the early regulation of firearms took place in the context of, and was influenced by, similar legislation in other parts of the British Empire.

that this was not the case until fairly recently. While there were undoubtedly many firearm-related crimes and incidents throughout Canadian history, firearms themselves were not perceived as a 'problem' that needed to be fixed until the 1960s. As Kingdon notes, there is a "perceptual, interpretive element" inherent to the process of problem definition; "[c]onditions become defined as problems when we come to believe that we should do something about them."² Prior to the 1960s, incidents involving firearms were clearly seen as an unfortunate condition of the widespread ownership of firearms in Canada, rather than being acknowledged as a problem.

This is not to argue that there was no concern for the misuse of firearms during the first period of firearms regulation. If there were no perceived problems regarding firearms, then no laws would have been passed controlling their use. The few firearms regulations that were on the books for the first hundred years after Confederation indicate that a problem had been identified and attempts were made to ameliorate the problem through legislation. However, legislators were addressing a different problem regarding firearms before the 1960s than they were after that decade. Until fairly recently, guns themselves were not viewed as the 'problem.' Instead, the problem was that irresponsible individuals were using guns in a dangerous or criminal manner. From this perspective, guns themselves were not usually considered dangerous items in their own right; they were only dangerous in the hands of a dangerous individual. Access to certain firearms, such as handguns, therefore, was regulated with the view that they could be used as 'offensive weapons' which were more prone to criminal use than others. These regulations, however, were not particularly strict.

² Kingdon. p. 109.

As Kingdon demonstrates, values play an important part in the process of problem identification and definition. The place and perception of firearms in Canadian society has changed dramatically since the early days of European settlement in northern North America. For example, Merilyn Simonds asserts that guns were ubiquitous in the life of early colonial Canada and that “[e]very family had a hunting gun.”³ Simonds suggests that waves of immigration from Europe, starting as early as the 1890s did not possess the “hunting ethic” of the original colonizing populations of Canada. Gradually, and only recently, the view that firearms have little or no place in Canadian society became the dominant opinion. This underlying philosophy continues to guide gun control policy and politics today. Phillip C. Stenning notes the degree to which Canadians have changed their perception of firearms: “the modern idea that private ownership of firearms constitutes an unacceptable threat to the safety and security of Canadians would have seemed little short of bizarre to our eighteenth and nineteenth-century forebears.”⁴ Until the 1960s, guns and gun ownership were not generally considered problematic to either the Canadian public or legislators.

Although the primary reason for the absence of ‘gun control’ during the first century after Confederation was the absence of an identifiable gun problem, there were undoubtedly other factors at play. The Canadian government’s original approach of dealing with firearms framed the issue for successive generations of legislators. The best evidence for this is that most changes to gun laws after 1892 took the form of

³ Simonds. p. 48. While insightful, it should be noted that this article appeared in a popular magazine and is therefore not a scholarly examination of the issue.

⁴ Phillip C. Stenning, “Guns & the Law.” p. 6. Appearing in *The Beaver*, this article is not a scholarly study. Stenning, however, is a criminologist and has written many academic pieces on the subject of gun control.

amendments, rather than new legislation. The institutional inertia acquired by Canada's relatively lax firearm policy undoubtedly increased over time. By the late 1960s, when the Liberal government expressed its desire to challenge the underlying philosophy of Canada's firearms policy, it had acquired a century of institutional inertia. As firearms policy had been operating under essentially the same framework since Confederation, it would prove difficult, not only to change the legislation and regulations, but also the very discourse that surrounded the politics of firearms. Paul Pierson describes the tendency of the past policies to influence future policies as 'path dependent,' meaning that they "...place extensive, legally binding constraints on behaviour."⁵ For one hundred years, Canadian firearms policy followed the path established in the first twenty-five years after Confederation and thus acquired a substantial amount of institutional inertia.

The Evolution of Canadian Firearm Policy, 1867-1967

The first period of firearms politics was shaped primarily by the conservative or tory ideology that dominated the Canadian political culture at the time of Confederation.⁶ The conservative ideology held by Canada's first Prime Minister, John A. Macdonald, was one that valued the maintenance of order, deference to authority, elitism and loyalty to the Crown.⁷ This ideological foundation which dominated Parliament, both in

⁵ Pierson, p. 259.

⁶ The influence of the conservative ideology and its influence on the politics that surrounds firearms precedes Confederation.

⁷ For an overview of conservative values in Canada at the time of Confederation see for example, Gad Horowitz, "Conservatism, Liberalism and Socialism in Canada," in Hugh G. Thorburn and Alan Whitehorn ed., *Party Politics in Canada* (Toronto: Pearson Educational Canada, 2001). pp. 90-106. See also, David V.J. Bell, *The Roots of Disunity: A Study of Canadian Political Culture*, (Toronto: Oxford University Press). pp. 158-186; Rod Preece, "The Political Wisdom of Sir John A. Macdonald," *Canadian Journal of Political Science*, Sept. 1984.

government and opposition, shaped the policies and political perception of the time on all issues including the regulation of guns.⁸

Reflecting the conservative ideology of the day, firearms were regulated with one underlying philosophy: guns are only a menace in the hands of dangerous or irresponsible people. Therefore, to preserve the public peace, the regulation of firearms during this period was based on three goals: preserving the regime against potential enemies of the Crown, keeping the most dangerous weapons out of the hands of the criminal and unsavoury elements of society to ensure the public peace, and punishing those who misused firearms or other dangerous weapons. It is worth restating that under the 'conservative' philosophy of gun control, the solution for reducing gun-related crime is almost universally to call for harsher penalties, as well as more law enforcement, both in general and as it relates to firearms.

The leading founders of Canada, John A. MacDonald and Georges Etienne Cartier, strongly displayed elements of their Burkean conservatism in their governing by introducing an *Act to Prevent the Unlawful Training of Persons in the Use of Arms*.⁹ While this *Act* dealt with firearms, it was more about loyalty to, and protecting the sovereignty of, Canada and the Empire and preserving law and order. Cartier stated upon

⁸ As Friedland notes, this conservative ideological approach found in Canada differed substantially from the liberalism of the United States. American political culture has generally viewed guns in a positive light. The best example of this is the inclusion of the right to bear arms in the American Bill of Rights, which was seen primarily as a measure to protect the populace against the potential tyranny of the authorities and is indicative of a general suspicion of government in American political culture. Because of these fundamental differences in ideology and political culture during the development of both countries, firearms have been treated differently in Canada and the United States. As outlined in Chapter 2, there are numerous volumes written on American gun control politics, and many comparisons have been made between Canada and the United States with the goal of explaining the marked difference in gun control policy in the two countries.

⁹ *An Act to Prevent the Unlawful Training of Persons in the Use of Arms and the Practice of Military Evolutions; and to Authorize Justices of the Peace and Seize and Detain Arms Collected or Kept for Purposes Dangerous to the Public Peace*, S.C. 1867. c. 15.

second reading of the Bill in the House of Commons that it was a reaction to information received by the government that “deposits of arms had been made along the frontier on the other side of the line, and that attempts had been made to introduce them... into Canada.”¹⁰ The *Act* was a direct response to the Fenian raids of 1866 and was not designed to prevent ordinary crime involving firearms, or prevent the use of guns by individuals.¹¹ In fact, the strongest of only a few statements made in the House against the *Act*, was made not against the regulation of guns, but against the discretionary powers given to police. Alexander Mackenzie argued that:

the Bill gave very extraordinary powers to magistrates. It empowered a magistrate, on evidence, to seize arms and to commit to gaol the person in whose possession they were found. This enabled any officious magistrate to give unnecessary annoyance to loyal subjects... in some instances the power had been exercised in a way to create great hardship.¹²

Despite these concerns, the *Act* was passed with limited debate and few objections. Beyond the daily transcription of debates in the House of Commons, the *Act*¹³ was not a subject of much discussion in the press and was not treated as a controversial issue by the newspapers of the day.¹⁴ For example, in its very critical review of the session in which the *Act* was introduced and passed, *The Globe* made no mention of the government’s firearms policy; it was overshadowed by the main political issues of the day: financial

¹⁰ *Debates of the House of Commons of the Dominion of Canada*, Dec. 18, 1867. p. 310.

¹¹ Phillip C. Stenning, “Guns & the Law.” p. 7.

¹² *Debates of the House of Commons of the Dominion of Canada*, Dec. 18, 1867. p. 310.

¹³ “The Dominion Parliament,” *Daily Globe*, Toronto, Dec. 19, 1867. Page numbers are not provided on microfilmed copy.

¹⁴ See for example, “The Session,” *Daily Globe*, Toronto, Dec. 23, 1867. Page numbers are not provided on microfilmed copy.

mismanagement,¹⁵ the building of the Intercolonial Railway,¹⁶ the excess of Ministers,¹⁷ government appointments¹⁸ and the shape the new country was taking.¹⁹

In 1869, the government passed a law making it illegal to carry “any Bowie-knife, Dagger or Dirk, or any weapon called or known as Iron Knuckles, Skull-crackers or Slung Shot, or *any other offensive weapons of a like character, or secretly carries about his person an instrument loaded at the end...*”²⁰ Although it does not specifically appear in the wording of the *Act*, this vague definition of an ‘offensive weapon’ could easily be construed to include pistols or revolvers. Later changes to gun controls would specifically include side-arms as prohibited weapons.

Despite these minor regulations, there were few laws regulating guns around the time of Confederation. This is indicated by a statement made by the Ontario Attorney-General, John Sanfield MacDonald, on April 6, 1869, who, in commenting on a court case, stated: “I must say that I cannot reprobate this indiscriminant use of firearms, which seems to prevail in our midst during the past few years. *There is no law against it*; but perhaps the Legislature may shortly be called upon to take some action to prevent this use of firearms.”²¹

¹⁵ *The Globe* reported in its summary of the session that, “[i]n every respect, the financial part of the work of the session has been badly managed... no one who knows anything of the mischief of which has resulted from... [the] conduct [of the] Government banker can fail to understand the evil of allowing an unsatisfactory state of affairs to continue indefinitely. Ibid.

¹⁶ On this issue, *The Globe* reported that “[t]he manner in which the Intercolonial Railway had been disposed of, is in the last degree discreditable.” Ibid.

¹⁷ Regarding this matter *The Globe* stated that the behaviour of government ministers during the session was a “humiliating confession of Ministerial idleness and indifference.” Further, government ministers were “notorious for their extravagance.” Ibid.

¹⁸ Ibid.

¹⁹ Ibid. Of course, the Bill was mentioned in the daily publication of the transcript of the debates in the House of Commons. No other comment on the issue was given.

²⁰ *An Act to Prevent Offences Against the Person*, S.C. 1869. c. 20. p. 187. Emphasis added.

²¹ *The Daily Globe*, Toronto, April 8, 1869, p. 2. Emphasis Added.

In 1877, *An Act to Make Provisions Against the Improper Use of Firearms* was the first Canadian law passed that explicitly recognized handguns as offensive weapons.²² Elaine M. Davis has argued that the 1877 *Act* was passed because Canadians were increasingly under the opinion that firearms were becoming too prevalent in society.²³ This *Act* clearly represented the government's suspicions of the masses and the belief that there were unsavoury and potentially dangerous elements in society who should be precluded from possessing firearms. This sentiment was underscored by the Justice Minister at the time, Dominic Blake, who suggested that firearms were "carried by two classes who ought not to carry them — the rowdy and reckless characters, and boys and young men."²⁴ This statement implies that there is nothing to fear when those of better 'class' carry offensive weapons — a truly conservative conception of gun control.

It is also interesting to note that as early as 1877 an argument was made regarding the regulation of firearms that still resonates among those against gun control: if a law was passed "prohibiting every person from carrying revolvers, reckless characters, who intended violence, would not care about the law, and would carry small concealed weapons; while the sober, law abiding citizen would be unprotected. The result might... be worse than if they had no law at all."²⁵ Consequently, the government made it illegal to carry a pistol or air gun "without reasonable cause to fear an assault or other injury to his person or his family or property...."²⁶ Clearly, this was a government that did not view guns themselves in a negative light. If an individual was caught carrying an

²² S.C. 1877, c. 30. p. 162.

²³ Davies. p. 46.

²⁴ *Debates of the House of Commons of the Dominion of Canada*, Mar. 20, 1877. p. 850.

²⁵ *Ibid.* p. 850.

²⁶ *An Act to make provision against the improper use of Firearms*, S.C. 1877, c. 30. p. 162.

offensive weapon, his 'character' would be evaluated by the authorities to determine if he was doing so with criminal 'intent.' Combining both elitism and deference to authority, the 1877 *Act* represented the epitome of the conservative attitude toward gun control.

Like the 1867 debates in the House, the main controversy surrounding the 1877 Bill was the discretionary power it gave to local officials and the problems associated with determining the intent of the individuals in carrying a pistol.²⁷ However, all those involved in the debate recognized the importance of keeping firearms out of the hands of criminals and supported the notion that an individual must have an 'excuse' for carrying a firearm.²⁸ It is also worth noting that the punishment for violating federal firearms law was fairly harsh, given the time period. Any person armed with a pistol "with intent... [to] unlawfully and maliciously do injury to any other person"²⁹ could face a fine of fifty to two-hundred dollars or six month months in jail. Of course, this sentence would be added to any other charge of assault or murder related to the incident.

In 1878, Parliament enacted *An Act for the better prevention of crimes of Violence in certain parts of Canada until the next session of Parliament*.³⁰ This *Act* was passed in direct response to Orange Day riots in Montreal.³¹ The *Act* empowered the federal government to take strict measures to counter disturbances in the peace including the licencing of firearms owners. The legislation, however, only applied to "proclaimed districts" declared by the government.³² Phillip C. Stenning notes that the *Act* was

²⁷ According to the *Act*, intent could be "*prima facie* inferred from the fact of the pistol or air gun being on the person." Ibid. p. 163. Italics in original.

²⁸ *Debates of House of Commons of the Dominion of Canada*, Mar. 20, 1877. pp. 849-853.

²⁹ *An Act to make provision against the improper use of Firearms*. p. 163.

³⁰ This act was modeled after imperial legislation designed to keep the peace in Ireland.

³¹ Phillip C. Stenning, "Guns & the Law." p. 7.

³² Ibid. p. 7.

renewed annually until 1882 to deal with specific areas of social unrest such as Montreal in 1878, Quebec City in 1879 and Winnipeg in 1882.³³ This legislation clearly represents an example of the early regulation of firearms as a means of protecting the authority of the state against potential enemies and preserving public order.

Susan W.S. Binnie argues that firearms regulation at this time can only be properly understood in the context of social unrest that characterized the period.³⁴ Binnie notes that collective violence “appeared to reach alarming levels... during the 1870s, an especially turbulent decade marked by strikes, demonstrations, and sectarian violence across the country...”³⁵ She argues that the firearms legislation of the 1870s was an integral part of the government’s attempt to ensure public safety and control collective violence such as riots. According to Binnie, the 1878 Act’s restriction of weapons to quell urban violence “did not reflect any popular or widely recognized demand for weapons control.”³⁶ Rather, it was an attempt to address the “public concern for peaceful urban settings.”³⁷ The fact that the 1878 legislation was restricted in its application to specific geographic areas of the country further demonstrates that its purpose was to limit collective violence in specific settings, rather than regulate guns in general. Otherwise, the 1878 legislation would not have been universally applied.

³³ Ibid. p. 7.

³⁴ Susan W. S. Binnie, “Explorations of Uses of Criminal Law in Canada, 1867-92,” Ph.D. thesis, Dept. of Sociology, Carleton University, 1992; Susan W. S. Binnie, “The Blake Act of 1878: A Legislative Solution to Urban Violence in Post-Confederation Canada,” in Louis A. Knafla and Susan W.S. Binnie, eds., *Law Society and the State: Essays in Modern Legal History* (Toronto: University of Toronto Press, 1995). Binnie argues that the government’s legislative concern for ensuring the public peace through the regulation of firearms can be traced back to the pre-Confederation period.

³⁵ Binnie, “The Blake Act of 1878.” p. 215.

³⁶ Ibid. p. 233.

³⁷ Ibid. p. 232.

Protecting the state was also the motivation for firearms regulations established during the Riel Rebellion. At that time, there was a substantial degree of concern expressed by the government regarding the availability and proliferation of firearms in the Northwest. It was illegal for “both whites and Indians” to carry firearms in the settled districts in the region.³⁸ It was also illegal for any ‘Indian’ to hunt outside of the boundaries of a reserve without prior approval of an Indian agent.³⁹

By 1886, three other federal laws relating to the regulation of firearms were in the statute books. The first of these, *An Act respecting the seizure of Arms kept for dangerous purposes*,⁴⁰ allowed a justice of the peace, acting on the information provided by “credible witnesses,” to issue a warrant to search any premises and seize any weapons considered to be dangerous to the public peace.⁴¹ The second law, *An Act for the Preservation of Peace in the vicinity of Public Works*,⁴² was passed to counter religious violence among labourers working on national projects.⁴³ The *Act* empowered magistrates to forbid the possession of firearms in areas around public works that had experienced violence related to firearms.⁴⁴ The motivation for this *Act* was not only to preserve the public peace but also to ensure the timely completion of national infrastructure projects. The third law was *An Act respecting the Preservation of Peace at Public Meetings*.⁴⁵ This law empowered authorities to disarm people attending public meetings and punish those who failed to surrender their weapons. Like the 1878 Act,

³⁸ *Debates of the House of Commons of the Dominion of Canada*, May 5, 1886. p. 1076.

³⁹ *Debates of the House of Commons of the Dominion of Canada*, May 19, 1892. p. 2827.

⁴⁰ S.C., 1886, c. 149. p. 1843.

⁴¹ *Ibid.* p. 1843.

⁴² S.C., 1886, c. 151. p. 1849.

⁴³ Philip C. Stenning, “Guns & Law.” p. 7.

⁴⁴ *An Act for the Better Preservation of Peace in the vicinity of Public Works*. p. 1849.

⁴⁵ *An Act respecting the Preservation of Peace at Public Meetings*, S.C., 1886, c. 152. p. 1857.

these measures were clearly an attempt by the government to counter the many disturbances that took place in certain areas of Canada, rather than representing firearms control in their own right.

In the parliamentary discussions leading up to the creation of Canada's first *Criminal Code* in 1892, there was concern raised that citizens of Canada's North-West should be given an exemption regarding the carrying of weapons, including firearms. The issue arose because of the inclusion of a proposed passage in the *Criminal Code*, which would have meted out severe punishment for anyone who simultaneously carried an offensive weapon and a dutiable item, on which no duty had been paid. This portion of the *Code* was designed to reduce the number of violent encounters between customs officials and smugglers. However, substantial concern was raised that innocent people would be caught unintentionally by the law.⁴⁶

Concern was also raised in the House regarding provisions of the *Code* that forbade the carrying of gun without a reason to need such protection. Some members felt that it should only apply to an individual carrying a gun in a public place, and not his private home or place of business. In response to that criticism, John Thompson argued that "this has been law for a long time and we have never heard any objection to it."⁴⁷ Some observers have argued that this statement indicates that 'gun control' has been an accepted policy of the federal government from Confederation until 1892.⁴⁸

⁴⁶ The major objection was that if a person happened to be carrying a weapon and was simultaneously wearing a piece of clothing, for example, on which duty was required but had not been paid, they could be treated by the law as 'smuggler' and harshly and unjustly punished. Ibid. p. 2827.

⁴⁷ Ibid. p. 2827.

⁴⁸ See for example, Davies. p. 2.

The first *Criminal Code* also put in place the first Canada-wide handgun permit system. A \$5-\$25 fine was to be issued to those who carried a gun outside of their home or business without a certificate of exemption issued by a justice of the peace which was valid for a full year, or to those having no reasonable cause to “fear an assault or injury against his person, family or property.”⁴⁹ The *Code* made it a serious offence, with up to five years imprisonment, for any person who had “in his custody or possession, or carries, any offensive weapons for any purpose dangerous to the public peace.”⁵⁰

As Martin L. Friedland notes, up to this point in the history of gun control, “Canadian legislation had taken the more traditional criminal law approach of dealing with conduct after the event.”⁵¹ From this perspective, the misuse of a firearm, more often than not, resulted in the commission of another, more serious crime than the mere possession of an illegal weapon. Firearm use in crimes or accidents were punished under sections of the *Criminal Code*, including provisions outlawing the carrying of an ‘offensive’ weapon which could be considered ‘dangerous to the public peace.’ Therefore, it was the purpose for which the firearm was used that was regulated, not the gun itself. After 1892, the firearms regulation was contained almost exclusively in the *Criminal Code* until the 1995 *Firearms Act*.

To law-abiding gun owners, the new *Criminal Code* was not particularly onerous. While carrying a weapon for ‘dangerous’ purposes was a crime, carrying a weapon for personal defence was not. Determining intent obviously provided law enforcement officers with a substantial degree of discretionary power. Once again, the issue of

⁴⁹ Friedland. p. 235.

⁵⁰ *Criminal Code*, S.C., 1892, c. 29. p. 58.

⁵¹ Friedland. p. 235.

firearms law does not resonate with the press in 1892 as other more important issues of the day dominate the pages of the newspapers. According to *The Empire*, the main issues at the time of debate and passage of the new *Criminal Code*'s gun provisions was the obstructionist behaviour of the opposition,⁵² reforms to the civil service,⁵³ government expenditure,⁵⁴ and the Northwest railways.⁵⁵

It is clear that in the parliamentary debates of the first twenty-five years following the founding of Canada there were few concerns expressed about firearms and their regulation in Parliament and the press. However, there appears to have been a consensus among Members of Parliament that the firearms law should focus on preventing and punishing the misuse of guns and should work towards keeping guns out of the hands of 'the rowdy and reckless' class of people as well as out of the hands of criminals. Guns in this period were often lumped together with other offensive weapons. A categorization that gives further support to the argument that gun control during this period was about the regulation of people, not guns.

In this period, there was no support in Parliament for the regulation of long guns, and little argument was made against the carrying or selling of handguns and the ownership and possession of side-arms by those 'responsible' individuals. Although these gun control provisions are considered lax by the standards of today, a senior

⁵² During the session in question, the opposition Liberals engaged in many delaying tactics, slowing down the work of the House considerably. On this topic an opinionated *Empire* stated that, "It is high time that the country should fully understand the position and sessional policy of the Opposition in the Federal Parliament. It is simply to obstruct, to prevent the business of the country being carried on, to throw every possible objection in the way of even the most ordinary transaction." *The Empire* was particularly dismayed by the expense of the tactic which they reported cost the taxpayer \$4 000 daily. *The Empire*, Toronto, "The Obstruction Goes On," May 20, 1892. Front page.

⁵³ Ibid. Front page.

⁵⁴ Ibid. Front page.

⁵⁵ Ibid. Front page.

minister in the government, Sir John Thompson, stated in 1892 that “[a]ll these sections [in the *Criminal Code*] with regard to carrying weapons are, I admit, severe and it is the only way to prevent the carrying of weapon for offensive purpose,”⁵⁶ implying that carrying guns, other than for offensive or criminal purposes, was socially acceptable. Clearly, the government of the day had no intention of outlawing weapons, especially long guns, for defensive, economic, recreational or other similar uses. Furthermore, according to the Hansard record, there was no pressure on the government to do so. Firearms were not an overly contentious issue at this time and the government party and the opposition appeared to be in fundamental agreement in this area of public policy. It is important to note that during this time — and indeed until the late 1970s — almost anyone could obtain almost any long gun and ammunition anonymously, regardless of criminal record or mental stability.

The firearms legislation contained in the original *Criminal Code* was not altered until 1913, when a permit was required to carry any handgun or small arm, regardless of any probable threat to the gun owner or their property.⁵⁷ As in the first version of the *Criminal Code*, the 1913 *Act* presented a long list of offensive weapons — all of which required a permit to carry them “elsewhere than in [the owner’s] dwelling house, shop, warehouse, counting-house or premises.”⁵⁸ Unlike the initial *Criminal Code*, ‘pistols’ were specifically listed as needing a permit as were air guns and “any device or contrivance for muffling or stopping the sound of the report of any firearms.”⁵⁹ While it

⁵⁶ *Debates of the House of Commons of the Dominion of Canada*, May 19, 1892. p. 2828.

⁵⁷ *An Act to Amend the Criminal Code*, S.C., 1913. c. 13. p. 237.

⁵⁸ *Ibid.* p. 238.

⁵⁹ *Ibid.* p. 237.

is possible that all firearms could be used as offensive weapons, it is clear that the *Code* was not intended to regulate long guns as the *Act* only covered those weapons that “may be concealed upon the person.”⁶⁰ The penalties for not having a permit were significant ranging from a fine of up to one hundred dollars to imprisonment for a period of up to three months. Under the *Code*, permits were valid for one year and could be issued by police officers of a certain rank to any applicant to an individual with “sufficient cause... [and] as to whose discretion and good character he is satisfied.”⁶¹ While it is difficult to ascertain, it seems unlikely that acquiring a permit for a firearm was difficult given the provisions of the *Act*.⁶²

There was almost no parliamentary debate regarding the 1913 amendments. Specifically, there were no significant objections to the *Act*'s prime goal of tightening up the federal gun control regulations to include requiring permits to carry on offensive weapon in public. The only serious criticism of the amendment was, that due to the scarcity of those individuals authorized to issue offensive weapons permits, some individuals, especially in remote parts of Canada, would have difficulty in acquiring a permit.⁶³ Accordingly with little debate, the list of people qualified to issue a permit was expanded by the government to include sheriffs, indicating that the government was not

⁶⁰ Section 118 of the *Act* states that “Every one is guilty of an offence... who not having a permit... has upon his person a pistol, sheath knife, bowie knife, dagger, stiletto, metal knuckles, skull cracker or other offensive weapon that may be concealed upon the person.... Ibid. pp. 237-238.

⁶¹ The list of those officials that could issue a permit was quite extensive. According to the *Act*, “[u]pon sufficient cause being shown, any officer of the Royal Northwest Mounted Police or commissioner of Dominion police or superintendent of provincial police or stipendiary or district magistrate or police magistrate or acting police magistrate or sheriff or chief constable of any city, incorporated town or district municipality may grant any applicant...” a permit. Ibid. p. 238.

⁶² Given the discretionary power of the police under the *Act*, it may have been difficult for some individuals to acquire a permit due to local politics or overly officious police officers.

⁶³ *Debates of the House of Commons of the Dominion of Canada*, June 2, 1913. pp. 11604-11605.

concerned with the proliferation of handguns as long as those that wished to own them were screened by the proper authorities. Another provision of the *Act* was to extend *Criminal Code* provisions regarding guns to other offensive weapons, which would also require a permit to carry.

The 1913 legislation also required that records be kept regarding the sale of all such dangerous weapons. The *Criminal Code Amendment Act* also made it unlawful to lend any dangerous weapon to an individual who did not possess a permit. In the same year, the first age restrictions were placed on firearms; individuals under the age of sixteen were forbidden to purchase any firearm. It also became an offence for any person to “give or sell any pistol or air-gun, or any ammunition therefore to a minor under the age of sixteen.”⁶⁴ Once again, although this section of the legislation seems to include long guns, the *Act* is unlikely to have been designed to cover shotguns and rifles and was not enforced as such.

An interesting aspect of firearms legislation during the period from Confederation to World War I was that a great deal of concern was shown by the government for promoting the training of individuals in the use of rifles. In particular, in this era a substantial amount of public money was given to rifle associations,⁶⁵ which one MP claimed were the “most meritorious associations in the country.”⁶⁶ Shooting teams were

⁶⁴ *An Act to Amend the Criminal Code*, S.C. 1913, c. 13. p. 238.

⁶⁵ See for example, in 1875, a portion of \$63 000 (the exact amount is unclear) was granted to the Dominion Rifle Association (DRA). *Debates of the House of Commons of the Dominion of Canada*, Feb. 26, 1875. p. 395. In 1885, Parliament granted \$10 000 to the DRA. *Debates of the House of Commons of the Dominion of Canada*, June 26, 1885. p. 2913. These are only two examples of many such grants.

⁶⁶ *Debates of the House of Commons of the Dominion of Canada*, Feb. 26, 1875. p. 395. This statement was made a Mr. Plumb.

also given travel money by Parliament.⁶⁷ During this period there were many suggestions that boys in high school should be drilled in shooting and military discipline as part of their education in case they were needed for national service.⁶⁸ Clearly, there was no desire by the federal government (or the opposition) at this time to limit the number of guns in Canada. Guns were essential to the livelihoods of many Canadians, and it was perceived that firearms were essential to the defence of Canada. This further demonstrates the lack of both political division on the place of firearms in Canadian society and the extent to which Canadian attitudes have changed regarding firearms.

Any government proposing to train school children in the use of firearms today would be strongly ridiculed. Such measures could not even be considered. In fact, the 1995 *Firearms Act* originally presented many difficulties to Canadian shooting teams participating in the Olympics and other similar international competitions due to restrictions on their guns. One hundred years earlier, not only were there no regulations governing the activities of recreational shooters, but the government encouraged shooting teams with funds for international travel, as well as supporting organizations dedicated to the promotion of shooting skills.

In the wake of the Winnipeg general strike in 1919, and fearing the rise of Bolshevism and possible revolution, guns became a more controversial topic, especially given the glut of firearms that entered the country after the demobilization that followed WWI. However, like previous gun control debates in Parliament, the discussion revolved around what type of individual should be regulated in the use of firearms, not about

⁶⁷ See for example, the *Debates of the House of Commons of the Dominion of Canada*, June 26 1885. pp. 2912-2913.

⁶⁸ *Ibid.* p. 2913.

regulating guns themselves. The changes to the *Criminal Code* required that non-British ‘aliens’ have permits for all guns; whereas British subjects were required only to have a permit for offensive weapons, including handguns, as they had been required to since 1913.⁶⁹

The debate on the issue was both prolonged and heated and was much more concerned with matters regarding naturalization, citizenship and racism than of matters regarding public safety and firearms control. One Member of Parliament, critical of the proposed amendment asked the Minister of Justice if he did “not think a pistol in the hands of a of a British subject [would] do as much harm as in the hands of an alien.”⁷⁰ It was also suggested that it was against the principles of British law to have two classes of people with different rights living in the same country.⁷¹

The government responded to these criticisms by stating that it would not be difficult for an upstanding ‘alien’ to get a firearm permit. This argument was forwarded by the Minister of Justice, who argued that it was not so egregious to ask that those who “have newly come into the country and who have not yet given... guarantees” associated with citizenship, should be required to register their firearms. The Minister continued:

before you go around carrying firearms you will get a permit from the proper authority who will make inquiry as to whether you are a suitable person to be entrusted with such a permit or not. Undoubtedly I think *the records of our criminal courts would show that crimes of violence are disproportionately frequent among all newly-arrived aliens*. It is not a reflection of all aliens to say that. But there the fact stands, and these crimes and violence result from the greater readiness with which certain classes of aliens resort to the use of the weapons than do our own people.⁷²

⁶⁹ *An Act to amend the Criminal Code*, S.C., 1919. c. 46. p. 310.

⁷⁰ *Debates of the House of Commons of the Dominion of Canada*, Oct. 7, 1919. p. 871. This statement was made by a Mr. Jacobs.

⁷¹ *Ibid.* p. 872.

⁷² *Ibid.* p. 873. Emphasis added.

Earlier in the debate, the Minister of Justice stated that: “the law only requires of [aliens] that they show all these good qualities which are ascribed to them by being willing to ask the proper authority for a permit. Then every man who possesses these qualities will have no difficulty in getting [a firearms permit].”⁷³

Not only does this attitude reflect blatant ethnocentrism and even racism, it also is very indicative of how gun control policy during this period still reflected an underlying conservative or tory ideology after fifty years. This Bill demonstrated the government’s belief in the superiority of things British (including people), the concept of class (gun owners were divided into two classes of citizenship), the desire to maintain law, order and the public peace, deference to authority (only the ‘proper’ authorities could determine a person’s character to see if they were worthy of carrying a gun), and the belief that a certain elements of society are not trustworthy enough to carry a gun. In addition, these firearm restrictions clearly fall under the category of those gun laws designed for the preservation of the Canadian state. As a result, these changes to the *Criminal Code* convincingly demonstrate the continuation of the dominance of conservative values in the area of firearms regulation.

Minister Doherty responded further against charges that the Bill would make it difficult for aliens who relied on guns to pursue their livelihood by pointing out that no aliens were restricted from getting firearms; they merely required permits. The government also suggested that longstanding aliens could easily get around the proposed law by becoming fully naturalized British subjects. Despite these defences, a number of

⁷³ Ibid. p. 872.

opposition members referred to the changes in the *Criminal Code* as “vicious”⁷⁴ and stated that they placed an unfair burden on longstanding and law-abiding residents of Canada who had not been naturalized and which were now required to get firearms licences and renew them annually.⁷⁵ Some opposition members called for the application of the law to everyone in Canada, not just to aliens.

Although the changes to the *Criminal Code* which differentiated between different classes of Canadians seem extreme by today’s standards, the government’s position did not go far enough for some, as the statement of the federal Solicitor-General in 1919 indicates: “there has been a fairly widespread demand for this legislation throughout the province of Ontario... I know that petitions have come to me... asking this Parliament to pass legislation absolutely to prohibit the use or possession of such weapons by aliens — not to permit the carrying of these weapons only under licence, but absolutely to prohibit.”⁷⁶ There was also substantial support for the government’s extension of the restrictions on aliens to include obtaining licences for the possession of offensive weapons other than firearms.⁷⁷

There was little debate in the House of Commons in 1933 when the next changes to firearms law were proposed, inspired in part by the attempted assassination of President Roosevelt in the United States. In the following year, amendments to the

⁷⁴ Ibid. p. 875. The statement was made by a Mr. Sinclair.

⁷⁵ Ibid. p. 881. The statement was made by a Mr. Crerar. In response, the Minister of Justice argued that “compared with the evils resulting from the possession of these arms; it was a trifling inconvenience even if a man had to go once a year and get his permit renewed.” Ibid. p. 881.

⁷⁶ Ibid. p. 876. The Solicitor-General, Mr. Guthrie, noted that on the opening day of court in Guelph, “there were confined in the Guelph jail fourteen criminals, thirteen of whom were aliens... a great many of whom were convicted of violence, two being murderers. Two men, both aliens, have been condemned to death in Guelph and in both cases the instrument of the crime was a shotgun... I could enumerate a fairly large number of such cases.... Ibid. p. 876.”

⁷⁷ See for example the statements of Mr. Mowat. Ibid. p. 877.

Criminal Code were passed requiring that revolvers and pistols be registered in the possession of any individual.⁷⁸ The previous requirement was that a permit was required to carry a handgun. The addition of this section meant that each handgun must have a specified owner. The lack of controversy on this issue perhaps represents the limited importance of handgun in the lives of most Canadians at the time. It also perhaps represents a slight erosion of the unstated principle that had guided gun control until this point — that guns themselves were not dangerous. All handguns, regardless of their owner's character, had to be registered.⁷⁹

The lack of debate on this issue demonstrates a political consensus that handguns were the most potentially dangerous firearms and should be controlled. By 1934, the penalty for failing to have a valid permit rose to five months in jail. Friedland notes that “the government wanted to make the provisions even stronger by providing a minimum one-year penalty.... Indeed, as originally introduced, the Canadian legislation imposed a minimum five-year penalty for the offence.”⁸⁰ The Senate, however, took an active role on the issue and vetoed the inclusion of such strong punishment in the legislation. Nevertheless, the legislation was passed, mandating a minimum two-year sentence for anyone carrying a gun in the commission of a criminal act on top of the penalty for the criminal activity itself.⁸¹ Handgun merchants were also regulated for the first time by the *Code* and handgun permits could only be issued to certain categories of individuals, all of

⁷⁸ *An Act to amend the Criminal Code*, S.C., 1934, c. 47. p. 1019.

⁷⁹ In fact, Friedland argues that by 1934, “the control of handguns was virtually complete.” p. 236.

⁸⁰ Friedland p. 236

⁸¹ *An Act to amend the Criminal Code*, S.C. 1934, c. 47. p. 1019.

which were henceforth required to provide a reason for desiring to own a handgun.⁸² The 1934 regulations were not universally more restrictive than previous regulations, however, as the age limit on gun ownership was reduced from 16 to 12.

A few years later, in 1938, the duration of a handgun permit was reduced from lasting the owner's lifetime to a renewal being required every five years. This was never enforced, however, as the initial re-registration was postponed because of the outbreak of World War II. Also in 1938, the mandatory punishment for criminal offenders using a handgun during the commission of a crime was extended to the use of any type of firearm. In addition, the legal age for gun ownership was raised from 12 to 14. However, permits for minors were created to allow those under 14 to own a gun.

During the Second World War, plans were made for enemy aliens (those non-British subjects of German, Italian or Japanese descent) to register all their firearms.⁸³ In reaction, some of these so-called 'enemy aliens' even voluntarily turned their guns into police.⁸⁴ In the end, however, all Canadians, regardless of their ethnic origin were required to register their firearms, including ordinary long guns for the first time in 1940.⁸⁵ From the outset, this registration plan was only temporary and ended in 1945 with the conclusion of the war. It is impossible to know how many guns were actually

⁸² Friedland, p. 236.

⁸³ This differs from the 1919 legislation requiring only non-British aliens to get a permit to carry firearms.

⁸⁴ *Debates of the House of Commons of the Dominion of Canada*, June 11, 1940, p. 677. In this debate a member (Mr. Green), noted several hundred Italians in Trail, B.C. volunteered to "give up their firearms and immediately launched a drive throughout the community to collect some arms."

⁸⁵ *Canada Gazette*, Sept. 11, 1940, p. 972.

registered, however; when the program was discontinued in 1945, all the records collected during wartime were deliberately destroyed by the government as promised.⁸⁶

Because of the war effort, and especially because the war was not going well in 1940, there was no real controversy when the government extended the mandatory registration of all firearms to the population of Canada. Fear of a possible 'fifth column' made up of enemy aliens and those ideologically supportive of Nazism was a substantial concern for the Canadian government during wartime.⁸⁷ Perhaps due to war censorship, there were few, if any, public complaints regarding this emergency legislation.⁸⁸ Given the emergency situation in which the 1940-1945 gun registration took place, it cannot be considered a precursor to or precedence for the 1995 *Firearms Act*. These wartime measures represented yet another example of gun control as a means of defending the Canadian state and preserving public order.

Immediately after the war, there were a number of calls for the government to deal with the increasing number of registered pistols, which numbered twenty thousand in Toronto alone in 1945 (many of these were wartime souvenirs) combined with a

⁸⁶ Simonds. p. 54.

⁸⁷ The lack of controversy on this subject is easily explained by the war, which in the Summer of 1940, was not going well for the allies. Judging by the news accounts, any and all measures to protect domestic security were widely supported during the darkest days of the war.

⁸⁸ The Parliament debates on the Defence of Canada Regulations, demonstrate a parliamentary consensus on the issue of the wartime registration of all privately held firearms in Canada. However, the fact that this was a regulation, not an act of Parliament undoubtedly contributed to the lack of discussion on the issue in the House of Commons. Given that war censorship was in effect and criticism of governmental war policy was not generally tolerated, it is not surprising that there was no opposition to the regulations. This is not to say that the registration of firearms was not popular (it appears to have been viewed as a necessary war measure by the general public). Rather, it demonstrates the difficulty in ascertaining true opinion on the matter.

perceived crime wave led by gangs of gun toting criminals.⁸⁹ The City of Toronto “urged that legislation be enacted at once to tighten the control of firearms and place in safe custody thousands of registered and authorized guns.”⁹⁰ The calls for greater controls over pistols and revolvers did not result in legislation. However, in 1947, the punishment for the use of guns and any other weapon in the commission of a criminal act was increased significantly. Specifically, the definition of murder was expanded in *Criminal Code* to include the accidental killing of an individual by a firearm used in a crime, regardless of intent or circumstance.⁹¹ Therefore, if during a break-in, a robber’s gun accidentally discharged and killed someone, they could be charged with the murder of that individual.⁹²

The next major step in the regulation of firearms in Canada came in 1951 when a central handgun registry was established by the RCMP, effectively removing the need for cooperation between the federal and provincial governments, which had been a barrier for an effective registry.⁹³ In the same year, automatic weapons were added to the list of restricted weapons requiring a permit for possession or ownership. In addition, after 1951, all restricted guns were required to have a valid serial number⁹⁴ and in 1954 the government made some additional minor technical changes to the *Criminal Code*.⁹⁵ The

⁸⁹ See, “Firearms Menace,” *Globe and Mail*, Oct. 26, 1945; “Weapons held by Public, thousands not Registered, Armoury for crime wave,” *Toronto Evening Telegram*, Oct. 26, 1945; Editorial “Firearms too readily accessible to Canadian Law Breakers,” *Toronto Evening Telegram*, Oct. 24, 1945.

⁹⁰ *Globe & Mail*, “Weapons held by public...”

⁹¹ *An Act to amend the Criminal Code*, S.C., 1947, c. 55.

⁹² Simonds. p. 54.

⁹³ *An Act to amend the Criminal Code*, S.C., 1951. c. 47. p. 279.

⁹⁴ *Ibid.* p. 280.

⁹⁵ *An Act Respecting the Criminal Law Statutes of Canada*, 1953-54. c. 51.

regulation of firearms would be revisited to any significant extent again until the late 1960s.

By the mid-1960s, there was a gradual reconceptualization regarding the place of firearms in Canada and the role of the state in regulating them. In fact, by the mid-1960s there were occasional references to an emerging 'gun problem.' In 1966 and 1967 two separate private members bills were introduced seeking to amend the *Criminal Code's* firearms provisions. Backbench Liberal MP Ferdinand Leblanc introduced both Bill C-214 (1966) and Bill C-142 (1967).⁹⁶ While neither Bill received much attention, inside or outside of Parliament, Leblanc indicated that he introduced the bills because he was concerned with "firearms problems."⁹⁷ Referring to Bill C-142, Leblanc expressed his hope that "this legislation will contribute not only to the restriction of crime but also to the prevention of the numerous accidents which are due to an excessive use of firearms."⁹⁸

Also in 1967, the first poll ever conducted on the issue of firearm policy indicated that Canadians were strongly in favour of tougher gun laws. Released by the Canadian Institute of Public Opinion (Gallup), the poll indicated that 86 percent of Canadians supported "a law which would require a person to obtain a police permit before he or she could buy a gun,"⁹⁹ further indicating that attitudes towards guns were changing.

⁹⁶ *Debates of the House of Commons of Canada*. June 28, 1967. p. 2062. There is a discrepancy in the date listed for the introduction of C-142. According to the official debates of the House it was introduced on June 28, 1967. However, according to the Journals of Parliament, C-142 was introduced on June 27, 1967. The former would appear to be the authoritative date. Bill C-214 was very similar to C-142 and was introduced a year earlier on June 28, 1966.

⁹⁷ *Ibid.* p. 2062.

⁹⁸ *Ibid.* p. 2062.

⁹⁹ Canadian Institute of Public Opinion, "General Public Would Favour Police Permits For New Guns," Gallup Poll, Jan. 18. 1967.

Although it is impossible to prove, it could be argued that earlier polls, if conducted, may have also indicated strong support for gun control. However, the mere fact that a poll was conducted on the issue demonstrates the increasing salience of the firearms policy among Canadians.

The appointment of Pierre Trudeau as Justice Minister in 1967 and his subsequent election as Prime Minister embodied the challenges to the existing 'conservative' firearms policy in Canada. While Trudeau's vision of transforming Canada into a 'just society' did not speak to any great extent to firearms law, it represented a new vision of Canada in which firearms have a much more limited role. After 1967, there were increasing calls for tougher firearms regulations and it was the first time that the term 'gun control' entered the lexicon of Canadian politics and then only to a limited extent. During this period, the idea that gun, and violence they represent, had no place in a modern Canada slowly gained support. The 1960s also reflected a substantial change in attitude toward guns by the federal government. Controlling guns was no longer solely about preventing crime and preserving the regime. After 1969, federal gun policy spoke to a larger vision of Canadian society in which guns were not a part; Trudeau's vision was decidedly urban. During this period, guns were viewed by a growing number of Canadians as inherently dangerous, in and of themselves, and many Canadians began to question why private citizens needed any gun at all; guns should be regulated as an end in itself. These views, although specific to gun control, were generally a product of wider changes in Canadian society and political culture. Despite the fact that calls for gun control grew stronger in this period, the conservative philosophy still remained dominant,

and those defending it remained much more politically powerful and well organized than their opponents.

The Transformation of Canadian Society, 1867-1967

Although Canadian firearms policy was guided by similar underlying principles for approximately one hundred years, Canadian society had changed drastically during that period. From 1867 to 1967 Canada had moved from being a largely rural, agrarian society to an urban, fully industrialized society. As guns have much greater practical and symbolic importance in rural Canada, urbanization has undoubtedly changed Canadian's collective predisposition on gun control. In 1871, only 18.3 percent of Canadians lived in an urban environment.¹⁰⁰ By 1931, more than half the of the country was considered to be urban and when the 1941 census was conducted, over fifty percent of Canadians lived in cities with populations greater than 10 000 and around one-third of the population lived in cities larger than 100 000 or more.¹⁰¹ By 1971, Canada was more than 75 percent urban and that number has only increased five additional percentage points to nearly 80 percent over the last thirty-years.¹⁰² If urbanization was the motivating factor for tougher gun laws, a gun control movement should have emerged much earlier than in the 1990s or at least more concern about perceived 'gun problem' it should have been expressed in 1930s, 1940s or 1950s.

¹⁰⁰ Leo Driedger, *The Urban Factor: The Sociology of Canadian Cities* (Toronto: Oxford University Press, 1991). p. 61.

¹⁰¹ Ibid. pp. 61-62.

¹⁰² Ibid. p. 62; Rand Dyck, *Canadian Politics: Critical Approaches* (Toronto: Nelson, 2004). p. 51.

The vast social changes that took place in Canada for the first hundred years go further than urbanization. Successive waves of immigration transformed the demographics of Canada. Canadians generally became more educated, and the population gradually moved from agricultural to industrial. In addition, the gradual expansion of the franchise to universal suffrage also had a profound impact on Canadian politics and society. All of these changes, however, did not challenge the conservative approach to dealing with firearms. It was not until after the social upheavals of 1960s that guns became viewed as a problem and the first calls for gun control were made. Those changes are discussed in Chapter 4.

The regulation of firearms was very rarely controversial during Canada's first hundred years. Consequently, firearms policy was not an issue that attracted much partisan debate or difference of opinion. The lack of controversy, however, can be attributed to more than a political consensus on the issue. During this period firearms regulations did not restrict the activity of the majority of those who used firearms. Gun owners and firearms enthusiasts were not burdened by many government regulations during this time and therefore had no reason complain or mobilize against the government on the issue. To be sure, there were minor disputes over firearm controls, but the debates on the issue were nothing compared to the heated political battles that took place over gun control in the 1990s. Unlike in the United States and Great Britain, guns and their regulation have never been a constitutional issue, and until recently the topic of firearms did not involve a serious discussion of rights. For the most part, governmental policy regarding firearms was not accorded any special status and was

regulated as any other area of public policy. The historical record shows that only in the last three decades has the regulation of firearms been a contentious political issue and only sporadically during that time.

Some observers have interpreted the lack of debate over the issue of firearms regulation early in Canada's past as an indication that Canadians have always accepted gun control. More than one commentator on the history of gun control in Canada has implied that the regulation of guns has been an accepted policy and an established practice of the federal government and that Canadians in general did not oppose gun control. However, the historical record does not confirm this assumption. For the most part, until recently Canadian 'gun control' was not substantial enough to test the political strength and resolve of gun owners. Of course, given Canadian Westminster-style government and the supremacy of Parliament, Canadians have indeed long accepted that the government was entitled to regulate firearms, unlike in the United States where that is a matter of significant dispute. This, however, is different than embracing gun control. For many reasons, including the nature of party competition in Parliament, and the dominance of MPs from rural and agricultural areas in Parliament, the comprehensive regulation of ordinary long guns was, until recently, a political impossibility. Furthermore, for the greater part of Canadian history the gun was viewed as a necessary tool in the daily life of many Canadians. Any politician would have been jeopardizing their political career by attempting to burden gun owners with strict firearms legislation.

As Canadian values changed, the availability of firearms in Canada increasingly became viewed as a problem with gun control presented by many as the obvious solution

to that problem. The 1960s represented the emergence of the first challenges to the underlying conservative philosophy that had guided firearms policy since 1867. However, as discussed in the next chapter, those who sought to challenge the status quo of firearms regulations found it very difficult to reverse over one hundred years of institutional inertia. Compounding that institutional inertia were political forces, primarily the brokerage nature of party competition and the negativity-bias in the gun control debate. Both of these presented a substantial barrier to implementing the comprehensive gun controls that reflected changing attitudes toward firearms.

CHAPTER 4

FROM FIREARMS REGULATION TO GUN CONTROL, 1968-1993

By the mid-1960s, the politics of firearm regulation entered a transition period. The appointment of Pierre Trudeau as Justice Minister in 1967 and his subsequent election as Prime Minister represented the first significant challenge to 'conservative' firearms policy since Confederation. While Trudeau's vision of transforming Canada into a 'just society' did not deal to any great extent with firearms law, it represented a new, more urban vision of Canada in which firearms had a limited place. Beginning in the late 1960s, there were increasing calls for tougher firearms regulations and it was at this time that the term 'gun control' entered the lexicon of Canadian politics. Despite the fact that calls for gun control grew stronger from 1968-1993 and that tougher gun laws were supported by a number of federal administrations, the century old conservative philosophy proved to be highly resistant to change.

According to Kingdon, the policy process begins with the identification of a problem by policymakers. Prior to the 1960s, there was no identified 'problem' connected to guns or gun ownership in Canada. However, the social changes of the 1960s brought a more urban vision of Canada and replaced many values based on an earlier conception of Canada that was primarily rural and agricultural. The transformation of Canadian society during the 1960s undoubtedly had an effect on how guns were viewed in Canada. In part, the changing perception of firearms amongst Canadians facilitated the idea that guns and widespread gun ownership had become a

problem although they had not necessarily been viewed as problematic in the past. Moreover, by the 1960s most Canadians lived in an urban environment and had little use for firearms in their day-to-day life.

While changing values made some Canadians, especially those living in urban areas, uncomfortable with relatively lax gun controls, there were other factors that brought the gun problem to the attention of those in government. For example, by the late-1960s and early 1970s reference was often made to the American 'gun crisis,' which was feared could spread across the border if not checked. The gun control debate in the United States helped frame the issue and raise the salience of the gun problem. The relatively high number of political assassinations that took place in the United States during the 1960s underlined the seriousness of the American gun problem to Canadians. In fact, every Canadian administration seeking to implement gun controls has pointed to the American example as demonstrating the necessity of gun controls. As Canadian were increasingly exposed to American media, they also became exposed to the 'gun problem' in the United States. This undoubtedly made Canadians more aware of the issue of gun control. In addition, by the mid-1970s there was an increasing perception that firearms were too easily obtained and that the number of disturbing incidents involving firearms in Canada was on the rise.¹ Other, less direct social forces undoubtedly also explain why guns became viewed as a 'problem' at that time. The 1960s were a time of profound social change and turmoil in Canada. To some, the social instability of the decade was

¹ Robert Lewis, "The Hidden Persuaders: Guns don't make laws, but gun lobbies damn well do," *MacLean's*, June 13, 1977. p. 40b. Lewis argued that Bill C-83 was introduced in response to "alarm over a series of tragic shooting deaths, and a general uneasy feeling that guns were too readily obtainable, not only by legitimate sportsmen, but by kooks and killers (p.40b)." See also, the editorial, "Quit stalling with gun control law," *Toronto Star*, July 13, 1977. p. B4.

seen as threatening the political order and the status quo. In this environment, gun control was undoubtedly seen as a means of preserving law and order in a tumultuous period in Canadian history.

As Kingdon notes, problems often come to the attention of the government without political pressure if there are indicators of a problem. From 1968 to 1990, despite favourable public opinion towards tougher firearms regulations, there was no Canadian gun control movement to speak of, and there were few sustained calls for tougher gun control. During this period, various justice ministers expressed their desire to implement gun controls as 'good policy' which would make Canadian streets safer and promote the Canadian 'value' of non-violence. However, until 1990, there was little in the way of focused pressure placed on the government to toughen gun controls. While a clear majority of Canadians favoured tougher gun controls, it was not at all a highly politically salient issue for those who did. Gun enthusiasts, however, vehemently opposed all efforts to implement any significant gun controls.²

The general failure of those governments seeking to pass tougher gun controls during the second phase of firearms regulation (1968-1993) can be attributed to a number of institutional factors that amplified potential political losses and, at the same time, minimized the possibility of strategic benefit or credit claiming gains for a government pursuing tougher gun controls. The most important of these factors was the dominance of Parliament by both the Liberals and Conservatives during the time period in question. The brokerage nature of the two government parties served to augment the negativity-bias inherent in the gun control issue. Because there were no fundamental ideological

² Lewis. p. 40b.

differences between the parties, both parties tended to be pragmatically minded, leadership oriented, internally divided and able to shift policy positions over time.

The political opportunism of both the Liberal and Conservative parties, and their desire to appeal to the broadest range of interests, combined with the strongly partisan and adversarial nature of Parliament ensured that the Official Opposition would be opposed to most government policies, especially an issue with a high negativity-bias, such as gun control. As Weaver notes, those people negatively affected, or offended by a policy are more likely to vote against it than are those who passively agree with it. This meant that during the period those people who opposed the government on the gun control issue would inevitably turn to the Official Opposition, be it the Liberals or Conservatives, to defend their interests and would invariably champion the cause of the gun lobby and claim credit for defeating gun laws.³

The negativity-bias that encouraged blame-avoiding tendencies on the issue by successive governments was greatly enhanced by the flexible partisanship of the 'gun vote.' During this period, only the governing party ever had a policy position on gun control, and these were often vague, at best unless expressly outlined in legislative proposals. Invariably, the standard line for the Official Opposition was that while they were in favour of stronger gun control, they could not support the government's wrongheaded proposals which they argued would be ineffective and overly onerous to 'law-abiding' citizens. Because the Conservatives did not outline a specific gun control

³ Gun enthusiasts were unlikely to turn to the NDP due to their generally favourable stance toward gun controls.

policy of their own, their opposition to tougher gun controls in the House of Commons were expressed in entirely negative terms only.

The Official Opposition during this period (usually the Conservatives), would therefore, be seen as the defender of the interests of gun owners. Due to the large amount of vote switching among the electorate, and the salience of the gun control issue among those opposed to gun control, firearms owners did, indeed, possess more political clout than their numbers warranted. Any government seeking to impose tougher gun controls could expect to suffer at the ballot box, or at least could perceive real political losses.⁴ Given the small number of 'safe' seats in federal elections during this period, losing the 'gun vote' could be very politically costly, especially in rural ridings. In this situation, many backbench MPs became overly sensitive to pressure placed on them by vocal constituents complaining about any strengthening of gun control laws because they would not hear from those who supported gun control. As a result, they in turn would place pressure on the government to change its views and, by reporting the high anger levels back to caucus would reinforce the government's concerns regarding electoral losses. The perceived impact of losing the gun vote was doubled; not only would the government not be getting those votes, they would be shifted to the Official Opposition.

These losses were increased by the idiosyncrasies of Canada's electoral system; losing a few percentage points of electoral support under Canada's single-member plurality electoral system could have disastrous electoral consequences for the government. In this situation where there was little to be gained and much to be lost it

⁴ It is important to emphasize that for blame-avoiding tendencies, the perception of loss is just as important as actual loss.

was not politically wise to embark on a program of tougher gun control. Put simply, the perception that the 'gun vote' was able to shift between the Liberals and Conservatives increased the influence of angry gun owners. In addition, to avoid personal blame during this period, various prime ministers distanced themselves from the issue, leaving their respective justice ministers to take responsibility for the issue.

Due to the rural/urban dynamic of gun control, the issue also tended to cut across party lines, which also created greater resistance to changes to the status quo. Fearing the wrath of gun owners, most rural MPs expressed their reservation regarding gun control regardless of party affiliation. Any government pursuing an agenda of gun controls would have to overcome not only the anger of the opposition, but also that of its own rural MPs as well. Even rural NDP MPs often came out against gun control proposals. In the 1980s, for example, NDP MP Jim Fulton introduced two private members' bills seeking to reduce the impact of the gun controls associated with C-51.⁵ Furthermore, during the debate over the *Firearms Act*, eight of the nine-member NDP caucus voted against the Act. Svend Robinson, the only NDP MP representing an urban riding at the time, supported the law.

Other factors also impeded action on the gun control issue. Until the 1990s, any government pursuing an agenda of gun control did so with the aid of few allies. While the NDP leadership may have been generally supportive of gun control, its caucus has historically been divided along urban/rural lines. Although there were a number of gun user groups such as the Canadian Wildlife Federation, to oppose gun controls, there were no groups, dedicated solely to the issue of gun control until 1990. As a result, the

government generally stood at the extreme end of the spectrum in terms of firearms policy. Calls for tougher gun control were not made from a position of strength. Despite the fact that the opinion polls of this period indicated that the Canadian public was strongly in favour of gun control, this opinion was extremely diffuse and there were not yet any gun control advocacy groups or any gun control movement to push the federal government in this area. Put simply, in this period the gun control issue was stalemated; although gun control was seen by many in government as the answer to a problem, there was no electoral advantage in pursuing gun control and even less to be gained from the perspective of political strategy. However, the risks were so large that even governments that were apparently committed to tougher gun laws ultimately backed down under pressure.

Because of the vocal opposition of gun enthusiasts and the relative absence of voices for tougher gun control, the government only heard from one side of the debate. Justice ministers and rural MPs would be contacted and pressured only by those opposed to gun control, which provided a distorted view of public sentiment. In an environment in which the major political parties were already overly sensitive to possible electoral losses, the negativity-bias in the gun control issue was magnified. Given the high degree of flexible partisanship, governments pursuing an agenda of gun control could expect to lose the votes of those individuals who were strongly opposed to tougher gun laws. These anti-gun control individuals would have no difficulty switching to the official opposition which invariably opposed new gun control efforts.

Another factor blocking gun controls during this period was the resiliency of public policy. As Pierson has observed, public policies are inherently resistant to change. After one hundred years of institutional inertia, the approach to dealing with firearms policy had defined the very issue of firearms. Attempting to fundamentally change such a longstanding policy was clearly not possible through revision and tinkering. The 'old' policy of firearms regulation would have to be uprooted completely and replaced with the new policy of 'gun control.'

The Evolution of Canadian Firearms Policy, 1968-1993

Canada's first attempt at modern 'gun control' takes place in 1968. In that year, the Liberal government initiated substantial changes to the *Criminal Code*, leading to the introduction of "the Omnibus Bill." The justice minister at the time, John Turner, described the Bill as "the most important and all-embracing reforms of the criminal and penal law ever attempted at one time."⁶ The changes proposed by the Omnibus Bill were indeed enormous, both in terms of quantity and quality. The Bill was 120 pages in length, resulting in substantial debate and discussion in the House of Commons in 1968 and 1969.⁷ Included in the legislation were many changes to firearms legislation, including the creation of new categories of restricted firearms, penalties for the improper use, storage and carrying of firearms, and a prohibition on the possession of firearms for those categorized as dangerous or mentally unsound by the court. However, much of those changes were overshadowed by other, much more contentious issues dealt with by

⁶ John Turner, quoted in Paul Stevens and John Saywell, "Parliament and Politics," in John Saywell, ed., *Canadian Annual Review for 1969* (Toronto: University of Toronto Press, 1970). p. 4.

⁷ Ibid. p. 4.

the Bill, such as the legalization of abortion in certain cases,⁸ the decriminalization of homosexual acts and the overhauling of criminal sentencing to mention just a few.⁹

The changes, part of Trudeau's vision of a 'just society,' combined with the *Official Languages Act*, made for a very contentious and hectic parliamentary session. Despite fairly substantial changes to federal firearms policy, gun control was relegated to the back pages because of the heated debate over the more controversial portions of the Bill. The issue may have received more attention had the Liberals agreed to the demands of the Conservatives to break up the Omnibus Bill into four parts for debate.¹⁰ Ultimately, the Omnibus Bill passed easily 148 to 54, with many opposition members supporting the legislation. Given the controversy surrounding the Omnibus Bill, debate on the firearms issue was obscured by other issues. Including gun control in the Omnibus Bill successfully deflected any potential political backlash from gun enthusiasts, voters and rural MPs on both sides of the House. While the gun controls of 1968-69 were not a drastic change to Canadian firearms policy law, they did usher in a new era characterized by a governmental desire to implement gun controls rather than to regulate the use of firearms.

During limited debate on the issue in the Commons, John Turner became the first Justice Minister (and the first prominent politician) to suggest the permanent peacetime registration of all guns in Canada. This sentiment is indicated by a 1968 full-length

⁸ Under the 1969 changes to the *Criminal Code*, a woman was allowed to have an abortion if a panel consisting of three doctors believed continuation of the pregnancy would be injurious to the mental or physical health of the mother. Ibid. p. 4.

⁹ See for example, Star Staff, "Turner rejects bid by Tories to split Criminal Code bill," *Toronto Star*, Jan. 24, 1969. p. A1. The Omnibus Bill also introduced breathalyzer tests for those suspected of drunk driving, transformed the law regarding lotteries and amended the *Parole Act*, the *Penitentiary Act*, the *Prisons and Reformatories Act* and the *Combines Investigations Act* (Saywell, p. 4).

¹⁰ Star Staff, "Turner rejects bid...." p. A1.

interview with Turner that appeared in *Maclean's*. In response to the question: "Some people think the [firearms] regulations should be tightened more [than in the proposed changes to the *Criminal Code*],"¹¹ Turner replied, "[t]here's got to be an adequate permit system or registration system."¹² However, Turner stated that even such a drastic measure would not be effective: "if we were to enforce registration of every weapon in the country a gun could always get into the wrong hands."¹³ Turner went further, arguing that he did "not believe that there was foolproof gun law even if we withdraw every weapon in the country."¹⁴ When asked if police officers in Canada should carry guns, Turner avoided the question by answering, "[t]he policeman has a difficult role in society where all established areas of authority are being challenged. He is entitled to use reasonable force to maintain law and order and the use of the reasonable force in a variety of circumstances sometimes demands very delicate use of judgment."¹⁵ This non-committal answer is informative in that it is unlikely that any previous minister holding the justice portfolio would have hesitated to support the use of guns by police.

Turner's response to this question combined with his answers in the House regarding the registration of all guns and even the banning of all guns, indicated that, perhaps, the Liberal government had at least considered some potentially radical gun control policies before pursuing the more limited controls they passed in 1969. In the late 1960s, the Liberals undoubtedly recognized the strong negativity-bias inherent to the gun

¹¹ John Turner, quoted in Douglas Marshall, "Maclean's interviews John Turner," *Maclean's*, Oct. 1968. p. 52.

¹² Ibid. p. 52.

¹³ *Debates of the House of Commons*, Jan. 23, 1969. p. 4721.

¹⁴ Ibid. p. 4721.

¹⁵ John Turner, quoted in Marshall. p. 52.

control issue and correctly saw the issue as a political loser. In 1969 the government was not about to upset powerful rural interests by attempting to implement comprehensive gun controls.

Nevertheless, by 1969 it is clear that the prevailing paradigm of gun control was being challenged by governmental attitudes, public opinion and changing federal policy. The 1968-1969 gun control debate, although obscured by other more controversial issues, represented the first clear emergence of 'gun politics' in Canada. For the first time the government refers to "conflicting interests" on the issue.¹⁶ By this time, the first polling had been conducted in the area of gun control, which indicated the strong preference for gun control among Canadians. In addition, there was some isolated support for gun control being expressed outside of Parliament. This differs in character from previous debates, which mainly dealt with the issue at hand, not the principle of gun control itself. Nevertheless, despite some calls for stricter gun control, at this point in time, there were no organizations or groups dedicated solely to gun control. It was also around this period that the gun control movement in the United States was beginning to emerge. After successful passage of the Omnibus Bill in 1969, the Liberals avoided the gun control issue until 1975.

Given the negativity-bias inherent to the gun control issue as well as the nature of party competition throughout this period it is not surprising that the issue was not revisited by the Liberals in the early 1970s. Having already dealt with the issue in the Twenty-eighth Parliament, which ended in 1972, the Liberals governed with a fragile minority from 1972 to 1974. If the brokerage character of federal party competition

¹⁶ *Debates of the House of Commons of Canada*, Jan. 23, 1969. p. 4721.

inhibited political courageousness and policy innovation, it was magnified exponentially in a minority situation. With only a minority, the government was even more sensitive to the perceived losses of the gun vote, especially as they had already suffered a significant loss of seats in the election of 1972. Due to the distortions created by the electoral system, the further seat losses could be expected (and overestimated) in rural Canada if they championed tougher gun laws. The perceived loss expectation might even be significant enough to prevent them from gaining a majority in the next election or even giving a majority to the Conservatives. Because of the negativity-bias, it would not be wise for the government to introduce comprehensive gun controls as a means of deliberately triggering an election.

Indicating that they were still concerned with the issue, once they were returned with a majority in 1974 the Liberals quickly reopened the gun control file. From 1975 to 1977, gun control received the most attention it had ever previously been given in Canadian politics.¹⁷ During this three-year period, the issue of firearms regulation was the subject of substantial parliamentary debate and increasing media coverage; it was also an important platform in the government's agenda.¹⁸ Increased interest in firearms was kindled by the belief that incidents involving firearms were on the rise, resulting in

¹⁷ One of the first suggestions that the Liberals would revisit the *Criminal Code* firearms provisions was made January 17, 1973. This was indicated in a speech made by the leader of the opposition, Robert Stanfield on October 28, 1975. *Debates of the House of Commons of Canada*, Oct. 28, 1975. p. 8602.

¹⁸ One indicator of how "gun control" went from parliamentary obscurity to political salience is its appearance, for the first time, as a subject heading in the index of the *Debates of the House of Commons of Canada* in 1977-78, where it has remained ever since. Prior to this, issues regarding gun control were listed in a number of separate categories which changed over time, such as: 'arms,' 'arms and ammunition,' 'firearms,' 'criminal code amendments,' 'gun law,' 'rifles,' 'shotguns' and 'offensive weapons' to name just a few. *Index of the Debates of the House of Commons of Canada*, 1977-78. p. 120. Gun control during this period received widespread media coverage, and was on many occasions a front page issue. See for example, Mary Janigan, "Gun Controls 'will founder' without support," *Toronto Star*, April 21, 1977. p. A1.

pressure on the government to deal with the issue. It should not, however, be understood that the perception that there was a gun problem had disappeared from 1969 to 1975; rather, the issue was not addressed because of the minority situation in Parliament.

By late 1974, the Conservatives had begun criticizing the Liberals for not addressing the 'gun problem.' The demands by the opposition on the government to consider tougher firearms law are well represented by Conservative MP, and former Prime Minister, John Diefenbaker who, in January 1975, asked the Solicitor-General "whether it is not a fact that the Royal Canadian Mounted Police are very deeply concerned over the multitude of gun-toting criminals who in recent months have committed murders, hold ups and the like with firearms."¹⁹ In response, the Solicitor-General agreed that firearm misuse was indeed on the rise and that the government was initiating changes.²⁰ However, Diefenbaker also warned the Liberals that all tougher gun controls were necessary the Conservatives would not be supportive of gun control amendments that "are strongly objected to by law-abiding Canadians..."²¹ This statement is characteristic of the position of the Tories (and the Liberals) on gun control when in opposition which pressured the government to reduce gun crime, but to avoid implementing stricter gun control measures that would impose on 'law-abiding' gun owners. In fact, during the gun debates of the mid-1970s, the Conservatives became the

¹⁹ *Debates of the House of Commons of Canada*, Jan. 27, 1975. p. 2615. Diefenbaker suggested that the penalty for anyone carrying a firearm with intent be increased to a five-year sentence "so that it will be a deterrent to these thugs who today are terrorizing all parts of Canada (p. 2615)." Prior to the Liberal gun control bill, Diefenbaker had introduced his own private member's Bill, C-329, which epitomized the conservative approach to gun control, focusing on tougher sentences and better training for gun owners. *Debates of the House of Commons of Canada*, June 3, 1975. p. 6380.

²⁰ *Debates of the House of Commons of Canada*, Jan 27, 1975. p. 2615.

²¹ *Ibid.* p. 2615.

defender of the status quo, and their rhetoric echoed Canada's original approach to firearms policy.

In the face of staunch opposition, the government played down proposed changes to the law. For example, in June of 1975, Justice Minister Otto Lang argued that Canada already had "quite stringent" gun controls.²² He further questioned the value of gun registration systems in reducing crime and stated that he would avoid any controls that "impose unnecessary red tape upon the citizens of this country."²³ Solicitor-General Warren Allmand, a long-time supporter of gun control, also indicated that his department was rethinking any possible registration scheme that had been mentioned previously.²⁴ The NDP was in favour of more stringent gun controls throughout the debate, but many of its rural members were against it. However, both the Tories and the NDP were critical of the government's delaying tactics on the new gun controls, which they had been considering for more than two years without a proposal.²⁵

Until the Liberals announced their commitment to tougher gun controls, the Conservatives continued to maintain an interesting position that reflected the shallowly adversarial nature of brokerage party competition at the time. The Conservatives were simultaneously critical of the Liberals for not addressing the 'gun problem,' and at the same time, they opposed Liberal suggestions for tougher gun controls without presenting any firm solutions of their own for addressing the gun problem. This not only further demonstrated the negativity-bias of the issue at the time, but it also illustrated how the

²² Ibid. p. 6380.

²³ Ibid. p. 6380.

²⁴ *Debates of the House of Commons of Canada*, June 3, 1975. p. 6507.

²⁵ *Debates of the House of Commons of Canada*, Oct. 28, 1975. p. 8604.

brokerage nature of party competition structured federal politics in a way that stifled policy innovation and political courageousness and prevented comprehensive gun controls despite their popularity.

In October of 1975, Prime Minister Trudeau appointed Ronald Basford as his Justice Minister. With the new minister came a new resolve to implement stronger gun controls. On the day of his appointment, Basford stated that he was concerned “about the inadequacies of gun laws,”²⁶ and shortly after announced a new round of gun control laws that were to be included as part of a government ‘security package,’ which also included the abolition of capital punishment in Canada, among other measures.²⁷ The stated purpose of Bill C-83 was to respond to a number of widely publicized tragic shooting deaths and incidents where mentally unstable individuals had easily acquired firearms and attempted, threatened or successfully caused harm with them; Bill C-83 was explicitly designed to answer the concerns of Canadians over the easy accessibility of guns and to reduce the number of firearms related deaths.

The government and supporters of the Bill maintained that gun control was necessary to stop people like the ‘Yonge St. Sniper,’ who had a long psychiatric record of mental instability yet wounded a number of people and committed suicide with a gun he had purchased a mere half and hour before he started shooting.²⁸ Furthermore, in the heat of the gun control debate of the 1970s, eight policemen were wounded and one killed by

²⁶ *Debates of the House of Commons of Canada*, Oct. 16, 1975. p. 8257.

²⁷ Canadian Press, “Basford submits revised gun bill,” *Toronto Star*, April 20, 1977, p. A11. The opposition was critical of including gun law in an Omnibus *Criminal Code* amendment bill as the Liberals had done in 1969. While the gun control provisions failed to become law, the portion of the security package which forbade capital punishment was separated from the legislation that was ultimately included in C-83.

²⁸ Star Staff, “Police chief ‘disappointed’ with toned-down gun law,” *Toronto Star*, April 21, 1977. p. A2.

a sniper in the middle of Ottawa, an incident which further aided calls for tougher gun control, especially regarding background checks for individuals seeking to purchase a gun.²⁹ These concerns were not unwarranted; in 1975, any adult could walk off the street and purchase any number of long guns and any amount of ammunition from a gun merchant or hardware store anonymously and without any questions asked. Furthermore, they could immediately take possession of the firearm without any waiting period whatsoever. While a permit was required for a handgun, and certain assault weapons were illegal, it was not difficult for any person, regardless of criminal background or mental history, to get a high-powered rifle or shotgun.

At the time of its introduction on February 24 1976, Bill C-83 represented the toughest gun control measures in Canadian history.³⁰ The central component of the gun control portions of the Bill was the regulation requiring all current gun owners, as well as those obtaining any type of gun or ammunition in the future, to have a permit. In order to obtain a permit, individuals would be subjected to a police check and would also be required to submit the signatures of two guarantors who could vouch for their mental competence. This procedure would create a *de facto* 'cooling off' period, as those wanting certification would have to wait for processing. Training courses would also be mandatory for those new gun owners obtaining a permit. Bill C-83 therefore represented the first attempt since the 1940s to regulate all long-gun owners in the country and was

²⁹ Canadian Press, "Basford's gun talk angers PCs," *Toronto Star*, July 13, 1977. p. A 14. This is by no means an exhaustive list of gun related tragedies leading up to the introduction of Bill C-83.

³⁰ Introduced as the "*Criminal Law Amendment Act (no.1)*, 1976: Measures for Better Protection of Canadian Society Against Crime." *Debates of the House of Commons of Canada*, Feb. 24, 1976. p. 11197. Bill C-83 was 73 pages long, with 38 of those dedicated to gun control provisions.

the federal government's first attempt at implementing a permanent comprehensive gun control regime.

Demonstrating the high negativity-bias inherent to the issue, Bill C-83 drew heavy criticism immediately after its introduction from gun organizations, hunters and wildlife enthusiasts and also from the opposition Progressive Conservatives, as well as from many rural MPs from all parties, including the Liberals. The Shooting Federation of Canada (SFC), the Canadian Wildlife Federation (CWF) and Firearms for Responsible Ownership (FARO) were the leading anti-gun control interest groups of the day.³¹ All of these groups lobbied heavily for the Liberals to withdraw or reduce the impact of the Bill. One Liberal MP stated that in his nineteen years as an MP, no other bill "generated so much correspondence and almost violent reaction from people."³² In fact, University of Toronto Criminologist Philip C. Stenning claimed that the gun control provisions contained in Bill C-83 "generated more letters to the federal government than any other issue in Canadian political history besides capital punishment."³³ The overwhelming majority of those letters were opposed to the Bill. While there were plenty of voices opposed to Bill 83, the government had little support from potential allies demonstrating that there was little credit to be gained from pursuing tougher gun laws. The Justice Minister himself lamented that the 'silent majority' of urban Canada did not speak out

³¹ Robert Lewis, pp. 40b-40d. Lewis gives much of the credit for defeating Bill C-83 to the 'gun lobby,' and heavily criticized both Trudeau and Basford for giving in to gun interests, despite the overwhelming support for gun controls by the Canadian public.

³² *Debates of the House of Commons of Canada*, April 7, 1976, p. 12588. The non-gun control provision of Bill C-83 were also criticized, especially its provisions regarding surveillance. Some argued that the Bill would lead to a substantial violation of civil liberties. See for example, *ibid.* pp. 12587-12593; Mary Trueman, "Softer gun-control bill not likely to get rough treatment," *Globe and Mail*, May 77, p. 11.

³³ Stenning, "Guns & the Law," p. 6. This article was published in 2001.

loudly enough in support of Bill C-83.³⁴ Minister Basford pointed out that despite polls showing that Canadians overwhelmingly support gun control, this opinion had not been well expressed by the general public.³⁵ Despite Basford's complaints, however, the press was generally supportive of tougher gun laws.

In Parliament, Basford's gun law was supported by the NDP (although opposed by some rural NDP members). Gun control, however, was not among the most important issues to the NDP at the time. Even on justice policy, the NDP was focused more on the abolition of capital punishment than it was on firearms control. Reflecting the typical pattern of adversarial brokerage party competition, the Conservatives made the standard anti-gun control argument that C-83 would do little to control criminals, yet would be a substantial burden to law abiding gun owners.³⁶ Nevertheless, the Conservatives still indicated their support for the vague concept of gun control without outlining any policy options.

Ultimately, opposition both in and out of Parliament led the government to withdraw C-83 and replace it with a much less stringent gun control measure. The failure of Bill C-83 demonstrates the profound negativity-bias inherent to the issue of gun control. Despite having a firm majority in Parliament and the power to impose strict party discipline on its MPs, the government was forced to back down in the face of

³⁴ Canadian Press, "Stand up for gun controls, Basford tells city dwellers," *Vancouver Sun*, April 21, 1977. p. 8.

³⁵ *Ibid.* p. 8.

³⁶ Canadian Press, "Tory gun bill changes defeated," *Toronto Star*, July 14, 1977. p. A4. The Conservatives were also concerned with a number of specific provisions of the Bill, including a clause that would make possession of a firearm without a serial number a criminal offence unless the owner had a lawful excuse. Canadian Press, "Gun control bill violates basic principle, Tories say," *Toronto Star*, July 12, 1977. p. A2.

extreme pressure from gun owners, gun organizations and backbench MPs and the realization that there was much more to lose than gain politically on the issue.

On April 20, 1977, the Justice Minister introduced Bill C-51, which was universally viewed as a substantially watered-down version of C-83. Referring to C-83, Basford complained that Members of Parliament and officials in the justice ministry had been contacted by many more groups and individuals opposed to tougher gun laws than those advocating for them. Basford also pointed out that rural interests were better organized and much more vocal than the urban majority.³⁷ To ensure that C-51 would not suffer the same fate as C-83, Basford made a direct call for the silent majority to speak out, warning that tougher gun laws “may flounder if Canadians who want tougher gun laws do not voice their opinion.”³⁸ The Minister went on to state that: “[i]f people want better and safer gun laws in this country they have damn well got to speak up right now and be heard. I urge them to do that.”³⁹ These pleas were unnecessary, however, as C-51 did not represent much of an imposition to the average Canadian gun owner. In fact, compared to the much more stringent C-83, the new gun control law would not affect the vast majority of those Canadians who owned firearms; only those purchasing new firearms would be affected by the requirement that a Firearms Acquisition Certificate (FAC) was needed to obtain any new guns. At the time of its passage, the FAC system had not been fully developed and would be set out in future by regulation. This, however, required significant discussion with the provinces. The editorial board of the

³⁷ Canadian Press, “Stand Up For Gun Controls....” p. 8.

³⁸ Mary Janigan, “Gun Controls ‘Will Flounder’.” p. A1. This quote is taken from Janigan, who is paraphrasing the comments of the Justice Minister.

³⁹ Ibid. p. A1.

Toronto Star complained that because of the delay, "Canadians have another year to stock up on guns without any kind of controls."⁴⁰ The FAC system was finally implemented on Jan 1, 1979, but was plagued by problems. Most police forces, for example, were only able to perform cursory background checks on those seeking guns, and only a small percentage of applicants were actually screened.⁴¹ Also, once an individual received an FAC they could buy an unlimited amount of firearms.⁴² One important provision included in Bill C-51 was the requirement that new gun owners were required to pass a firearms safety course before an FAC could be issued. This section of the *Criminal Code*, however, was never proclaimed into law by the government.⁴³ In addition, comparatively few guns were actually added to the restricted list by C-51.⁴⁴ The legislation was really only a significant burden to handgun owners as further restrictions were placed on small arms ownership.

In the end, the much weaker Bill C-51 passed third reading easily on 18 July, 1977 by a margin of 95 to 40 and received royal assent on 5 August of the same year.⁴⁵ This is not particularly surprising as the Bill was shaped to a large extent by the enemies of C-83. Robert Lewis, writing in *Maclean's*, went so far as to say that after the gun lobby successfully killed Bill C-83, the government wrote "a new bill that anticipates all

⁴⁰ Editorial, "Still only half a law to control guns," *Toronto Star*, July 20, 1977.

⁴¹ Paul Wiecek, "Officials united in calls for stricter gun crime," *Winnipeg Free Press*, Jan. 19, 1990. p. A1. Winnipeg police, for example, admitted in 1990 that they were unable to check medical records, due to privacy law. As a result, the FAC resulted in only a check of criminal records. p. A1.

⁴² Timothy Appleby, "One certificate gets endless guns," *Globe and Mail*, June 27, 1990.

⁴³ Graham Fraser, "Lewis willing to 'look at' need for safety training course in gun law amendments," *Globe and Mail*, Dec. 9, 1989. p. A6.

⁴⁴ Star Staff, "Three rifles to go on restricted list," *Toronto Star*, Mar. 24, 1977. p. B4.

⁴⁵ *An Act to amend the Criminal Code, the Customs Tariff Act, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act*, S.C. 1976-1977, v. 2, c. 53. p. 1281.

the major objections of the gun associations.”⁴⁶ Lewis’s accusation was confirmed when the executive director of the Canadian Wildlife Federation, a staunch opponent of C-83, endorsed C-51.⁴⁷ While the president of Firearms and Responsible Ownership (FARO) had reservations about the registration of handguns under C-51, his primary complaint was that the Bill did not go far enough in terms of punishing criminals who use guns in the commission of a crime.⁴⁸

The new gun control provisions were so much less stringent than originally proposed, the small group of Conservative MPs that had dedicated themselves to killing C-83 did not speak against the gun control portions of C-51.⁴⁹ Even a Liberal MP said that C-51 was “the right compromise.”⁵⁰ Once introduced, the greatest opposition to C-51 was to the portion of the legislation that dealt with police powers regarding wiretapping.⁵¹ While Basford’s retreat on gun control was criticized, once introduced the press generally welcomed C-51 as a step in the right direction.⁵² Even the NDP, which generally supported tougher gun laws throughout 1975-77, accepted the changes stating: “[i]t’s a pretty modest step toward public safety, but half a loaf is better than none.”⁵³ After C-51 received Royal Assent, the issue of gun control returned to political obscurity.

⁴⁶ Lewis. p. 40b.

⁴⁷ Trueman, “Softer gun-control bill....” p. 11. The executive director of the Canadian Wildlife Federation, Ken Brynaert, supported the Bill saying it was “stronger in terms of its effectiveness.... They [the government] have cleaned up their act, so to speak — they’ve got what we consider to be a meaningful bill (p. 11).”

⁴⁸ Ibid. p. 11.

⁴⁹ Ibid. p. 11. Some of the Conservative MPs who belligerently fought C-83 admitted that they had not even bothered to read C-51, further indicating the degree to which C-83 was watered down.

⁵⁰ Ibid. p. 11.

⁵¹ Ibid. p. 11.

⁵² See for example, Editorial, “Weakened gun law still welcomed,” *Toronto Star*, April 21, 1977. p. B6.

⁵³ Trueman, “Softer gun control bill....” p. 11. The statement was made by Stuart Leggatt, who was the NDP MP responsible for the issue of gun control.

For the remainder of the 1970s, the little debate that took place in Parliament and in the media regarding gun control was primarily about technical, administrative and problematic aspects of the Bill, which did not fully come into force until 1979.

The controversy that surrounded Bill C-83 clearly demonstrated to all those in government favouring a tougher firearm policy, that there was nothing to be gained and much to be risked in revisiting the gun control issue. It is not surprising, therefore, that during the 1980s that governmental interest in gun control decreased in the wake of the passage of C-51 and the humiliating defeat of C-83. In Parliament, the few debates on the issue during the decade centred on no less than six private members bills introduced in the Commons to change Canada's gun control laws.

The most significant of these was Bill C-451: "A Criminal Code Amendment Respecting Gun Control," and was introduced in 1982 by Liberal MP Warren Allmand who, as Solicitor General in 1976, was supportive of tougher gun control measures.⁵⁴ The goal of the Bill was to create a Firearms Possession Certificate that would apply to all firearms owners. This would be more stringent than an FAC, which only applied to new gun owners. Under this scheme, local police could refuse to issue a possession certificate to, or revoke a certificate from, "those with a criminal record or a history of violence, instability or alcoholism."⁵⁵ The Bill included stiff penalties: up to five years in jail for the mere possession of even one round of ammunition without a permit.⁵⁶

The extent to which Bill C-451 was vigorously opposed in and out of Parliament demonstrated the continuing strength of the negativity-bias in the issue. Gun

⁵⁴*Debates of the House of Commons of Canada*, Dec. 3, 1982. p. 21278.

⁵⁵ *Ibid.* p. 21278.

⁵⁶ Canadian Press, "Campaign launched for gun safety," *Halifax Chronicle-Herald*, Nov. 8, 1982.

organizations distributed a misleading and factually erroneous circular throughout Canada warning gun owners about the Bill.⁵⁷ The Conservatives argued that the Bill was “a trail balloon to test public opinion” and that it was a violation of the property rights of Canadians, an inconvenience to law-abiding gun owners, and would not stop crime.⁵⁸ Rural NDP MPs also opposed the Bill saying it would create “American-style paranoia” and “would also be a bureaucratic nightmare that would harm native people and hunters.”⁵⁹ As with the vast majority of private members’ public bills, C-451 did not become law. In 1985, Allmand introduced an almost identical private members’ bill, hoping to tighten the criminal code’s gun control provisions.⁶⁰ In that case, Allmand argued that tougher gun control was necessary as “[g]uns are too readily available in home where there is a history of alcoholism, drug addiction and family disputes.”⁶¹

⁵⁷ *Debates of the House of Commons of Canada*, Dec. 3, 1982. p. 21278. The circular gave a false impression of the bill, stating incorrectly that “all retail sales of firearms [were] to be handed through a government agency only,” and that “[p]ossession of any firearm [was to be] by police permit only.” It erroneously stated that there was to be “[c]ompulsory registration of all firearms by serial number,” “permit holders must file annual reports to the use and condition of all firearms in their possession” and that “[n]o firearm may be disposed of by sale, barter, gift or bequest. p. 21278.” The circular, which was distributed to sports shooting clubs and most media outlets was not signed or endorsed by any individual or group. Allmand suggested that the circular “shows the cowardice and the dishonesty of not all — but many — of the groups dealing with gun control.” Canadian Press, “Opposition MPs shoot down gun control bill,” *Winnipeg Free Press*, Dec 4, 1982. p. 12.

⁵⁸ See the debate on Bill C-451 in *Debates of the House of Commons of Canada*, Dec. 3, 1982. pp. 21278-21284. See also, Canadian Press, “Opposition MPs shoot gun control bill down.” *Winnipeg Free Press*, p. 12. See also, Calgary Herald Staff, “Bill 451: Gun Lobbyists suspect Liberal Government is honing edge of wedge,” *Calgary Herald*, July 11, 1981. p. F3. For a private members’ bill that had almost no chance of passing, C-451 created quite a controversy.

⁵⁹ Canadian Press, “Opposition MPs shoot gun control bill down.” p. 12. Unfortunately for Allmand, the press reported the allegations of the circular before it was revealed to be deliberately inaccurate. See also Virginia Byfield, “Allmand in shootout with gun lover lobby over weapons control.” *Vancouver Sun*, Jan. 7, 1992. p. C12.

⁶⁰ Bill C-205, An Act Respecting Gun Control. See the debate regarding this bill in the *Debates of the House of Commons of Canada*, Nov. 4, 1985. pp. 8334-8342. Bill C-205 was identical in purpose to C-451 in that it was designed to “change the firearms acquisition certificate into a firearms possession certificate so that it would apply to the possession of all firearms (p. 8336).” Simply put, a licence would be required to possess and use firearms.

⁶¹ *Ibid.* p. 8335.

Two other private members' bills on the issue were introduced in 1980. The first was introduced by NDP MP Jim Fulton who sought to weaken gun control in Canada by eliminating the application of the FAC component of the law in rural and northern regions.⁶² The second private members' bill was proposed by Conservative Blaine Thacker and would have mandated that no one could purchase a firearm unless they had successfully passed a gun safety course and acquired a Firearms Proficiency Certificate.⁶³

In 1987, two decidedly different opinions on gun control were reflected in the two separate private member's bills introduced on the subject in that year. The first of these, Bill C-213, was introduced in June by NDP MP Jim Fulton who, once again, sought to remove the search and seizure provision of C-51 and to eliminate the FAC requirements in northern, rural and remote areas.⁶⁴ Fulton argued that too much discretionary power had been given to the police through the FAC requirement and that FACs have "turned out to be a bureaucratic nightmare for most Canadians living in rural and remote areas."⁶⁵ In fact, Fulton was critical of the FAC system in its entirety and advocated the elimination of the FAC requirement for gun owners.⁶⁶

While Fulton was advocating less gun control, his NDP colleague in the House, Svend Robinson, introduced his own private members' bill designed to toughen up gun

⁶² Bill C-568, An Act to amend the Criminal Code (gun control). Introduced on May 2, 1980. The stated purpose of the bill was "to relax certain features of the gun control legislation in effect since 1979...."

⁶³ Bill C-588, An Act to amend the Criminal Code (gun control). Introduced May 2, 1980. The stated purpose of the Bill was "to replace [the FAC] requirement by an obligation to produce a firearms proficiency certificate. Such a certificate will only be available to those who have successfully completed a course on the safe handling and the use of firearms."

⁶⁴ *Debates of the House of Commons of Canada*, June 5, 1987. pp. 6806-6814.

⁶⁵ *Ibid.* p. 6807.

⁶⁶ *Ibid.* p. 6808. Fulton stated that the FAC system had not reduced firearm incidents and was "harmful to safe, honest gun handling Canadians."

control laws.⁶⁷ In September 1987, Robinson proposed that all firearms be registered, that there be tougher restrictions on those with a criminal record to get a gun, and that there be a minimum ‘cooling off’ period’ for the acquisition of a firearm. Robinson was also critical of both the Liberals and Conservatives respectively as neither party in had bothered to proclaim into law a section of C-51 when in government which would require safety training courses for new gun owners.⁶⁸ Robinson’s bill was criticized by the Conservatives as a “loony bill” which did “not deal at all with the criminal element. It deals with the millions of Canadians who use their firearms responsibly.”⁶⁹

These numerous private members’ bills serve to demonstrate two points about gun control during the 1980s. First, it is clear that there was little party cohesion on the issue; opponents and supporters of gun control could be found in every parliamentary caucus. Not surprisingly, MPs appeared to be divided by an urban/rural split, not by partisan politics. Second, the relatively high number of private members’ bills demonstrated that although governments and political parties were reluctant to broach the subject in terms of policy, there was still an interest in gun control and continued recognition that there was a gun problem that should be dealt with by government.

As discussed above, there was little in the way of governmental action in the 1980s on the issue of gun control. Two reports commissioned by the Solicitor-General’s office were conducted by a private consultant group on the impact of Bill C-51 on crime and firearms misuse. The first report issued in 1981 cautiously stated that:

⁶⁷ Bill C-207. An Act to amend the Criminal Code (gun control). Introduced Sept. 17, 1987.

⁶⁸ *Debates of the House of Commons of Canada*, Sept. 17, 1987. p. 8972.

⁶⁹ *Ibid.* p. 8973.

[u]nfortunately, we do not have sufficient data to draw firm conclusions on whether Bill C-51 has promoted a reduction in firearms incidents. Nevertheless, we have been able to identify some historic trends in gun usage which indicate that the “gun problem” *per se*, was less serious in the late 1970s than in the early and middle years of the decade. Generally, these favourable trends have continued through the first full year of firearms control in Canada.⁷⁰

Two years later, the final report was issued, which credited Bill C-51 with having some success in reducing firearms related incidents. The consultants suggested:

[I]n a considerable number of cases, a decline in the proportional occurrences with firearms subsequent to the legislation has been found. Most of the declines were modest, but in view of the consistency among various statistics, it is concluded that the legislation did have a moderate impact on the use of firearms in Canada.⁷¹

The long-term impact of Bill C-51 was debated by academics without any firm conclusions throughout the 1980s. One of the biggest concerns of the various studies commissioned by the Solicitor-General was that the courts had not been very forceful in their application of the gun law and that judges had not been barring people convicted a serious criminal offence from owning a gun for the five years period mandated by the *Criminal Code*.⁷² The first report also demonstrated that there were 750 000 restricted weapons in Canada,⁷³ proving what many critics had suspected: it was not very difficult to obtain a restricted weapon in Canada. Solicitor-General Robert Kaplan praised the reports, indicating that he and the government were pleased with the results of Bill C-

⁷⁰ Decision Dynamic Corp., *First Evaluation Report*. 1980. Quoted from Martin L. Friedland. p. 237.

⁷¹ Decision Dynamic Corp. “Final Evaluation Report” 1983, p. xiii. Quoted from *ibid.* p. 237.

⁷² Dianne Ellson, “Courts not using gun bill, study says,” *Globe and Mail*, May 27, 1981. pp. 1-2. For example, the report indicated that provisions of the 1977 law which required mandatory prohibition of gun ownership for at least five years for those convicted of an indictable offence were imposed only 14 percent of the time. *Ibid.* p. 1.

⁷³ Canadian Press, “750,000 guns on the books,” *Vancouver Sun*, Mar. 31, 1981. p. A12.

51.⁷⁴ Consequently, the government seemed content with the status quo after the evaluation report was issued. When the final report was issued in 1983, it was also viewed favourably by the government. This is not surprising as the final evaluation of C-51 attributed a decline in firearm homicide and armed robbery to the legislation.⁷⁵

Other than these two studies, there was little other governmental activity in the area of gun control in the early 1980s. No significant changes to gun control legislation were proposed by the federal government. The only program initiated on the subject was in 1982 when the government introduced a campaign to promote gun safety that targeted young Canadians.⁷⁶ In launching the campaign, Solicitor-General Kaplan promised a full review of gun control legislation following the evaluation of Bill-C-51 by his department. The review was not conducted, however, due to the electoral defeat of the Liberals in 1984 and it was not revisited by the new Conservative administration. The Liberals, however, introduced Bill C-19, an omnibus *Criminal Code* amendment bill, in February 1984 which included some very minor changes to the gun laws contained in the *Criminal Code*.⁷⁷ These proposals, however, died on the order paper.⁷⁸

⁷⁴ Canadian Press, "Gun-control laws praised by Kaplan," *Winnipeg Free Press*, May 23, 1981. p. 20. In an editorial response to the report, the *Globe and Mail* criticized Parliament for not making gun laws clearer and crown attorneys and judges for not applying the law. "Guns and the courts," *Globe and Mail*, June 2, 1981. p. 6.

⁷⁵ Terrance Wills, "Gun control laws cutting number of robberies with firearms," *Montreal Gazette*, Aug. 20, 1983. p. A7. Examining the survey, Wills suggested that the "the assailant with a gun now is more likely to be a hardened criminal, young and stoned on drugs or booze (p. A7)."

⁷⁶ Canadian Press, "Campaign Launched for Gun Safety," *Halifax Chronicle-Herald*, Nov. 8, 1982. p. 5.

⁷⁷ William C. Bartlett, "Gun Control: Bill C-80 and Related Measures," Background Paper: Ottawa: Library of Parliament, Nov. 1990. p. 4.

⁷⁸ *Ibid.* p. 4. Some of the changes from Bill C-19 were incorporated in Bill C-80 (discussed below), which also died on the order paper.

The issue of gun control did not receive much media coverage during the 1980s, especially during the first half of the decade.⁷⁹ Much of the coverage during this period dealt with the 'gun crisis' in the United States, how the situation south of the border compared with the Canadian situation, as well as considering the possibility of American gun violence spreading to Canada.⁸⁰ However, while the issue was not at the forefront of the news and not of great concern to the federal government, interest continued to grow on the issue, and very gradually, pressure grew for stricter gun control as the decade progressed.⁸¹

Beyond the media and certain members of Parliament, calls for a tougher gun control regime were coming from chiefs of police, coroners' reports and public health officials.⁸² Public opinion continued to show strong public support for gun controls. Fear was growing among many Canadians that Canada could slowly slip toward a similar situation a high level of gun violence as experienced in the United States, a situation which many Canadians perceived as being out of control.⁸³ There were also a number of

⁷⁹ For example, The Canadian Periodical Index and the Canadian News index list very few entries under the subject of firearms, firearms control, firearms law and legislation. This is especially the case when compared to the mid 1970s and the 1990s see, Canadian Periodical Index (Info Globe, Toronto, Ontario).

⁸⁰ See for example, Jim Gourlay, "Handguns: the arguments, and the violence, continue," *Halifax Chronicle-Herald*, July 12, 1982. p. 22. See also, Dave Haynes, "Gun control issue simmers," *Winnipeg Free Press*, Mar. 10, 1982; Martin L. Friedland, "The Gun in Canada," *Globe and Mail*, April 11, 1981. p. 10. Much of the interest in Canadian/American gun control can be attributed, at least in part, to the attempted assassination of US president Ronald Reagan in 1981.

⁸¹ See for example, Canadian Press, "Gun law reform is urged," *Calgary Herald*, Jan 10, 1983. p. A13; Val Werier, "Canada's gun control's have serious problems," *Winnipeg Free Press*, April 24, 1982. Robert Stephens, "Tougher Gun Controls Discussed," *Globe and Mail*, Sept. 28, 1984. p. 4.

⁸² The director of the Canadian Association of the Chiefs of Police called for stricter gun control, although his focus was on deterrence through tougher sentencing, rather than on making guns more difficult to obtain. Canadian Press, "Gun law reform is urged," p. A13. There was a controversy in Toronto in 1986 when the chief of police supported the notion that some store owners should carry guns. This resulted in calls for his resignation.

⁸³ Friedland, "Gun Control in Canada," p. 237. This was Friedland's observation in 1985.

high profile shootings and incidents involving firearms in Canada that brought a greater sense of urgency to the issue.⁸⁴

By 1988, the federal Conservative government began to feel pressure to tighten the *Criminal Code* in the area of firearms. In that year, Justice Minister Ray Hnatyshyn announced that Ottawa was considering any proposal that would make it more difficult to purchase firearms.⁸⁵ Accordingly in May 1989, the government announced a limited gun control proposal.⁸⁶ The goal was simply to prohibit those firearms that were originally manufactured as fully automatic weapons, but which had been converted to semi-automatics to make them legal in Canada.⁸⁷ This answered a longstanding complaint that criminals could easily import semi-automatics and reconvert them back into fully automatic weapons. One of the motivating factors was a shooting in Stockton, California, where five school children were killed and twenty-nine injured by a man wielding an assault rifle.⁸⁸ This issue had also long been a concern for police chiefs. In addition, it was revealed that there were almost a million restricted weapons owned by Canadians, demonstrating that restricted weapons were not that difficult to get.⁸⁹ Despite calls for tougher controls over handguns, newly appointed Justice Minister Doug Lewis indicated that the government would not seek further controls on handguns as part of the

⁸⁴ For example, the murders that took place during the storming of the National Assembly of Quebec by a lone gunman in 1984.

⁸⁵ Star Staff, "We'll Consider gun law options Hnatyshyn says," *Toronto Star*, Mar. 31, 1988. p. A12.

⁸⁶ William C. Bartlett, "Gun Control: Analysis of the Government's 1989 Proposal," Ottawa, Library of Parliament Research Branch, April 1990. p. 1. The Stockton shooting took place on Jan. 17, 1989.

⁸⁷ Ibid. p. 1.

⁸⁸ Ibid. p. 1.

⁸⁹ Canadian Press, "Restricted weapons nearing million mark," *Calgary Herald*, May 10, 1989. In his annual report for 1988, the federal Solicitor-General acknowledged that only two applications for restricted weapons were turned down in that year.

government's plan to tighten controls over semi-automatic weapons.⁹⁰ The 1989 gun control proposals did not become law, but would be a major component of the 1990 gun control legislation introduced in Parliament — Bill C-80.

The 1980s represented a lull between two periods of controversy surrounding the gun control issue. Media coverage during this period was generally minimal and gun control was not a front-page issue. Within the media, opinion regarding gun control was divided with more support being shown for gun control as the decade wore on. In Parliament, the issue was not central and did not attract much debate. The gun control proposals that did emerge were relatively minor in scope and effect. Although there were increasing calls for more gun controls from the media and from professional and police organizations, the government was not pressured to move on the issue. However, the low priority given to firearm regulation as a political issue throughout the 1980s changed dramatically in the closing days of the decade.

On December 6, 1989, Canada experienced its most horrific firearms related crime when fourteen female students were killed and another thirteen wounded at l'Ecole Polytechnique in Montreal.⁹¹ The lone gunman, armed with a legal semi-automatic weapon, went on a prolonged shooting-spree before turning the gun on himself.⁹² While the high number of casualties from the Montreal Massacre was shocking on its own, the horror of the incident was significantly augmented by the systematic and deliberate targeting of women by the gunman. A note left by the murderer indicated that his

⁹⁰ David Vienneau, "Bill won't affect handguns: Lewis," *Toronto Star*, Aug. 22, 1989. p. A19.

⁹¹ For a personal account of the Montreal Massacre see Heidi Rathjen and Charles Montpetit, *December 6: from the Montreal Massacre to Gun Control: the Inside Story* (Toronto: McClelland & Stewart, 1999).

⁹² See *ibid.* c. 2.

motivations were purposefully misogynistic; he had deliberately set out to target women.⁹³ This was compounded by the fact that the victims were all female engineering students seeking to enter a profession historically dominated by men. The shooting at l'Ecole Polytechnique was therefore viewed not only as a horrible massacre, but also a terrible act of violence against women. Consequently, after December 6, 1989 gun control becomes, for the first time, an issue of significant concern for Canadian women's groups.

While Canada and Quebec had experienced other murderous rampages in the past, the Montreal Massacre received unprecedented media attention and public reaction. The story dominated the news for over a week and coverage continued well into the new year. Shortly after the shooting, the National Assembly of Quebec declared a three-day, province-wide mourning period for the victims of the Massacre and flags flew at half-mast around the country.⁹⁴ In Montreal, five thousand people held a candle-light vigil for the victims, an act that was repeated throughout Canada.⁹⁵ An even greater number of people attended the funerals.⁹⁶ Across the country, the news of the Massacre was received with shock, anger and disbelief that such an incident could happen on Canadian

⁹³ See for example, Victor Malerek and Benoit Aubin, "Killer's letter blames feminists," *Globe and Mail*, Dec. 8, 1989. p. A1. Rathjen and Montpetit reported that the last words of the killer before he started shooting were: "You're a bunch of feminists, I hate feminists!" p. 12.

⁹⁴ See for example, Patricia Boyer and Barrie McKenna, "Quebec Mourns Slaying of Women at University," *Globe and Mail*, Dec. 8, 1989. p. A1.

⁹⁵ Ibid. p. A1; Stevie Cameron, "Hundreds in Toronto mourn killing of 14 women," *Globe and Mail*, Dec. 8, 1989. p. A13.

⁹⁶ Canadian Press, "Thousands of mourners wait in silence to pay final respects to slain women," *Globe and Mail*, Dec. 11, 1989. p. A1.

soil. The Mayor of Montreal, Jean Doré, stated that "December 6, 1989 will remain one of the darkest pages of Montreal's history."⁹⁷

The Montreal Massacre immediately precipitated numerous calls for tougher gun control laws. Two days after the Massacre, opposition MPs demanded the government act on its seemingly half-hearted promise of toughening gun laws.⁹⁸ Gun control was also widely discussed in media with the vast majority of opinion supporting tougher gun laws.⁹⁹ Police and medical associations also increased their calls for tougher gun laws in the wake of the massacre, as did many academics.¹⁰⁰ A petition supporting a complete ban on the private ownership of semi-automatic weapons was circulated by engineering students at L'École Polytechnique. The students eventually collected as many as half a million signatures.¹⁰¹ Liberal MP Warren Allmand introduced another private members' in Parliament in the wake of the massacre, which would have instituted a mandatory two-

⁹⁷ Rathjen and Montpettit, p. 3.

⁹⁸ Richard Cleroux and Craig McInnes, "Opposition MPs demand long-promised gun control amendments," *Globe and Mail*, Dec. 8, 1989. p. A13. Svend Robinson was one of the most vocal MPs who called for tougher gun control after the Massacre. p. A13.

⁹⁹ John Saywell, "The Federal Perspective" in David Leyton-Brown, ed., *Canadian Annual Review of Politics and Public Affairs 1990* (Toronto: University of Toronto Press, 1997). p. 44. Most Canadian dailies ran editorials and opinion pieces supporting tougher gun laws. See for example, Editorial, "Time for really tough gun control," *Montreal Gazette*, Jan. 15, 1990. p. B2; "Henry Aubin, "Wanted: the will for real gun reform," *Montreal Gazette*, Jan. 15, 1990. p. B3; Geoffrey Stevens, "Here's a gun law to dream about," *Toronto Star*, Jan. 7, 1990. p. B3; Christopher Young, "Talking about guns won't stop horror," *Calgary Herald*, Dec. 21, 1989. p. A4.

¹⁰⁰ Paul Wiecek, "Authorities seek right to check gun buyers' mental history," *Winnipeg Free Press*, Dec. 10, 1989. p. A1; Canadian Press, "Gun controls need tightening, criminologist warns," *Montreal Gazette*, Dec. 7. p. A4; Paul Wiecek, "Officials united," *Winnipeg Free Press*, Jan. 19, 1990. p. A1.

¹⁰¹ David Johnston, "Half-million demand a tougher law," *Montreal Gazette*, April 10, 1990. p. A3. Rathjen and Monpettit, p. 44.

week ‘cooling off’ period before obtaining a firearm.¹⁰² In this environment, even some gun dealers indicated their support for tougher gun laws.¹⁰³

Clearly the Montreal Massacre was a focusing event that lifted the issue of gun control into the forefront. While the Massacre itself transformed the gun control issue, it also altered the nature of gun control politics. The Massacre inspired a level of gun control activism that was previously unheard of in Canada. In the aftermath of the Massacre, a poster at L’École Polytechnique read: “first mourn, then work for change.”¹⁰⁴ After December 6, 1989, people did indeed work to change Canada’s gun control laws. Directly prompted by the massacre, L’École Polytechnique student Heidi Rathjen and Ryerson business professor Wendy Cukier formed Canadians for Gun Control in January 1990.¹⁰⁵ In April of 1991, Canadians for Gun Control merged with a group of students from L’École Polytechnique who had also been engaging in pro-gun control activism since the Massacre, to form the Coalition for Gun Control, with Cukier as president. In addition, Suzanne Laplante Edwards, who lost a daughter in the Massacre, also became a leading and effective crusader for comprehensive gun controls throughout the 1990s.

Due to the misogynistic motivations of the killer, the Massacre also led to the participation of women’s groups at the forefront of the debate. While women’s groups had always been passively supportive of tougher gun controls, after 1989 they championed the cause. Because of the Massacre, feminists now saw gun control as an

¹⁰² Peggy Curran, “Allmand introduces bill to require 2-week wait before buying a gun,” *Montreal Gazette*, Feb. 3, 1990. p. C10. Like all of Allmand’s other private members’ bills on gun control, the Bill did not become law.

¹⁰³ Wiecek “Officials united....” p. A1.

¹⁰⁴ Rathjen and Montpetit. p. 29.

¹⁰⁵ Valerie Lawton, “Career set aside for gun control campaign,” *Calgary Herald*, Aug. 15, 1992. B10. A history of the organization is available at the Coalition For Gun Control’s website at: www.guncontrol.ca/Content/TheGunControlStory.html. Viewed May 5, 2003.

important part of the struggle to end violence against women. This sentiment was expressed by many prominent women's groups. At a candle-light vigil for the victims, one feminist stated, "Remember the women who were killed because they were women. Let not their deaths be in vain."¹⁰⁶ This feeling was widely expressed. The participation of women's groups in the gun control debates of the 1990s not only helped facilitate the passage of tougher gun controls, but also changed the very language of the debate. It is also interesting to note that outside of the cabinet, almost all the leading proponents of gun control after the Montreal Massacre have been women. The advocacy of women's groups in the gun control issue is discussed at length below. While Canadian victim's groups had always passively supported tougher gun control, the Massacre also increased the importance of the gun control issue to victim's rights groups.

Despite the overwhelming calls for much more stringent gun control legislation in the wake of the Massacre, the government did not propose or endorse significantly tougher gun laws. In fact, Justice Minister Lewis only promised to proceed with the government's previous gun control proposal, which would only prohibit reconvertible automatic weapons. Lewis resisted calls to ban semi-automatic weapons, including the one used in the Montreal Massacre, stating that: "you can't legislate against insanity... [t]here are many thousands of gun owners who act responsibly. Semi-automatics are used for sporting purposes."¹⁰⁷ No action was taken by the government on gun control

¹⁰⁶ Cameron. p. A13.

¹⁰⁷ Canadian Press, "Lewis Promises to renew gun control in light of shooting," *Halifax Chronicle-Herald*. Dec. 8, 1989. p. A4. Lewis also told reporters that "They [semi-automatics] are used for peaceful purposes, they are used to shoot at target shoots, but what we've been after are automatic weapons." Cleroux and McInnes, p. A13.

until more than six months after the Montreal Massacre.¹⁰⁸ The NDP was the most critical of Lewis's announcement and called for a complete ban on semi-automatic weapons. The Liberals were also critical, but did not support a total ban on semi-automatic firearms. Even in the wake of Canada's worse firearms crime, gun users vigorously opposed stronger controls, maintaining that tougher gun laws would not have prevented the tragedy.¹⁰⁹ The fact that a focusing event such as the Montreal Massacre did not lead to rapid government action and did not produce a significant division of opinion on the matter between the Liberals and the Conservatives demonstrates the power of the negativity-bias present in the gun control issue.

On June 26 of 1990, Bill C-80 was introduced into the House of Commons by the new Justice Minister, Kim Campbell to meet the much-delayed gun control commitments of the government. The primary component of the law was that automatic weapons that could be converted into semi-automatics would be banned. Changes to the FAC process were also included to help screen out potentially dangerous or unstable gun owners. Along with Bill C-80, the government also planned to prohibit some specific military and paramilitary weapons and larger capacity magazines using an order-in-council regulation made possible by the 1977 gun control law. It was often pointed out by supporters of tougher gun control that these changes would not have prohibited the weapon used in the Montreal Massacre.

¹⁰⁸ This differs from the experience of gun control in the UK and Australia where large-scale massacres were quickly followed by government promises of much stricter gun control, which were quickly put into law. In Canada, the Conservative government did not move quickly on the gun control issue and did not pass gun control specifically in reaction to the Montreal Massacre.

¹⁰⁹ Canadian Press, "Group Opposes Gun Limits," *Toronto Star*, Dec. 18, 1989. p. A18. One pro-gun group called Safeguard even argued that "if the killer had been forced to take a gun training course, perhaps his madness would have been detected." p. A18.

Despite the popularity of gun controls amongst the public and substantial pressure from many quarters for even tougher regulations, the government effectively killed C-80 in November of 1990 by sending it to a special committee that would not have time to report back by the end of the session. The scuttling of C-80 drew attacks from opposition MPs, police chiefs, doctors and the students from l'Ecole Polytechnique who had organized the massive petition of half a million signatures calling for tougher gun controls.¹¹⁰ In response, the government stated that new gun control legislation would be on the books by the end of their mandate.¹¹¹ In December of 1990, the government announced that they were planning a firearms amnesty, the first since 1977.¹¹² Also, in December 1990, the federal Minister responsible for the Status of Women, Mary Collins, criticized her own government's record on gun control, arguing that "gun control is needed to protect women."¹¹³

The Liberals opposed C-80 without presenting their own gun control proposals primarily because the party was split on the issue, with some Liberal MPs rejecting C-80 because it represented too much gun control and others because it was not tough enough.¹¹⁴ The Liberals were content, however, to embarrass the Conservatives who

¹¹⁰ Mary Lamey, "Students at Lepine's school angry gun-control law delayed," *Vancouver Sun*, Nov. 29, 1990.

¹¹¹ Peggy Curran, "I'll see gun law passed, Campbell insists," *Montreal Gazette*, Dec. 7, 1990. p. B1.

¹¹² Canadian Press, "Canada gears up for gun amnesty," *Montreal Gazette*, Dec. 9, 1990. p. A1.

¹¹³ Bob Cox, "Tough gun law needed to protect women: minister," *Montreal Gazette*, Dec. 5, 1990. p. B1.

¹¹⁴ In the early 1990s Liberal MPs expressed a wide spectrum of opinion on the subject of gun control. Opinion in the Liberal caucus was essentially divided along rural/urban lines. Even within 48 hours of the Montreal Massacre, Liberal Justice critic Bob Kaplan did not support a ban on semi-automatic weapons (Canadian Press, "Lewis promises to renew gun control....." p. A4). Liberal MP Warren Allmand supported the Tories gun control packages of the early 1990s, but did not think they went far enough (Curran, "Rural gun lobby...." p. A14). Other Liberal MPs represented extremes on the issue. Robert Nault, for example was vocally opposed to all gun control proposals during this period (Ibid. p. A14). On the

were deeply divided on the issue. In the House of Commons, long-time gun control advocate, Warren Allmand noted that it was both humiliating and amusing that “a bill presented by the Conservative government... has more support from the opposition than it does from government members.”¹¹⁵ One Conservative MP even asserted that C-80 “reflected the prejudices of city dwellers who see guns as inherently evil.”¹¹⁶ The failure of C-80 was largely attributed to opposition by rural MPs, particularly from the government side of the House.¹¹⁷ Many in the media saw the defeat of C-80 as the work of the powerful gun lobby.¹¹⁸ As predicted, Bill C-80 died on the order paper in May 1991. The Conservatives, however, did not abandon gun control after its demise.

On May 30, 1991, Campbell introduced Bill C-17 to replace C-80 and fulfill the government’s promise for stricter gun control laws.¹¹⁹ The Bill did not differ substantially from C-80 and had similar central provisions, including a prohibition on reconvertible automatic weapons, a ban on military style weapons and restrictions on clip sizes. As introduced, the Bill also called for tougher punishments for those that misuse guns, tougher safe-storage regulations for firearms, a ten-year ban on gun ownership for those convicted of a violent crime, a four week cooling off period between the application to possess a firearm and the issuing of a permit, and mandatory parental

other side were Liberals such as Bob Speller, who was one of 14 MPs to vote against C-17, doing so because it did not go far enough (Bob Cox, “House passes gun bill, but neither side happy,” *Winnipeg Free Press*, Nov. 8. 1991).

¹¹⁵ *Debates of the House of Commons of Canada*, Nov. 22, 1990, p. 15615.

¹¹⁶ Curran, Rural gun lobby... p. A14.

¹¹⁷ Peggy Curran, “Rural gun lobby triumphs as government shelves bill,” *Montreal Gazette* Nov. 24, 1990. p. A14. Christopher Young, “Gun Lobby moves convince minister to delay new bill,” *Vancouver Sun*, Nov. 26. 1990. p. A7.

¹¹⁸ Curran, “Rural gun lobby...” p. A14; Young, “Gun lobby moves convince minister...” p. A7.

¹¹⁹ Introduced as an Act to amend the *Criminal Code* and the Customs Tariff in consequence thereof.

consent for those 16 and 17 years of age to own a gun. While the Bill was received with heavy criticism from those on the extremes of the issue, it was generally praised by moderates on both sides, at least when first introduced.¹²⁰

To ensure the passage of C-17 in the Commons against the concerns of the powerful Conservative rural caucus, Prime Minister Mulroney intervened and enforced party discipline on the Bill.¹²¹ With the support of the Prime Minister, the Bill passed easily in the House of Commons by a margin of 189 to 14 on November 7, 1991. Rural Tory MPs opposed to tougher gun controls protected their interests by inserting a rarely used provision into Bill C-17 which would allow them to veto future regulatory definitions of prohibited weapons and illegal ammunition; if twenty MPs or fifteen Senators disapproved, a vote on the regulations would be required to pass a majority vote in both Houses of Parliament.¹²² Concern that the Senate would block the Bill was unfounded as the Senate passed the Bill unanimously and without delay. Bill C-17 received Royal Assent on December 5, 1991, on the eve of the second anniversary of the Massacre, further indicating that although the Massacre did not lead directly to significantly tougher gun controls, it still remained a powerful symbol in the gun control debate.

¹²⁰ Daphne Bramham, "Both sides praise new gun control," *Globe and Mail*, May 31, 1991. p. A1. Bramham states that "Justice Minister Kim Campbell may have mastered the great Canadian compromise (p. A1)." Even Warren Allmand, long time supporter of tougher gun controls praised the bill, despite the fact that it had been watered down. However, some gun control advocates, such as Wendy Cukier were disappointed with the Bill (p. A2). As time went on, both sides became increasingly critical of the Bill.

¹²¹ Canadian Press, "Mulroney intervenes in Tory fight on gun control," *Globe and Mail*, Oct. 3, 1991. p. A5.

¹²² Geoffrey York, "Gun-control bill leaves room for challenge," *Globe and Mail*, May 31, 1991. p. A6.

The Montreal Massacre and the prolonged and constant debate over gun control in the early 1990s led to the creation of a number of new non-government groups dedicated to promoting and defending their interests on both sides of the gun control issue. While the development and transformation of these interest groups are discussed below, it is important to note here that a gradual change in the tone of the gun control debate can be detected due to the emergence of new 'gun lobby' groups with new rhetoric and a different perspective on gun control than traditional gun lobby groups. In addition, during this time the first groups dedicated solely to stricter gun control were created, specifically, Canadians for a Safer Canada and the Coalition for Gun Control. At this time, these organizations, particularly the Coalition, were rapidly becoming more influential but were not nearly as influential as the 'gun lobby.' The transformation of the protagonists of both sides of the debate significantly changed the rhetoric of the gun control issue as a whole.

These new groups on both sides of the issue ensured that the debate regarding Bill C-17 would be contentious. Those on both sides of the issue fought for significant changes to the law and the shaping of the regulations attached to the bill, as did many MPs. For instance, the National Firearms Association (NFA) orchestrated a letter writing campaign, sending tens of thousands of letters pressing for gun owner's rights to Deputy Prime Minister Don Mazankowski office.

The Coalition for Gun Control also initiated a postcard writing campaign not only in support of C-17, but also sought to make it more stringent. The work of the Coalition ensured that, for the first time in Canadian history, the government was being

systematically pressured for tougher gun control. Prior to C-17, the government always represented the strongest voice for gun control, now they could claim to occupy the middle ground. Also, for the first time, much of the public feuding between pro-gun control groups and pro-gun groups was about gun control in general, rather than about specific legislative proposals. In addition, women's groups and feminists began taking an active interest in gun control, pressuring the government for tougher firearms laws to protect women.¹²³

The debate surrounding C-17 did not end with its passage into law, as much of the substance of the Bill was to be set out in the regulations. On March 31, 1992, Campbell tabled some supporting regulations which included a ten shot maximum for handguns and, five shot maximum for centre-shot rifles. In April, a gun amnesty was declared so Canadians could turn in illegal weapons without penalty. The amnesty was generally well received and for the most part successful, as over 21 000 guns were turned in when the program ended on December 15, 1992.¹²⁴ The regulations supporting C-17 were finalized in July 1992 with approximately two hundred guns being added to the restrictive or prohibited weapons list.

The regulatory provisions also mandated the separate storage of guns and ammunition. Weapons were required to be stored in an inoperable condition, and under

¹²³ Jim Brown, "Feminists demand public hearings on gun control," *Montreal Gazette*, June 18, 1991, p. B1. The National Action Committee on the Status of Women (NAC) was one of the most vocal of women's groups calling for more stringent controls on firearms and public hearings on the issue. NAC president Judy Rebbick confronted Campbell and demanded that "she listen to the women of Canada" and enact better gun control laws (p. B1). Other women's organizations also lobbied for tougher gun laws.

¹²⁴ Bob Cox, "Gun amnesty was phenomenal success: Ottawa," *Montreal Gazette*, Dec. 16, 1992, p. B1. This includes more than 5800 restricted weapons which were brought in to be legally registered by police. The 1992 amnesty brought in more than double the amount of guns surrendered or registered in the firearms amnesty of 1978.

the regulations, weapons had to be locked and hidden during transport. In addition, to obtain an FAC an individual must be eighteen and provide two references. The latter measure was designed to screen out mentally unstable individuals and prevent them from acquiring firearms. The regulations also put gun collectors under greater scrutiny. However, some of the original regulations were relaxed, primarily to appease Tory backbenchers. Other than the storage and transportation changes, C-17 and its regulations were not particularly onerous to the millions of Canadians who owned only single-shot long guns.

The regulations of C-17 were phased in with different sections coming into force at different times. All provisions of the *Act* were planned to be in effect by August 1992. However, some central components of the *Act* did not become enforceable until June of 1993 and safety training requirements for new the FAC system was not scheduled to come into force until 1994.¹²⁵ In 1993, some controversy emerged when a number of significant loopholes were found in the legislation, such as the fact that once a permit was issue and firearms were acquired, an individual did not need to renew the permit unless they obtained another firearm, despite the fact that the FAC was only designed to be valid for five years.¹²⁶ This meant that there would not be any on going monitoring of firearms owners. The federal government was also disappointed when Nova Scotia opted to allow exemptions to the federal firearms law, a power that was provided to the provinces by C-17.¹²⁷ In total, eight gun clubs in that province were not required to conform to the

¹²⁵ David Vienneau, "Federal rules begin Thursday," *Toronto Star*, June 29, 1993. p. A13.

¹²⁶ John Douglas, "Holes shot in gun controls," *Winnipeg Free Press*, May 15, 1993. p. A1.

¹²⁷ Eva Hoare, "Gun-control supporters pan firearms law exemptions," *Halifax Chronicle-Herald*, June 9, 1993. p. A6.

federal regulations. The federal government did get some good news, however, when the Supreme Court upheld a challenge to the provisions of C-17 on May 20, 1993.¹²⁸

By mid-1993, gun control began to fade to the back pages as Kim Campbell replaced Brian Mulroney as Prime Minister after a high profile leadership campaign. Shortly after, on October 25, 1993, Canadians went to the polls and elected a Liberal majority after nine years of Conservative rule. Although gun control was not an issue in the campaign, the election of 1993 would be very significant to the history of firearms politics in Canada. The remarkable election of 1993 ushered in a new era in Canadian firearms policy and opened an unexpected policy window for gun control proponents. The parliamentary demise of the Conservatives and the NDP and their replacement with the Bloc and Reform changed removed much of the negativity-bias in the gun control issue and removed many of the political barriers to tougher gun laws. In this new era in of federal politics, the Liberals were able to pass the strictest firearms control regime in Canadian history.

The election of 1993 represented a dramatic turning point in Canadian firearms policy. The original 'conservative' approach to the regulation of firearms that had dominated the issue from 1867 to 1993 was discarded in its entirety and replaced by the philosophy of 'gun control.' After 1993, support for the conservative ideology still continued, but it was on the defensive and in retreat. By 1994, the tide had turned and controlling guns became the underlying principle of firearms regulation in Canada.

¹²⁸ Bob Cox, "High court ruling widens firearms law," *Winnipeg Free Press*, May 20, 1993. p. A2.

The Emergence of Firearms Activism

With the benefit of hindsight, the heated gun control debates in the early 1990s can be viewed as a practice round for the then unforeseen battle over the *Firearms Act* during the mid-1990s. At the time, C-80 and C-17 were both considered to be very significant changes to Canadian firearms policy. In comparison to the *Firearms Act*, however, they were both relatively minor pieces of firearms legislation. Of course, those on either side of the issue had no way of knowing that they would be embroiled in a series of battles over firearms policy that would last throughout the entire decade and into the twenty-first century. The controversy over Bills C-80 and C-17 set the tone and mobilized the participants on both sides for the duration of the decade.

During the first hundred years following Confederation, there was little in the way of advocacy groups on either side of the gun control issue. The lack of interest groups during this era can be attributed to a number of factors. First, there was very little in the way of interest, lobby or group politics for most of that time; the growth of wide-scale lobbying is a relatively recent phenomenon in Canada.¹²⁹ Second, as federal firearms policy was not particularly onerous to the average gun owner, there was little reason for them to organize. Third, gun enthusiasts could count on rural MPs to effectively defend and support their interests. Fourth, Canadian society generally had a different, much more positive perception of firearms than many Canadians have today; guns were seen as

¹²⁹ See for example, A. Paul Pross, *Group Politics and Public Policy* (Toronto: Oxford University Press, 1986). p. 1. Pross notes that it was during the 1960s and 1970s organized pressure groups became important political players. However, in the 1940s, pressure groups were “of so little moment in Canadian politics that R. MacGregor Dawson did not mention them in his pioneering and highly respected text, *The Government of Canada*. They were a minor feature of federal and provincial politics, insignificant in comparison with such major policy actors as political parties, members of various elites, senior public servants, provincial leaders, and above all, members of the federal cabinet (p. 1).”

a necessary tool for survival and were used in the pursuits of hunting or target many Canadians. Fifth, a much larger percentage of Canadians lived in a rural setting than they do today and thus had greater use and exposure to firearms. Consequently, in the hundred years after Confederation there were few calls for tougher gun regulation and little activity defending the interests of gun owners. The shooting groups that did exist prior to the 1960s primarily had as their goal the organization and promotion of shooting sports or hunting related activities.

There have always been Canadian organizations in which firearms play a central role, including shooting clubs, outdoors enthusiast groups, hunting associations, gun collecting organizations.¹³⁰ However, these groups were generally apolitical and did not seek to influence firearms policy. From 1968 to 1993, however, gun control became a much more controversial issue, and firearms groups began to defend their interests.

Because of this challenge to the conservative philosophy of gun control, many of the formerly apolitical organizations made up of gun enthusiasts began to actively defend the interests of gun owners through lobbying and other political activity. In the late 1960s, groups like the Canadian Wildlife Federation (CWF) had enough political clout because of their large membership as well as the strong support the organization received from many rural backbench MPs. Despite some radical suggestions for gun control by the government, the fledgling 'gun lobby' in Canada was able to minimize the changes to gun regulations that became law in 1969.

¹³⁰ The Dominion of Canada Rifle Association, for example, is old as Canada itself. Lydia Hurst, "Meet the Canadian Gun Lobby," *Toronto Star*, April 28, 1991. p. B1.

By the time the heated gun control debate of the 1970s took place, the 'gun lobby' was increasingly well-organized, well funded and politically influential. The main gun organizations during the 1970s were the CWF, the Shooting Federation of Canada (SFC) and Firearms for Responsible Ownership (FARO).¹³¹ Despite a high public approval rate for gun controls, the efforts of these organizations, combined with the efforts of many rural backbenchers in Parliament, were credited with substantially defeating C-83 and replacing it with the much less stringent Bill C-51.¹³² Although a number of observers attributed the failure of C-83 to the gun lobby, as discussed above, this is not an accurate assessment. Without an unreceptive parliamentary environment, the lobbying of gun organizations, would have been no match for a justice minister committed to implement comprehensive gun controls.¹³³

Of the significant organizations opposing gun control in the 1970s, only FARO was solely dedicated to fighting gun control. For the others, fighting gun control was only ancillary to the central purpose of their organization. While a number of organizations had pro-gun control stances during the 1970s (for instance, the Canadian Bar Association and various police organizations), no significant efforts were made to support the gun controls of the 1970s despite the very vocal pleas by the justice minister that failing to do so would kill the bill.

¹³¹ Lewis. p. 40b-40i.

¹³² The view that the 'powerful gun lobby' was responsible, at least to a large extent, for the defeat of Bill C-83 was widespread in the media of the time. See for example, *ibid.* pp. 40b; Editorial, "Government yields to gun lobby" *Toronto Star*, Feb. 3, 1977, p. B6; Editorial, "Still only half a law to control guns," *Toronto Star*, Feb. 3, 1977. p. B4; Canadian Press, "Gun control back to square one in Commons," *Winnipeg Free Press*, Jan. 21, 1977. p. 8.

¹³³ In 1977, a Gallup Poll indicated that 85 percent of Canadians supported tougher much tougher gun control, including a permit system. Canadian Institute of Public Opinion, "Most Canadians approve of police permit for new guns," Toronto: The Gallup Poll of Canada, Mar. 30, 1977.

As gun control was not a central political issue during the 1980s, there was little group activity on either side. However, as the gun control debate of the 1990s began, a multitude of organizations emerged on both sides to actively pressure the government on the issue of gun control. Largely because of the new participants involved, by the early 1990s gun control debate took on a different tone, as some groups opposed to gun control took on a more belligerent, rights-oriented and obviously American-influenced approach to the issue. On the other side, new groups also emerged, many inspired to tighten gun laws in response to the Montreal Massacre. However, what differentiates the gun control debate before and after the 1993 election is that prior to the debate surrounding the *Firearms Act*, the so-called 'gun control' lobby dominated the debate, and those in favour of gun controls were much less organized and influential than their adversaries.

The debate over the gun controls contained in Bill C-80 in 1990 and Bill C-17 in 1991 resulted in two separate public hearings into the respective bills. Consequently, it was much easier in the early 1990s to determine which groups were involved in the gun control issue and what their stance on the issue was. This represents a marked contrast from the 1970s when much of the lobbying took place behind closed doors. It is safe to assume that all those groups in Canada with a serious concern for the issue took part in the debate. Few, if any, of the groups appearing before the legislative committee on both sides of the issue indicated their complete support for or rejection of the provisions of bills C-80 and C-17. Nevertheless, the groups divide fairly neatly into those groups who thought the bills were misguided or went too far and those that supported the bills or thought that they did not go far enough.

Of those groups opposed to gun control under Bill C-80, most were hunting, shooting or 'outdoors' organizations, of the type that had been traditionally active in lobbying the government to prevent the implementation of stricter gun law. These groups were mainly concerned with protecting their members and their activities from regulation or prohibition. Also among the groups that opposed gun control was the National Firearms Association (founded in 1985), which was much more political in nature than the other groups. Influenced by the powerful American gun lobby group, the National Rifle Association, the NFA introduced a new American-style uncompromising rhetoric to the gun control debate.

The arguments of the Shooting Federation of Canada during the committee hearing also took on this new tone in the early 1990s. Many more 'gun rights' groups would emerge during the debate over the 1995 *Firearms Act*. However, it is during the debate surrounding Bill C-80 and Bill C-17 that those opposed to gun control began equating gun control with an attack on civil liberties, government oppression and quality of life. At this point, this defence of 'gun owner's rights' is relatively mild. Nevertheless, the gun control debate of the early 1990s represents the first time this type of rhetoric entered the Canadian gun control debate to any significant extent. For example, the testimony of David Hitchcock, the representative of the Shooting Federation of Canada, described Bill C-17 at the committee hearings as "merely a politically correct response to an emotional minority [which] is completely unacceptable"¹³⁴ and further implied that C-17 could lead to the eventual prohibition of all firearms. Bill Sinka,

¹³⁴ Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-17: An Act to amend the Criminal and the Customs Tariff in consequence thereof. Sept. 24, 1991. 2:45.

president of the NFA in 1991, stated that the Coalition for Gun Control had “spread hate literature” against gun organizations.¹³⁵ As a result, Sinka argued that he now knew “what it must have been like to be black in the ’60s in the Southern U.S.”¹³⁶ The NFA supported none of the changes, including the safety aspects of either bill C-80 or C-17.

Some of the ‘traditional’ gun user groups, however, distanced themselves from the NFA rhetoric. The Dominion of Canada Rifle Association (DCRA), which testified at the 1990 hearings, but not the 1991 hearings, denied being part of the gun lobby. In 1991, the president of the 125 year-old DCRA stated that he had little sympathy for those who argue that they need semi-automatics to hunt: “you shouldn’t be out there if you need more than one or two shots.”¹³⁷ The DCRA did not support any of the overtly political gun lobby groups arguing that “you generally find that the more active an association is in a competitive shooting sense, the more it’s unlikely to be rabidly anti-legislation.”¹³⁸ The Canadian Wildlife Federation, a longtime defender of the interests of firearms enthusiasts, also came under fire in 1991 by some of its members for its alliance with the hard-line gun associations, such as the NFA, and for dedicating too much of its time and resources to gun control and not wildlife conservation.¹³⁹

Of those groups supporting stricter gun control, only the police organizations could be considered as long term vocal advocates for stronger gun control in 1990-91.

¹³⁵ Michelle Lalonde, “Foes of Bill C-17 say it just won’t work,” *Montreal Gazette*, Aug. 10, 1991. p. B1.

¹³⁶ *Ibid.* p. B1.

¹³⁷ *Ibid.* p. B1.

¹³⁸ *Ibid.* p. B1. The president of the DCRA went on to state that all the DCRA wanted was “a law that will let us continue our activities in a safe and responsible way. The government should be asking organizations what type of firearms they really need, really use and what they can live without.” p. B7

¹³⁹ Michelle Lalonde, “Wildlife group’s head under fire for ties to hunters,” *Montreal Gazette*, Aug. 10, 1991. p. B1.

The Canadian Bar Association had had a longstanding, but not particularly well publicized, position on gun control since the early 1970s. In addition, big city mayors had also occasionally indicated their support for gun control although not as a coordinated effort. Coroners and Health officials had also intermittently called for stricter gun controls, but they were not organized or motivated until the committee hearing took place. By far, the most significant changes in those organizations calling for stricter gun control can be directly attributed to the Montreal Massacre. First, there were representatives of the victims of the students who were killed as well as the student associations and employees at l'Ecole polytechnique. Second, there were women's groups motivated by the massacre as an example of violence against women. Third, was the establishment of a permanent professional gun control lobby dedicated entirely to the pursuit of tougher gun controls represented a turning point in the politics of gun control in Canada.

For many women's organizations, the Montreal Massacre fused together the issues of gun control and prevention of violence against women. Consequently, gun control became an issue of concern for Canadian women's groups. This had not previously been the case. Perhaps the best example of how feminist organizations viewed gun control as a woman's issue is provided by the testimony of the Canadian Advisory Council on the Status of Women to the legislative committee studying C-17:

Gun control is of interest and concern to the woman of Canada for three very important reasons: (1) guns are part of the culture that allows violence to persist in our society; (2) women are disproportionate affected by domestic violence; and (3) guns are the most frequently used weapons in domestic violence.¹⁴⁰

¹⁴⁰ Minutes of Proceedings and Evidence of the Legislative Committee Hearings on Bill C-17, Oct. 1, 1991. 5: 100.

A representative of NAC's committee on violence also echoed that sentiment: "The major concern is how [guns] have been... used in situations of domestic violence. If you look at women who are killed in the household, they are usually killed with a gun and it is usually a legally obtained gun."¹⁴¹ Women's groups also actively fought for tougher gun controls outside of the committee.¹⁴² Gun control groups such as the Coalition for Gun Control and Canadians for a Safer Canada (CSC) also promoted gun control as a means of preventing violence against women. Iain Main, president of CSC, summed up this view well when he said in 1990: "the gun is the ultimate machine in the war against women."¹⁴³

By far the most vocal gun control advocacy group established in the wake of the Montreal Massacre was the Coalition for Gun Control. Founded in 1990 (as Canadians for Gun Control), the Coalition for Gun Control quickly grew to become the only national single-issue group of any significance dedicated to promoting stricter gun control laws of. In fact, the Coalition was formed only when the founder of the Coalition, Wendy Cukier, discovered there was no gun control advocacy group in Canada for her to join. During the debate surrounding C-80 and C-17, the Coalition emerged as the leading and most consequential gun control group in the country. By the time of the debate surrounding the controversial C-68, the CGC had become a strong and effective voice for gun control.

¹⁴¹ Ibid. 6:37.

¹⁴² Jim Brown, "Feminists Demands Hearings..." p. B1.

¹⁴³ Paul Gessell, "It's a question of life and death," *Montreal Gazette*, Dec. 6, 1990. p. B2.

In the early 1990s, however, the so-called 'gun lobby' was much better organized, funded and supported in Parliament than those advocating for tougher gun control. In the early 1990s, the 'gun lobby' was viewed as very powerful political organizations by the government and the media, whereas those pushing for more stringent gun controls not considered as having much political clout. In fact, one commentator noted the discrepancy: "[t]he gun control lobby is David to the gun lobby's Goliath."¹⁴⁴ This would change significantly by the mid-1990s.

Public Opinion and Gun Control 1967-1993

As long as data has been collected on the issue, Canadians have indicated a strong preference for the regulation of firearms. As far back as 1967, a strong majority of Canadians indicated they supported a law that would require mandatory permits for gun owners.¹⁴⁵ During the gun debate of the 1970s, a poll indicated that 85 percent of Canadians supported a similar question.¹⁴⁶ Other polls conducted during the same period also found that more than eighty percent of Canadians supported tougher gun laws. In the 1980s, gun control remained popular with Canadians. For example, in 1982 a Gallup Poll indicated that 70 percent of Canadians wanted more restrictive gun laws.¹⁴⁷ After December 6, 1989, a flurry of polling was done on the issue. In late December 1989, an Angus Reid Group poll found that 72 percent of Canadians agreed that: "this tragedy

¹⁴⁴ Ibid. p. B2.

¹⁴⁵ Canadian Press, "Majority Favours Gun Permits — attitudes hardly change," *Vancouver Sun*, Mar. 30, 1977. p. 45. This article compares the attitudes on gun control in 1967 and 1977.

¹⁴⁶ Ibid. p. 45.

¹⁴⁷ Canadian Institute of Public Opinion, "70 pct. want more restrictions on gun acquisitions," *The Gallup Report*, Feb. 6, 1982.

proves that Canada's gun laws should be changed to make it more difficult to purchase deadly weapons."¹⁴⁸ Numerous other polls have also indicated the support for tougher gun laws in Canada. No poll conducted by a reputable research firm has ever shown less than a healthy majority of support for gun controls. While the number may vary due to the nature of the questions asked, those in favour of gun controls have constantly outpolled those Canadians against stricter gun control. Given the relative consistence of polling data on the issue, the popularity of gun control amongst Canadians has not been a significant factor in accounting for government action or inaction on the issue at any given time.

The Shifting Politics of Gun Control

The period of firearms policy from 1968-1993 is characterized by unsuccessful challenges to the status quo. Two out of the three processes involved in Kingdon's model of policymaking were present during this period; by the late 1960s there was an increasing view that there was a gun problem in Canada. In previous times, incidents involving guns were seen more as a condition than a problem. The solution to the perception that a gun problem also emerges by the late 1960s: gun control. Despite that the problem was recognized and matched to the solution by policymakers, there were unable to implement the solution due to unreceptive political forces.

By the early 1990s, the tide was shifting in favour of tougher gun controls. The Montreal Massacre had heightened awareness and resulted in the establishment of a gun

¹⁴⁸ Eric Beauchesne, "Most want tougher gun control laws," *Vancouver Sun*, Dec. 29, 1989. p. A8.

control movement and inspired a variety of organizations and individuals to champion gun controls. Notwithstanding these important changes that supported gun control, larger political forces still blocked the issue. It is very unlikely that the impact of the Massacre or pro-gun control activism combined would have been able to overcome these political forces on their own.

CHAPTER 5

THE ELECTION OF 1993: A POLICY 'WINDOW' FOR COMPREHENSIVE GUN CONTROL

The election of October 25, 1993, has accurately been described as a “a revolution in Canadian politics.”¹ The transformation of the federal political landscape brought about by that election had significant ramifications for many areas of public policy, including firearms policy. The election resulted in the removal of almost all the political barriers that had previously blocked the passage of comprehensive gun control by changing the incentive structure of the issue. Using Kingdon’s terminology, the 1993 election resulted in the convergence of the three streams of policymaking; the gun ‘problem’ which had long been linked to the ‘solution’ of gun control became coupled with political forces that were newly receptive to that solution.

According to Kingdon, when the three streams converge, a ‘policy window’ opens. From this perspective, the election of 1993 can clearly be viewed as a policy window that was taken advantage of by those in government seeking to legislate tougher gun controls. In fact, the election of 1993 may go further than the model of a policy window envisioned by Kingdon, as that election presented more than just an opportunity to pass comprehensive gun controls; it also created political incentives for the newly elected Liberal government to pursue tougher gun control.

A brief comparison of the Thirty-fourth Parliament (1988-1993) and the Thirty-fifth Parliament (1993-1997) demonstrates how dramatic the partisan competition of

¹ Alan Frizzell, Jon H. Pamment and Anthony Westell, “Introduction,” in Alan Frizzell et al. eds., *The Canadian General Election of 1993* (Ottawa: Carleton University Press, 1994). p. 2.

Parliament changed after the 1993 election. The 1988 election produced the following seat distribution: Progressive Conservatives, 169; Liberals, 83; NDP, 43 for a total of 295 seats. The election results of 1988 are typical of the longstanding pattern of party representation in the House with three parliamentary parties — the Conservatives and Liberals representing the government and Official Opposition, and the NDP a distant third. The Thirty-fourth Parliament differs from the ideal-type distribution of parties in the Commons from 1968-1993, as the Liberals held the reins of power for most of that period. As well, the election of 1988 was a high-water mark in terms of electoral support for the NDP.

The election of 1993 dramatically transformed the partisan composition of Parliament. With the notable exception of the Liberals winning a majority government, that election was a complete departure from the previously established pattern of federal election results. In that election, the Liberals were victorious in 177 of 295 seats. The Conservatives, however, were relegated into political obscurity by the voters, retaining only two seats in Parliament. The NDP, electing only nine members, also failed to retain official party status. While the PCs and the NDP had declined substantially, two new parties gained official parliamentary status after the 1993 election. The separatist Bloc Québécois became the Official Opposition with 54 seats, and the Western-based Reform Party finished a close third, electing 52 members. The most obvious difference between the Thirty-fourth and Thirty-fifth Parliaments was that the number of parliamentary parties grew from three to five. The change in the partisan composition of the opposition benches would have a profound impact on the politics of firearms policy.

The new party system that emerged after the 1993 election dramatically transformed the face of federal politics and significantly affected the gun control issue in two significant ways. First, the new party system substantially increased the regionalization of federal politics and fragmented party competition along regional lines. As Carty, Cross and Young note, the replacement of pan-Canadian parties with regionally-based parties on the opposition side of the House resulted in varying levels of support for each party across the different regions of Canada.² Not surprisingly, this led parties to strategize separately for each region and conduct a number of distinct regional election campaigns rather than a single national one. As gun control is clearly an issue that plays out differently across Canada, strategizing on the issue was influenced by the new strength of regionalism at the federal level. As a result, the negativity-bias inherent in the issue was also broken up along regional lines. After the 1993 election there was little for the Liberals to lose and even some credit-claiming advantages in pursuing gun control in Quebec and, to a lesser extent, in Ontario. In addition, most of the negativity-bias was isolated to the prairies.

Second, prior to the 1993 election, federal parties, especially the Liberals and the Conservatives, were largely ideologically indistinguishable from one another and competed on short-term issues. The Reform Party and the Bloc brought new ideological perspectives to Parliament. Unlike the Conservatives, these new parties were programmatic and did not adopt the brokerage approach of attempting to appeal to all sectors of society. By presenting a clear alternative to the Liberals on many policies, the

² Carty et al., chapter 10.

presence of the Reform Party and the Bloc dramatically changed the politics of party competition at the federal level.

This new parliamentary environment broke the institutional deadlock that had characterized the gun control debate and opened a 'policy window.' The demise of the Conservatives to the point of parliamentary irrelevance meant that the longstanding cycle of Liberal/Conservative dominance had ended. For the first time in Canadian history, the Conservatives were no longer either the government or the Official Opposition. The disintegration of the Conservatives changed the ideological dynamic of Parliament; no longer was Parliament dominated by two ideologically similar parties that could shift policies fairly easily over time, especially on the gun control issue. The old pattern of purely adversarial politics whereby the opposition would automatically oppose any governmental gun control proposal without presenting a policy of their own had come to an end.

While Reform's central criticism of the gun control law was also that it would be ineffective and an unnecessary burden on respectable firearms owners, the party wholeheartedly rejected the principle of gun control as a means of stopping gun violence. In fact, the party championed gun-owners' rights and argued that stricter penalties for those who misuse firearms were the most effective way to reduce gun crime. The Reform Party's staunch defence of the rights of firearms owners during debate on the *Firearms Act* represented a marked departure from previous opposition to gun control legislation.

Despite their vocal and effective criticism of the Liberals on the issue, Reform's vehement opposition to the *Firearms Act* and gun control in general actually aided the Liberals in passing the *Act*. By locking up the gun vote, Reform's position on the issue removed much of the negativity-bias that had prevented action on the issue since 1968. Once it was clear that the anti-gun control vote was committed to supporting Reform, the Liberals had little to lose on the issue; those individuals whose opposition to gun control was politically salient would not be voting Liberal in the near future. Having lost the gun vote prior to the election of 1993, the Liberals did not need to be concerned with further alienating gun enthusiasts. Since politically motivated gun owners represented only a small minority of votes and the Reform party did not seem capable of winning the next election, the Liberals did not need to be overly concerned with losing the gun vote.

For the first time, the 'gun vote' had attached itself to a political party, removing the ability of angry gun owners to switch back and forth between parties and substantially reducing the perception of their power to influence electoral outcomes. By clearly endorsing the Reform Party, the gun lobby solidified what had previously been a fluid situation. As gun groups had historically opposed both Liberal and, more recently, Conservative gun control proposals, they enthusiastically endorsed a new party with a clean slate on the issue that was receptive to their interests. In fact, in the early 1990s, the Reform Party was backed by a number of prominent anti-gun control organizations fighting C-80 and C-17 even before Reform had an official policy position on the issue.³

³ Michelle Lalonde, "Firearms lobby urges members...." p. The National Firearms Association was the first gun organization to support the Reform Party. However, It was not until October of 1994 that the Reform Party adopted a resolution opposing gun control and called for much more stringent penalties for those that misuse guns.

It is perhaps partly because of the pressure of the gun lobby that Reform became the first federal party to ever have a clear anti-gun control position while in opposition

Moreover, while in previous Parliaments there was much more to be lost politically than gained for government pursuing tougher gun controls, after the 1993 election, the government could not only gain the credit-claiming advantages from those that supported gun control, they could also use gun control as a wedge issue against their opponents. Undoubtedly, the Liberals could anticipate difficulty pushing through comprehensive gun controls. In fact, they faced a serious split on the issue from within their own caucus. They could also predict tough resistance from the opposition benches and vocal outrage from many gun owners. However, they would not be the only party to have difficulty with the issue.

By opposing comprehensive gun controls, Reform was cornered into a policy position supported by a minority of the public. In addition, it is not inconceivable that Liberal strategists viewed gun control as a wedge issue that would help reinforce the image of Reform as a western, rural, right-wing movement. It is not too much of a stretch to assume that Liberal Party strategists used the gun control issue in the hopes that it would help limit any potential gains in vote-rich urban Canada and particularly in southern Ontario. In addition, the political risks, such as a minor backbench revolt amongst the Liberals (which did occur), were mitigated by the Bloc's obvious support of tougher gun controls. With the Bloc's support and the imposition of strict party discipline, there was little doubt that the *Firearms Act* would become law.

Further, with no national opposition party or obvious government-in-waiting to oppose them, the Liberals could be more courageous on controversial issues such as gun control. With the Conservatives and NDP reconciled to minor roles in the Commons and with their replacement by regionally limited parties, more policy options were open to the Liberals in difficult areas like gun control. The Official Opposition Bloc, which was incapable of expanding out of Quebec, could not become the government, and the overwhelmingly western-based Reform Party was unlikely to do so in the near future. Consequently, the governing Liberals were freer to pursue highly controversial issues, such as gun control, which they viewed as 'good policy.'

After 1993, the Liberals faced one of the weakest oppositions in Canadian history. This is primarily because of the high changeover of MPs from the previous parliament. Consequently, the gap in parliamentary experience between Liberal MPs, and especially those in the Cabinet, and those on the opposition side was substantial. After being elected in 1993, Prime Minister Chrétien, himself a longtime MP and veteran cabinet minister, appointed a number of MPs with significant parliamentary experience to the Cabinet. The opposition Bloc Québécois, as well as the Reform Party had much less legislative experience to put on their frontbenches. Michael M. Atkinson and David C. Docherty point out that after the 1993 election period, there was

a longer than usual 'honeymoon' period for the government. The Reform Party's attempt to avoid what it considered unseemly partisan displays, in favour of constituent-oriented politics, only compounded the problem. The Cabinet was able to move ahead with its legislative agenda while the opposition parties were still finding their way around Parliament Hill and becoming acquainted with the formal and informal rules of life in Ottawa.⁴

⁴ Michael M. Atkinson and David C. Docherty, "Parliament and Political Success in Canada," in Whittington and Williams, eds., *Canadian Politics in the 21st Century* (Toronto: Nelson Canada, 2000). p. 16.

Facing a new inexperienced opposition, it is not surprising that the Liberals would take advantage of this situation to implement a controversial policy such as gun control.

Finally, in previous parliaments, any government embarking on a new program of gun control tended to represent the extreme position on gun control. From time to time the NDP had favoured tougher gun controls, but many NDP MPs had opposed government proposals, leaving the party split on the issue. Perhaps due to this split, gun control was never a central issue to the federal NDP. In fact, from 1968 to 1993, all three major political parties were divided on the issue. Gun control cut across parties in the House and tended to be split along rural/urban lines.

After 1993, the Liberals faced an Official Opposition in the Bloc that not only supported gun control, but pushed the government to go further with its proposals. Due to the popularity of gun controls in Quebec, the Bloc supported a complete ban on handguns, mandatory registration of all firearms and a licence to acquire ammunition.⁵ On the other side, the Liberals were strongly opposed by the Reform Party, the Conservatives and eight of the nine members of the NDP caucus (despite that party's endorsement of the *Firearms Act*). In this position, the Liberals could claim to hold a compromise position on the issue. The rhetorical benefit of being perceived as maintaining the centre ground on the issue, rather than being at the extreme was also aided by new developments on the issue outside of Parliament due primarily to the emergence of a Canadian gun control lobby.

⁵ Manon Cornellier, *The Bloc* (Toronto: James Lorimer & Company, 1995). p. 124.

Whereas Justice Minister Basford could find only opposition to his gun control agenda in 1977, Alan Rock and the Liberals were being pushed by interest groups on both sides of the issue, giving them the advantage of appearing to take the middle ground. Since its establishment in 1990, the gun control movement had become an increasingly important player in the debate surrounding the *Firearms Act* and a powerful ally for the government on the issue. Because of the work of the gun control movement and the increased salience of the issue, there was actually some credit-claiming gains to be made by the government. However, it is important to note that the emergence of the gun control lobby alone does not explain why the government was able to pass comprehensive gun controls in 1995 when they were not previously able to do so.

The Election Campaign of 1993

Gun control was not an issue of any significance during the election campaign of 1993.⁶ The issue was raised on only one occasion the party leaders during the campaign, and then only briefly and indirectly. This occurred when the candidates were asked during the televised English-language leadership debate what they would do about violent crime. As part of his answer, Liberal leader Jean Chrétien vaguely stated that gun control was necessary to counter violent crime: "I don't think that handguns should be available as easily as they are. It is all right to be a hunter, but why let people have handguns in Canada? I don't think we need that type of thing. We have to have much tougher laws

⁶ For a good overview of the 1993 election see Alan Frizell et al., eds., *The Canadian General Election of 1993* (Ottawa: Carleton University Press, 1994).

there.”⁷ Bloc Québécois leader Lucien Bouchard also indicated during the same debate that stricter gun controls should be put in place but did not elaborate on that point.⁸ No other leader addressed the issue during the debates or throughout the campaign.

The Liberals, who would ultimately emerge victorious, outlined their party platform in a 112-page document entitled, *Creating Opportunity: the Liberal Plan for Canada*.⁹ Otherwise known as the “Red Book,” this document covered most policy areas under federal jurisdiction. However, only one sentence of the Red Book, dealt with the issue of gun control, and it appeared under the heading “Safe Homes, Safe Streets:”

To strengthen gun control a Liberal government will, among other measures, counter the illegal importation of banned and restricted firearms into Canada and prohibit anyone convicted of an indictable drug-related offence, a stalking offence, or any violent offence from owning or possessing a gun.¹⁰

While the Liberals were heavily criticized later for not keeping many of their more ambitious campaign promises, such as eliminating the GST, they far exceeded their stated goals regarding gun control. The Red Book and the campaign of 1993 gave no indication that, within months of being elected to a majority government, the Liberals would announce and then pass into law by far the toughest, most comprehensive, and most controversial gun control legislation in Canadian history. If they had, it would have

⁷ David Vienneau, “Rock, PM in agreement on need for gun controls,” *Toronto Star*, April 19, 1994. p. A10.

⁸ Ibid. p. A10.

⁹ The Liberal Party of Canada, *Creating Opportunity: the Liberal Plan for Canada* (Ottawa: The Liberal Party of Canada, 1993).

¹⁰ Ibid. p. 84.

undoubtedly become a much larger issue in the campaign. As it was, the election of 1993 was primarily about economic issues.¹¹

Despite the comparatively lax gun controls outlined by the Red Book, the government would claim throughout the gun control debate that, after winning the election of 1993, they had received a mandate to pursue comprehensive gun controls. In fact, the Prime Minister, the Justice Minister and the Liberal House leader often warned backbench Liberal MPs opposed to the *Firearms Act* that voting against the gun registry would go against a key party platform and an important election commitment. This revisionist assessment of the Red Book went largely unchallenged, and the idea that tough gun control had been approved by the public during the election of 1993 was an important rhetorical pillar for the government throughout the gun control debate.

The vague gun control commitments of the Liberals in the Red Book indicated that they still perceived a high negativity-bias in the gun control issue. If the election had not produced such a radical and unexpected result, it is unlikely that the Liberals would have pursued such an ambitious firearms policy. Only after surveying the new political landscape did they realize many of the barriers to comprehensive gun control had been removed and that the issue could be of strategic value against their new parliamentary rivals.

¹¹ According the Frizzell at al., "[t]he single most important factor in the election, without doubt, was the state of the economy." p. 2. Other issues included the constitution and the legacy of the Mulroney Conservatives. p. 4.

The Liberal Gun Control Plan and the 1995 *Firearms Act*

Despite gun control not being a prominent campaign issue in the 1993 election, the new Liberal government in Ottawa moved swiftly to propose tougher firearms legislation. In the early months of 1994, the government was still facing complaints and criticisms surrounding Bill C-17 and its implementation.¹² However, in March of that year the Liberals began to hint that they favoured much tougher gun control.¹³ The government's position on the issue was first revealed by the reaction of newly appointed Justice Minister Allan Rock to a petition sponsored by Concordia University calling for a total ban on hand gun ownership in Canada. The petition was widely circulated and eventually collected more than 200,000 signatures and was supported by more than 200 organizations.¹⁴ Rock, a newly elected MP, pledged his conditional support for the petition stating that he would work toward developing "a strategy for achieving more effective gun control," including a possible prohibition of handgun ownership.¹⁵

Kingdon has noted the importance of policy entrepreneurs who take advantage of policy windows. Without a leading individual within the administration jumping on the opportunity presented by the window, the policy is unlikely to succeed. In the case of gun control, Justice Minister Allan Rock was clearly the leading policy entrepreneur. Elected from the Toronto riding of Etobicoke Centre, Rock made no secret that he held an extreme position on gun control and indicated that he was even uncomfortable with

¹² See for example, Bob Cox, "Gun-permit questions invade our privacy firearms activist says," *Montreal Gazette*, Jan. 12, 1994. p. B1.

¹³ Terrance Wills, "Justice minister backs stronger gun control," *Montreal Gazette*, Mar. 25, 1994. p. A1. The petition was also inspired in part by the August 1992 killing of four employees of Concordia University, all shot with handguns.

¹⁴ *Ibid.* p. A1.

¹⁵ *Ibid.* p. A1.

the private ownership of firearms. For Allan Rock, the gun control provisions contained in the *Firearms Act* actually represented a compromise position on the issue.

By April of 1994, Rock had openly acknowledged that, in his opinion, all private firearms should be banned, a position that goes well beyond 'gun control.'¹⁶ By confirming that it was his personal preference that all guns, including long guns, be prohibited from private ownership, Rock not only made the most radically pro-gun control statement by any justice minister in history, but also provided an excellent example of the shifting perception of firearms in Canada. This was the first time that prominent members of the government clearly demonstrated their opposition to the very idea of private gun ownership as part of their 'vision' of Canada. Not surprisingly, Rock's public support of such strong gun control and his announcement that tougher gun control measures were forthcoming ignited the most contentious and prolonged debate on firearms in Canadian history.

Although Rock personally supported a prohibition on the private ownership of firearms, he claimed that he had been persuaded that guns were a necessity of life for those in rural and remote Canada who used guns for hunting and pest control.¹⁷ Nevertheless, Rock vowed to present a number of strict gun control options to his colleagues in the Liberal cabinet and caucus for consideration. As with the previous round of gun control in the early 1990s, the Liberal firearms initiatives of the mid-1990s came in the wake of a number of fatal shootings. In early 1994, a rash of high-profile crimes involving guns captured national attention, including the random drive-by

¹⁶ David Vienneau, "Handgun ban being studied." p. A1.

¹⁷ Stephen Bindman, "Minister considers ban on handguns in Canada," *Calgary Herald*, April 12, 1994. p. A3.

shooting of Nicholas Battersby in Ottawa, the murder of Georgina Leimonis during a botched robbery at the Just Desserts Café in Toronto and the killing of Joan Heimbecker, a McMaster University student, in Hamilton.¹⁸ Beyond these killings, there were growing concerns among police and the public that there was a proliferation of illegal guns in Canada, many of them smuggled from the United States.¹⁹

There was also a growing perception that violent crime, particularly gun related crime, was on the rise.²⁰ This belief was not supported by Canadian crime data; according to Statistics Canada violent incidences had decreased steadily throughout out the 1990s.²¹ Elaine M. Davies has noted that, although the public has perceived a growth in violent crime, it has actually declined steadily over the last 25 years.²²

Of course, fears of Canada devolving to the levels of gun violence experienced in the United States also played a role in the gun control debate. In fact, concern that U.S.-style gun violence was being imported became a central component of the government's pro-gun control arguments. For example, Rock stated on more than one occasion that he did not want Canada degrading into the gun "madness" of the United States. The Justice Minister indicated that Canada should take measures to avoid "falling into a cycle where people believe they have to acquire a weapon for protection of themselves."²³ Also alluding to the American situation, Rock argued that "we have to preserve and foster the atmosphere in this country that this is not a place where people bear arms or habitually

¹⁸ David Vienneau, "PM vows to get tough on guns," *Toronto Star*, May 16, 1994. p. A1.

¹⁹ See for example, Joseph Hall, "Illicit guns good as gold," *Toronto Star*, April 13, 1994. p. A6.

²⁰ See for example, Fennell, "Taking Aim on Guns....," pp. 10-12; McDonald, "Crime: the perception gap," p. 28; Wendy Cukier, "A gun to Parliament's head," *Toronto Star*, April 15, 1994. p. A27.

²¹ As discussed in Chapter 2. For a good discussion of the lack of connection between violent crime and the public perception of violent crime in Canada see Davies. pp. 44-59.

²² Ibid. pp. 56-58.

²³ David Vienneau, "Handgun ban being studied...." p. A1.

resort to guns or need a gun for protection.... We should make it clear through government policy and criminal law that we're going to have strict gun control. Events of recent days have just served to remind us further of the need for strict gun control in this country.”²⁴

While Rock did not rule any other options out, he assured gun owners that, despite his personal preference that guns should only be in the hands of the police and military, he would not consider a complete ban or confiscate firearms on a large scale.²⁵ Nevertheless, Rock continued to indicate that he personally supported a total prohibition of the civilian ownership of handguns. Rock also suggested that while there may be a need for firearms in rural Canada, there was no need for private individuals to have guns in cities. In fact, the Justice Minister suggested the possible creation of ‘gun-free’ zones in Canadian cities whereby hunters who reside in urban areas would be required to store their firearms outside of city boundaries. Rock further indicated that changes to the *Criminal Code* and the *Young Offenders Act* related to guns and gun crimes would also be forthcoming.²⁶

Within days of having committed the government to move rapidly toward stricter gun control, Rock faced the barrage of expected criticism. Some in the media suggested that Rock’s proposal to ban handguns and possibly prohibit all firearms in cities was merely a trial balloon and was not a serious proposal.²⁷ Among MPs, there was

²⁴ Stephen Bindman, “Rock has sights set on handgun ban,” *Vancouver Sun*, April 12, 1994. p. A6.

²⁵ Stephen Bindman, “Minister considers ban....” p. A3.

²⁶ David Vienneau, “Handgun ban being studied....” p. A1.

²⁷ See for example, Editorial, “Inconvenient times for hunters, collectors,” *Vancouver Sun*, April 13, 1994. p. A14.

substantial opposition expressed to the idea of a total ban on handguns. The move toward tougher gun control was harshly criticized by many Reform MPs who claimed that the proposed measures were “a knee-jerk reaction” to the numerous fatal shootings that preceded the minister’s announcement.²⁸ Reform MP Jim Scott suggested that “[t]he minister seems to be saying that criminals are not responsible for violent crime, gun owners are. He appears intent on making legitimate firearms owners pay the price for the recent spate of crime.”²⁹ This has been a standard criticism of gun control throughout Canadian history.

By this point, the Reform Party was the leading parliamentary opponent of gun control. This was a new position for Reform, which did not get involved to any significant extent in the gun control debate in the early 1990s. In fact, as late as August 1991, Reform did not have an official position on gun control.³⁰ Reform policy director at the time, Stephen Harper, attributed the lack of a gun control policy to “such a division of opinion [within the party]... that we ended up throwing it out as an issue,”³¹ which explains why Reform was not significantly involved in the gun control debate of the early 1990s. However, after gaining the support of, and being pressured by the ‘gun lobby,’ as well as seeing a political opportunity to exploit, Reform began developing an anti-gun

²⁸ David Vienneau, “MPs, gun buffs loading up for protest,” *Calgary Herald*, April 18, 1994. p. A2.

²⁹ Ibid. p. A2.

³⁰ Hurst, “Meet the Canadian Gun Lobby...,” p. B7.

³¹ Ibid. p. B7.

control policy by late 1991.³² In vigorously opposing gun controls, perhaps Reform was trying to capitalize on the negativity-bias that had previously dominated the issue.

While Rock may have anticipated resistance on the gun control front from opposition MPs and the gun lobby, he appeared to be caught off guard by the large number of Liberal MPs who were concerned by this new gun control agenda.³³ A substantial percent of the large rural Liberal caucus expressed their concern with Rock's proposals, many even rejecting them publicly. For example, Liberal MP Reginald Blair criticized Rock's gun control position as "emotional and premature... [t]he context is extremely difficult in rural Canada. Firearms are not a problem. In many cases, they are a way of life. We do not have the same rate of crime because of handguns that we are witnessing in the cities."³⁴ Another Liberal MP, Bob Speller, stated that "[p]eople are saying we should be looking at toughening penalties for the use of handguns in criminal offences and beefing up border patrols to stop the illegal smuggling of guns instead of going after legitimate gun owners."³⁵ At this point, it became apparent that, much like the experience of Kim Campbell on the issue in the early 1990s, Rock's most challenging opposition would come from within his own caucus.

Unlike in previous parliaments, the internal strife that the gun control issue had traditionally caused the caucus of the government was, for the first time, offset by the

³² Lalonde, "Firearms lobby urges members...." *Montreal Gazette*, Aug. 10, 1991. p. B1. Despite the lack of a gun control policy a number of groups opposed to C-80 and C-17 urged their members to join the Reform Party (p. B1).

³³ David Vienneau, "Rural Liberals fight gun control," *Montreal Gazette*, April 18, 1994. p. A7. Given the history of the issue of gun control in Canada, it is not surprising a significant number of Liberal MPs opposed Rock's gun control plan. As discussed previously, the gun control debate has divided all caucuses since it became a salient political issue.

³⁴ David Vienneau, "Rural Liberal MPs join fight against banning handguns," *Vancouver Sun*, April 19, 1994. p. A8.

³⁵ Vienneau, "Rural Liberals fight gun control." p. A7.

clear support given to tougher gun controls by the Official Opposition. The separatist Bloc Québécois had indicated that it would favour tougher gun controls. In fact, the Bloc made it clear from the very beginning of the debate that it preferred a much tougher stand on firearms control than was suggested by the Liberals. In May 1994, only six months after the 1993 election, the Bloc's critic on justice policy, Pierrette Venne, asked for a "total ban on handguns, mandatory registration of all firearms and a mandatory permit for purchasing ammunition."³⁶ The support of the Bloc's 54 seats in Parliament and their commitment to tougher gun controls could easily offset the impact of renegade Liberal backbenchers who might vote against the government. Cornellier has noted how valuable the Bloc's position on gun control was to the Liberals: "Allan Rock, confronted with opposition in the Liberal caucus and the opposition of the Reform party, came to count on the support of the Bloc."³⁷ The support of the Bloc on the gun control issue, however, was not unqualified. In May 1995, Venne indicated that the Bloc was disappointed with C-68 because it did not go far enough. The Bloc supported the gun registry but viewed the sentences for non-compliance as too lenient and proposed amendments to toughen the Bill.³⁸ Nevertheless, the Bloc would be an essential ally for the Liberals in Parliament throughout the debate over C-68.

Despite the concerns issued by government MPs on gun control, Rock's proposals received overwhelming support at the Liberal Party's national convention in May 1994.³⁹ The resolution, which was sponsored by the National Women's Liberal convention,

³⁶ Cornellier. p. 124.

³⁷ Ibid. pp. 124-125

³⁸ Ibid. p. 125.

³⁹ David Vienneau, "PM vows to get tough...." p. A1; See also, Joan Bryden and Marta Gold, "Gun-control bill pledged," *Calgary Herald*, May 16, 1994. p. A8.

called for significantly stronger restrictions on handgun ownership, a ban on assault weapon ownership, tougher controls on the purchase of ammunition, measures to control gun smuggling and harsher sentences for those who use guns during the commission of a crime.⁴⁰ The party membership also suggested that the government examine the possible creation of a national registry of all guns held in private hands.⁴¹

In response to the hearty endorsement of gun control by the Liberal Party membership, the prime minister announced that the government would move quickly to put tougher firearms restrictions in the law books and promised to have a new gun control bill introduced by the fall sitting of Parliament. Stating his own personal preference for gun control, the prime minister argued that "...there shouldn't be any more weapons in our streets and playgrounds.... The time has come to implement even stricter measures to counteract [the proliferation of firearms]."⁴² Regarding handguns, Chrétien took an even stronger position stating: "I ask why there should be any in our society."⁴³ The PM's strong position on handguns was supported by an Angus Reid-Southam poll on the subject released two weeks before the Liberal convention which indicated that almost 73 percent of Canadians supported a total ban on the ownership of handguns by private citizens.⁴⁴ Chrétien's public involvement in the gun control issue was a marked departure from the role played by previous prime ministers, and it further demonstrates the degree to which the negativity-bias had been removed from the issue. Both Trudeau and

⁴⁰ Terrance Wills, "Tougher gun control promised," *Montreal Gazette*, May 16, 1994, p. A1.

⁴¹ Ibid. p. A1.

⁴² Bob Cox, "Call for tougher gun control closes Grit policy convention," *Halifax Daily News*, May 16, 1994. p. 8.

⁴³ Terrance Wills, "Tougher gun control promised." p. A1.

⁴⁴ Ian Austen, "Get rid of handguns most say," *Montreal Gazette*, May 2, 1994. p. A1.

Mulroney buffered themselves on the issue and let their justice ministers take the brunt of the criticism from gun enthusiasts. Chrétien's participation in the debate demonstrates that the negativity-bias in the issue had been substantially reduced to the extent that the blame-avoiding tendencies no longer discouraged primeministerial involvement in the debate.

Also in May 1994, Allan Rock began to argue that not only did Canada need tougher gun laws, but it also needed tougher enforcement of the laws already in existence. In particular, Rock urged the provincial attorney-generals to enforce a portion of the *Criminal Code* that mandated an automatic jail term of one year for anyone convicted of a crime involving a firearm.⁴⁵ "I have asked [provincial attorney-generals] to urge the crown attorneys in the courtrooms where these charges are prosecuted to ensure they are pressed with vigour, that they result in the appropriate sentences and that the charges are not dropped as part of plea bargains."⁴⁶ Rock noted that increasing the minimum sentence for gun related crimes would be ineffective if ultimately they were not applied or enforced.⁴⁷

It did not take long for opposition to the Liberal gun control plan to coalesce, both inside and outside of Parliament. Reform leader Preston Manning argued that the proposals passed by the Liberal convention focused on the "marginal aspects" of gun control.⁴⁸ Manning suggested that the best way to prevent gun crime was tougher

⁴⁵ David Vienneau, "Press gun charges Rock urges provinces," *Toronto Star*, May 10, 1994. p. A11.

⁴⁶ Ibid. p. A11.

⁴⁷ Ibid. p. A11.

⁴⁸ Sheldon Alberts and Allyson Jeffs, "Manning blasts Grits on gun Control," *Calgary Herald*, May 17, 1994. p. A1.

sentences for those who misuse guns rather than focusing on those law-abiding gun owners.⁴⁹ Only two weeks after the Liberal convention, a rally of 2500 gun enthusiasts and gun rights advocates in rural Alberta (believed at the time to be the largest gun owner protest in Canadian history) vowed to fight the government's gun control program.⁵⁰ At the rally, Dave Tomlinson, president of the National Firearms Association (NFA), called for all gun owners to present a unified front against the forthcoming firearms bill. He asserted that the power of firearms owners had already been clearly demonstrated by claiming that the Conservatives had been reduced to two seats by the electorate because of their gun control policy.⁵¹ Two Reform MPs, Jack Ramsay and Leon Benoit, addressed the rally endorsing the right of Canadians to own firearms for the purpose of self-defence.⁵²

By June of 1994, gun control had also become a topic at the municipal and provincial levels of government. The mayors of Canada's largest cities considered the issue of firearms regulation at their annual meeting. The mayors called for a prohibition on assault weapons and favoured mandatory permits for all long guns. Although endorsing stricter gun control, the mayors did acknowledge that firearms use was necessary in rural areas, and it was suggested that different firearms rules should apply in rural and urban environments.⁵³

⁴⁹ Sheldon Alberts and Allyson Jeffs, "Law-abiding gun owners 'to be victims'," *Vancouver Sun*, May 17, 1994. p. A4.

⁵⁰ Gordon Jaremko, "Gun owners targeting plan to ban handguns," *Calgary Herald*, May 29, 1994. p. A1.

⁵¹ *Ibid.* p. A1.

⁵² *Ibid.* p. A1.

⁵³ Nelle Oosterom, "Don't bring your guns to town," *Edmonton Journal*, June 5, 1994. p. A3.

At the provincial level, Ontario indicated its strong support for gun control with all three parties cooperating to pass legislation swiftly to prohibit those without a hunting licence or a gun permit from purchasing ammunition in an effort to counter the high number of smuggled guns believed to be crossing the U.S. border into Ontario.⁵⁴ In addition to the many previous high-profile killings in the province, the move was directly precipitated by the murder of Toronto policeman Todd Baylis and the wounding of his partner in June of 1994.⁵⁵ Gun control, however, had already been on the mind of the provincial government; in May the NDP government announced a three-month amnesty (from June to September) to allow Ontarians to turn in unwanted and illegal firearms to the police without any repercussions.⁵⁶ Throughout the early part of gun control debate, Ontario Premier Bob Rae indicated his strong support for Rock's gun control program.⁵⁷

Other provinces also got involved in the debate. In July, the BC government considered adopting gun control measures of its own that were even more stringent than the laws promised by Allan Rock.⁵⁸ Although Alberta Premier Ralph Klein had remained silent on the issue into the summer of 1994, a number of prominent Alberta Cabinet Ministers began to indicate their opposition to gun control.⁵⁹

⁵⁴ Chris Wattie, "Tougher gun laws demanded," *Calgary Herald*, June 18, 1994. p. A3.

⁵⁵ Ibid. p. A3.

⁵⁶ Bob Brent, "Province offering firearms amnesty," *Toronto Star*, May 17, 1994. p. A2. By all accounts the amnesty was a success, collecting more than 2600 weapons, thousands of bullets and even illegal explosive devices. Nicolaas van Rijn, "Amnesty on firearms ends this week," *Toronto Star*, Aug. 29, 1994. p. A14.

⁵⁷ See for example, Leslie Papp, "Ban demanded on bullet sales to cut crime," *Toronto Star*, April 14, 1994. p. A7.

⁵⁸ Paul Strickland, "Gun-club president slams B.C. plans," *Calgary Herald*, July 28, 1994. p. C21.

⁵⁹ Alberts and Jeffs, "Manning Blast Grits....." p.A1. For example, both Labour Minister Stockwell Day and Education Minister Jack Addy were critical of the Liberal's gun control plans.

By August 1994, the gun control debate had become an important issue in Canadian politics. During that month, a number of rallies organized by anti-gun control activists took place across the country. Fifteen hundred people attended a rally in Prince George, British Columbia, and other protests took place in Edmonton, Toronto and Sydney, Nova Scotia.⁶⁰ On the other side of the issue, a number of prominent Toronto doctors held a news conference to support the proposed gun control measures.⁶¹ Around the same time, The Canadian Association of Police Chiefs also came out to strongly endorse the principle of tougher gun control.⁶²

On 22 September 1994, a massive rally to protest gun control, called "Fed Up," drew over 10,000 people to Parliament Hill.⁶³ The Justice Minister addressed the hostile crowd, promising that he would not confiscate any hunting rifles.⁶⁴ Nevertheless, Rock vowed that a 'substantial' gun control package would be introduced to Parliament during the fall session and promised not to cave into pressure.⁶⁵ A number of Liberal MPs also attended the rally to protest the new gun law proposals.⁶⁶ Outside of Ottawa, protestors marched on the offices of Liberal MPs throughout British Columbia in an effort to get the government to back down.⁶⁷ The level of criticism of Rock's planned gun controls

⁶⁰ Canadian Press, "Prince George rally draws biggest crowd in gun-curb protest," *Vancouver Sun*, Aug. 30, 1994. p. A6.

⁶¹ Rebecca Bragg, "Gun control public health issue, MDs say," *Toronto Star*, Aug. 25, 1994. p. A1.

⁶² Campbell Clark, "I'll toughen gun control - minister," *Montreal Gazette*, Aug. 26, 1994. p. A1.

⁶³ Tim Harper, "Gun owners take aim at bid to tighten rules 10,000 rally on Parliament Hill," *Toronto Star*, Sept. 23, 1994. p. A1.

⁶⁴ *Ibid.* p. A1.

⁶⁵ Monte Stewart, "New gun laws promised 'this fall'," *Vancouver Sun*, Sept. 23, 1994. p. A4.

⁶⁶ Tim Harper, "Guns debate grows emotional," *Toronto Star*, Sept. 21, 1994, p. A12. Liberal MP Paul Stickle attended the rally, stating that "I'm not going to embarrass my government, but I've got to listen to my constituents. There's a substantial portion of our caucus which believe these law-abiding gun owners must be listened to (p. A12)."

⁶⁷ *Vancouver Sun* Staff, "Wildlife group protests controls," *Vancouver Sun*, Sept. 23, 1994. p. B8.

emanating from Liberal MPs was particularly surprising; the Justice Minister faced tough questions in the House, not only from opposition benches (as expected), but also from members of his own caucus during question period.

The strength of the anti-gun control sentiment at this time further demonstrates the negativity-bias in the issue, as the government only heard from those who opposed gun control and not very often from the 'silent majority' of Canadians who supported tougher gun laws. For the gun lobby, which had always been successful in defeating or watering-down gun control proposals, the rallies represented an expression of their traditional power and signaled to the government that they were committed to fighting any substantial tightening of federal gun control legislation. Prior to 1993, these tactics would have undoubtedly been effective in influencing firearms policy. However, in the new post-1993 parliamentary environment, this form of activism would prove to be not nearly as threatening to the government as it had been in the past.

To counter the widely publicized anti-gun control rally, the Coalition for Gun Control held a press Conference emphasizing the positive relationship between gun control and public safety.⁶⁸ This type of support, however modest, was generally not given to governments during previous attempts at gun control. The Coalition would remain a prominent ally of Allan Rock throughout the entire gun control debate.

After two non-fatal shooting incidents in Ontario during October 1994, the Prime Minister gave some shape to the government's vague gun control proposals. Chrétien indicated that he supported a national registry of all firearms in Canada, telling reporters that, "I believe that we have to force everybody to register their guns... We register all

⁶⁸ Harper, "Guns debate grows emotional." p. A12.

the cars. What's wrong with registering all the guns?"⁶⁹ Despite this announcement, a number of pro-gun control groups, including the Bloc Québécois, had begun to criticize the Liberals for delaying legislation and suggested that the wait was due primarily to the significant divergence of opinion in the caucus on the issue.⁷⁰ Remembering that the Conservative government had taken more than four years to implement a relatively weak gun control Bill (C-17), supporters of tougher firearms regulation were not yet convinced of the government's commitment to the issue.

Although many members of the Reform Party had been vocally opposed to the Liberal's gun control plans since they were announced, it was not until October of 1994 that Reform took an official stand on the issue. The 1400 delegates at a Reform Convention in Ottawa passed a resolution with 94 percent supporting "the right of law-abiding citizens to own and use firearms."⁷¹ In addition, the delegates overwhelmingly rejected any gun licencing or registration scheme.⁷² The party also backed tougher sentences for those who misuse firearms.⁷³ While the resolutions passed easily, a number of delegates, citing recent polls, questioned the political value of championing the cause of gun owner's rights.⁷⁴ Nevertheless, the overwhelming sentiment at the convention was

⁶⁹ Joan Bryden, "PM favors mandatory gun registration," *Montreal Gazette*, Oct. 22, 1994. p. A9.

⁷⁰ Ibid. p. A9.

⁷¹ Norm Ovenden, "Legitimate gun owners made welcome here," *Edmonton Journal*, Oct. 16, 1994. p. A3; Rosemary Speirs, "Reform delegates force shift further to right," *Toronto Star*, Oct. 16, 1994, p. A4.

⁷² Ovenden, "Legitimate gun owners...." p. A3.

⁷³ Speirs, "Reform delegates force...." p. A4.

⁷⁴ Ovenden, "Legitimate gun owners...." p. A3. One Reform delegate criticized Reform's harsh stance on the issue: "We risk being totally offside on this issue.... There must be restrictions on the use of firearms for everyone, including law-abiding citizens. That's a practical matter (p. A3)."

that law-abiding gun owners should not be penalized by a gun law that would be ineffective in preventing gun violence.⁷⁵

Reform's defence of gun owner's rights was a marked departure from the position of previous opposition parties in government. While the Conservatives and Liberals (in opposition) always indicated that they supported the principle of gun control they always opposed the government's specific gun control proposals. Not only did the Reform Party oppose the Liberal's gun plan, they also presented a clear policy on the issue; the Party was opposed in principle to gun control, favouring instead tougher sentences for offenders as a means of addressing the 'gun problem.'

On November, 30 1994, Rock publicly outlined the government's gun control proposals, after much anticipation and speculation.⁷⁶ Beyond the licencing and registration of all firearms in Canada, the proposals included a mandatory four-year sentence for the use of a firearm in the commission of a crime. In addition, the Firearms Acquisition Certificate (FAC) would be changed to a Firearms Possession Certificate (FPC). Another significant change was that handgun owners would have to justify ownership of such weapons every five years.⁷⁷ Many handguns and assault rifles would be banned outright. The proposals were as tough as promised and would cover all of Canadians who owned guns and were to be phased in slowly over a number of years with various provisions coming into force at different times.

⁷⁵ Some delegates even suggested the Liberal gun law would actually be counter-productive. This is demonstrated by a delegate from Saskatoon who stated that "Further rock-headed weapons legislation will only increase the violence in our society." Ibid. p. A3.

⁷⁶ For a good overview of Rock's initial proposal and the controversy surrounding it see Anthony Wilson Smith, "Allan Rock's war on guns," *Maclean's*, Dec. 12, 1994. pp. 22-23.

⁷⁷ Derek Ferguson, "7 million guns would require registration," *Toronto Star*, Dec. 1, 1994. p. A13.

Not surprisingly, reaction to the Minister's announcement was very vocal and divided into two clear camps. Two days after Rock's outline for gun controls was announced, the Coalition for Gun Control held a news conference that emphasized the broad support that gun control had in Canadian opinion polls.⁷⁸ The Coalition supported the government's proposals but vowed to hold Rock to his commitment and urged gun control supporters to be vocal in order to counter the opposition of the gun lobby. Coalition President Wendy Cukier stated that the gun-control debate was a matter of "...the public interest vs. the interests of a vocal minority."⁷⁹ At this point, there was obvious concern by those supporting gun control that the government would back down from the pressure applied by gun enthusiast groups as it had in the past.⁸⁰ In fact, the Coalition also announced an aggressive strategy to discredit the statements made by pro-gun activists.⁸¹ Among the other groups praising Rock's gun control proposals were Victims of Violence, the Canadian Advisory Council on the Status of Women and numerous professional organizations.

On the other side of the issue, firearms enthusiasts promised to kill any plans for tougher gun control. John Periochio, president of the Canadian Firearms Action Council, promised to target Liberal MPs during both party nominations and the next election: "[w]e will select MPs that have particularly offended gun owners and get our people into

⁷⁸ David Vienneau, "Advocates of gun control urge supporters to rally," *Toronto Star*, Dec. 2, 1994. p. A16.

⁷⁹ Paul Wells, "Gun control: advocates, opponents draw up battle lines," *Montreal Gazette*, Dec. 2, 1994. p. B1. Cukier also stated: "This is an investment in our future. We are calling on that silent majority, which says in the polls they support gun control but doesn't do anything about it, to act." Vienneau, "Advocates of gun control..." p. A16

⁸⁰ David Vienneau, "Advocates of gun control..." p. A16.

⁸¹ Doug Fischer, "Supporters of gun control taking careful aim at firearms advocates," *Vancouver Sun*, Dec. 2, 1994. p. A6.

their party at the local level.”⁸² Furthermore, if Liberal MPs passed Rock’s gun control proposals, his organization would “take them out and make them suffer.”⁸³ The strategy of targeting pro-gun control politicians had long been used with varying degrees of success by the NRA in its campaign against gun control in America. The use of such a tactic by a Canadian gun group demonstrated the growing influence of American gun politics in Canada at this time. Other opponents, such as the National Firearms Association (NFA), also committed themselves to killing Rock’s legislation and predicted that most gun owners would not comply with the registry or participate in the licencing portion of Rock’s proposal. The participation of groups like the NFA, who emphasized the rights of gun owners, represented a fundamental change in anti-gun control activism, which was previously dominated by hunting, target shooting and ‘outdoors’ organizations. This new ‘gun-rights’ activism did not resonate with most Canadians and was probably counter-productive to their cause. The Reform Party also officially opposed Rock’s proposals,⁸⁴ as did Alberta Premier Ralph Klein, who argued that Rock gun control plans went too far.⁸⁵ Concern was also raised about the participation of the provinces in the scheme as well as which level of government would bear the costs for the program.⁸⁶

In the interim between the outline of gun control being released in December 1994, and the introduction of the Liberal’s gun control bill in February, 1995, there was

⁸² Paul Wells, “Gun control: advocates, opponents....” p. B1.

⁸³ Doug Fischer, “Supporters of gun control...,” *Vancouver Sun*, Dec. 2, 1994. p. A6.

⁸⁴ Sheldon Alberts, “Grits want registration of all guns,” *Calgary Herald*, Dec. 1, 1994. p. A1.

⁸⁵ Canadian Press, “Provinces may shoot down firearms plan,” *Calgary Herald*, Dec. 2, 1994. p.

C21.

⁸⁶ *Ibid.* p. C21.

much conjecture regarding the exact content of the Bill when introduced in Parliament. One of the most pervasive rumours circulated among gun owners was that the government would confiscate or prohibit a large number of privately-held guns.⁸⁷ Reacting to this speculation, Rock assured gun owners that the government would not pursue an agenda of confiscation, maintaining “that no party that formed the government could possibly introduce such a policy of confiscation... [t]he voices of Canadians on this subject are strong.”⁸⁸

Prior to the introduction of Rock’s firearm bill into the House of Commons, a number of polls were conducted, all demonstrating Canadians’ support for tougher gun control. From Allan Rock’s perspective, the most favourable poll released was commissioned by the province of Alberta and showed that despite the provincial government’s opposition to gun control and the perception that Alberta was a hotbed of anti-gun control sentiment, a full 64 percent of Albertans supported the federal gun initiative.⁸⁹ Nevertheless, Ralph Klein promised to fight against gun control and the provincial justice minister warned Ottawa about the possibility of facing high levels of non-compliance regarding the gun control measures.⁹⁰ Similarly, the Manitoba government also expressed its opposition to the federal gun control initiative by the spring of 1995.⁹¹ Firearms merchants also voiced their concern as the sale of firearms

⁸⁷ See for example, Gordon Jaremko and Helen Dolik, “Guns can stay – Rock,” *Calgary Herald*, Jan. 10, 1995. p. A1.

⁸⁸ Katherine Bell, “Confiscating legal guns not in plan, Rock vows,” *Vancouver Sun*, Dec. 6, 1994. p. A5.

⁸⁹ Anthony Johnson, “Most Albertans support gun control,” *Calgary Herald*, Jan. 31, 1995. p. A1.

⁹⁰ Marta Gold, “Klein not swayed by gun law support,” *Edmonton Journal*, Feb. 1, 1995. p. A7; Anthony Johnson, “Evans warns of ‘disobedience’,” *Calgary Herald*, Jan. 10, 1995. p. A2.

⁹¹ Darcy Henton, “Filmon scorns Constitution talk: Re-elected Manitoba premier rejects gun bill,” *Toronto Star*, April 27, 1995, p. A14.

declined drastically in Canada. This was attributed to the fact that many potential gun owners were hesitant to purchase a firearm before the content of the forthcoming legislation was revealed.⁹²

In January of 1995, reports began to circulate that a substantial number of rural Liberal MPs were planning to vote against the gun control proposals. The PM made it clear that those Liberal MPs considering defecting on the issue would be severely punished with rumours (later denied) that renegades would even be expelled from the caucus and the party.⁹³ This was a somewhat surprising enforcement of party discipline considering that legislation had yet to even be introduced into the Commons. The concern expressed by Chrétien put a number of Liberal MPs under pressure from both sides as gun-owning constituents also demanded that their MP represent their interests and fight the Bill. The Prime Minister made it clear that despite calls for a free vote, there would be no flexibility on the issue; all government MPs would be forced to toe the party line. Nevertheless, many of rural Liberal MPs continued to indicate their displeasure at the gun control proposal at a national caucus meeting in early February.⁹⁴ One Liberal MP, backbencher Len Hopkins, even went so far as to issue a press release indicating that he would not support Rock's proposal without significant amendments.⁹⁵

On February 14, 1995, the government's long-awaited gun package was introduced into the House of Commons as Bill C-68.⁹⁶ The Bill was not a significant

⁹² Bob Weber, "Would-be gun buyers holding their fire," *Montreal Gazette*, Jan. 21, 1995. p. A11.

⁹³ Canadian Press, "PM puts MPs under the gun," *Calgary Herald*, Jan. 30, 1995. p. A2.

⁹⁴ David Vienneau, "Gun law gets opening shot in Commons," *Toronto Star*, Feb. 13, 1995. p.

A9.

⁹⁵ Ibid. p. A9.

⁹⁶ Introduced as Bill C-68, An Act respecting firearms and other weapons (the Firearms Act).

deviation from the gun-control proposal outlined by the Justice Minister in November 1994. As tabled in the House, C-68 would forbid the importation of certain weapons, impose mandatory sentences of a minimum of four years for the commission of a serious crime with a gun, create new *Criminal Code* sentences and prohibit some assault rifles. While these components of the Bill were not overly controversial, the two main provisions, the national registry of all privately owned firearms and the separate licencing of all gun owners, which would impact on every single Canadian gun owner (estimated to affect three million Canadians and include seven million guns), drew heavy criticism.⁹⁷

Concern was also raised about the unprecedented sentences for non-compliance. Under C-68, the maximum penalty for possession of an unregistered firearm was a substantial five years in prison and a two thousand dollar fine. According to the Bill, Canadian gun owners were given five years to register their guns, with other sections of the Bill being phased in over time. Concerns were also raised about the potential cost of the Bill and how much of the expense of administering it would be borne by individual gun owners. These and other details had not been worked out at the time of the introduction of the Bill. The only change from the November 1994 proposal was that some prohibited weapons could be kept, but not sold or transferred except to an individual who already owned similar restricted weapons.

Rock praised the Bill by arguing that C-68 "...will help us preserve the peaceful character of Canadian society and help the police fight crime and violence on the streets and in the home."⁹⁸ Most gun control advocates warmly welcomed the Bill with the

⁹⁷ David Vienneau, "Ottawa sticks to its guns with law," *Toronto Star*, Feb. 15, 1995, p. A1.

⁹⁸ Doug Fischer, "Firearms legislation 'as tough as Rock'," *Vancouver Sun*, Feb. 15, 1995, p. A4.

usual concerns about the government bowing to pressure and weakening C-68 as the debate wore on.⁹⁹ Predictably, gun-rights activists criticized the law for being “unjust” and promised to stop C-68 from becoming law.¹⁰⁰ In Parliament, the introduction of the Bill was the subject of substantial debate.¹⁰¹ It was criticized by the Bloc for not being strong enough and by the Reform Party for its inefficiency regarding cost, its ineffectiveness regarding crime control and its unfair burden to law-abiding citizens.¹⁰² Being attacked on both sides proved to be beneficial to the government; unlike previous rounds of gun control, parliamentary division on the issue gave the government the benefit of occupying a compromise position on the issue.

After the introduction of C-68, a number of Liberal MPs became even more vocal in their attack on the legislation. Some rural Liberal backbenchers went as far as to publicly state that they would vote against the Bill while others indicated that they would put pressure on the Prime Minister to weaken the Bill. Ontario Liberal MP Bob Nault, for example, was extremely critical of Rock and Chrétien stating that he and other rural Liberal MPs planned to “start targeting our prime minister and other cabinet ministers because Rock doesn’t seem too interested in listening.”¹⁰³ For a backbencher in a newly elected government, this represented a very strong condemnation of the cabinet.

The Liberals, however, were not the only party divided over C-68. Although the NDP had long been divided on the issue, it was surprising to most observers that the

⁹⁹ Ibid. p. A4.

¹⁰⁰ Jim Bronskill, “Rock solid on gun control,” *Halifax Chronicle-Herald*, Feb. 15, 1995. p. A1.

¹⁰¹ See for example, *Debates of the House of Commons of Canada*, Feb. 16, 1995. The gun control debate dominated the parliamentary agenda the week it was introduced.

¹⁰² Doug Fischer, “Firearms legislation ‘as tough as Rock,’” p. A4.

¹⁰³ Jim Bronskill, “MPs ready to fight gun bill,” *Montreal Gazette*, Feb. 15, 1995. p. B1.

Party, which had urged tighter gun controls during previous gun control debates, would not be supporting the Liberal's gun law in the Commons.¹⁰⁴ Despite strong support for gun control at the executive and general membership level of the party, eight of the nine members in the NDP caucus announced they would fight Rock's gun control package in Parliament.¹⁰⁵ The President of the federal NDP, Nancy Riche, was outraged at the move: "[t]his is just a vote-getting device that doesn't sound like the principled party that I belong to. It's a complete reversal and denial of the position of the party on gun control."¹⁰⁶

While many NDP party members and the Coalition for Gun Control claimed that the reversal was due to fact that rural NDP MPs had been intimidated by the 'gun lobby,' the eight MPs opposed to the Bill generally claimed it would be ineffective in combating crime and would be a nuisance to gun owning Canadians.¹⁰⁷ A spokesperson for NDP leader Audrey McLaughlin, who represented the Yukon in Parliament, maintained that: [w]e have no problem with the philosophy behind gun control... [w]e just like to see some proof that this is going to be effective."¹⁰⁸ Svend Robinson, who championed the cause of tougher gun control throughout the 1980s and early 1990s, was the lone NDP MP who pledged to support the law.

Much anticipation led up to the second reading of Bill C-68 in the Commons on April 5, 1995. While there was no real danger that the Bill would be defeated, it was not

¹⁰⁴ Peter O'Neil, "NDP's opposition to gun law 'outrageous'," *Vancouver Sun*, Mar. 8, 1995, p. A4.

¹⁰⁵ David Vienneau, "NDP stunned as 8 MPs aim to oppose gun law," *Toronto Star*, Mar. 14, 1995, p. A9.

¹⁰⁶ Larry Johnsrude, "Supporters upset as 8 of 9 NDP MPs oppose gun control," *Montreal Gazette*, Mar. 15, 1995, p. A8.

¹⁰⁷ *Ibid.* p. A8. For example, NDP MP Nelson Riis argued that C-68 would have no impact on crime stating that: "[w]hen the Mafia warlord goes down to register his weapon, I'll believe it's effective."

¹⁰⁸ *Ibid.* p. A8.

clear how many Liberal MPs, if any, would break ranks over the issue. On the morning before the vote, the Prime Minister warned his caucus that it was “a serious matter” to oppose the government on a vote regarding a significant policy issue.¹⁰⁹ In the end, only three Liberal MPs, all from rural Ontario, voted against the Bill.¹¹⁰ Two other Liberal backbenchers present in the House did not vote for or against the Bill. David Iftody and Rose-Marie Ur both asked to be formally recognized as abstaining from the vote.¹¹¹ A number of Liberal backbenchers expressed their discontent by absenting themselves from the vote. It was estimated that as many as 30 of the 49 Liberal MPs not in the House for the vote had previously indicated their disapproval of Rock’s gun control package.¹¹² Nonetheless, given the size of the Liberal majority, combined with the support of the Official Opposition Bloc Québécois, C-68 passed second reading easily by a margin of 173-53 on April 5, 1995. All but one Reform MP present in the House voted against the Bill, as did Conservative Elsie Wayne (who represented half of the two-member Conservative caucus).

Like the Liberals, a number of Reform Party MPs also had difficulty in deciding how to vote during the second reading of C-68. Despite a clear party position on the issue, some Reformers felt a tension between the party platform against gun control and their own personal opposition to the Bill on one hand, and the populist ideology of the Reform Party on the other, which dictated that the preferences of the majority of the

¹⁰⁹ Doug Fischer, “Rock’s gun-control bill approved in principle,” *Montreal Gazette*, April 6, 1995. p. A14.

¹¹⁰ Tim Harper, “3 Liberals from rural Ontario buck party on gun bill,” *Toronto Star*, April 6, 1995. p. A2. The dissenting Liberal MPs were, Rex Crawford, Benoit Serre and Paul Steckle (p. A2).

¹¹¹ Ibid. p. A2. The request to abstain was refused by the speaker who pointed out that the Westminster parliamentary tradition does not allow for members to abstain.

¹¹² Tim Harper, “3 MPs pay price for gun bill revolt,” *Toronto Star*, April 7, 1995. p. A10.

constituents should determine how an MP votes in Parliament. Given the surprising popularity of gun-control in some ridings held by Reform, this tension placed many Reform MPs in a bind. Although only one Reform MP, Stephen Harper, voted in favour of C-68 because a clear majority in his Calgary riding indicated they supported the Bill, the conflict between representing the party platform and the wishes of constituents continued to be a thorn in the side of the Party until after the third reading of C-68.¹¹³

While Harper was praised by his Reform colleagues, including party leader Preston Manning, for breaking party ranks on the gun control issue to reflect the preferences of his constituents, the three maverick Liberal MPs did not escape punishment. The day after the vote all three were removed from their seats on parliamentary committees by Liberal Party House Leader Don Boudria.¹¹⁴ Boudria defended his actions with a revisionist assessment of the Liberal Party platform, arguing that “[i]t was felt necessary that as a result of the three voting against a measure which is in the Red Book — a commitment on which we were elected — that we have to have members on the committees who espouse Liberal values”¹¹⁵ One of the ousted Liberals, Benoit Serre, noted how the Prime Minister’s heavy handedness contrasted with the Red Book promise to loosen party discipline and have more free votes on controversial issues in Parliament.¹¹⁶ The enforcement of party discipline on this issue was largely seen as a message sent by the Prime Minister and the Justice Minister that they were serious about

¹¹³ Jim Bronskill, “Gun-control approved in principle,” *Calgary Herald*, April 6, 1995. p. A1.

¹¹⁴ Jim Bronskill, “PM takes tough stand on Liberals who break ranks on gun control,” *Halifax Chronicle-Herald*, April 17, 1995. p. C16.

¹¹⁵ Tim Harper, “3 MPs pay price....” p. A10. Boudria also maintained that “[if] members are not supportive of the government’s measures, well, they obviously cannot be on those committees as representatives of the caucus for the time being (Jim Bronskill, “PM takes tough stand... p. C16).”

¹¹⁶ Susan Delacourt, “MPs’ ouster raises question of tolerance,” *Globe and Mail*, April 7, 1995. p. A4.

gun control and would not back down on the issue as the previous Conservative administration had done. It also served to remind those other Liberal MPs who were contemplating voting against C-68 at third reading that they would also be punished.

After second reading, the Bill was sent to the Commons Justice Committee for hearings and consideration of possible amendments. In a move to limit debate and to prevent the gun lobby from gaining momentum, C-68 was placed on the legislative fast-track. Debate had already been limited on the second reading of the Bill, and the Justice Committee was to meet for only a limited period and report back to the Commons in time for the Bill to pass third reading before the summer recess.¹¹⁷ Some observers attributed the rush to fears by the government that backbench Liberals in rural constituencies would face mounting pressure over the summer to vote against the Bill.¹¹⁸ It had already been suggested that much of the existing opposition within the Liberal caucus could be attributed to angry confrontations aimed at rural MPs by gun enthusiasts over the previous Christmas recess.¹¹⁹

The passage of C-68 through second reading not only received criticism from the usual Canadian gun enthusiasts, it also attracted the attention of a foreign gun rights advocacy groups. For the first time in Canadian history, the powerful American pro-gun group, the National Rifle Association (NRA) actively entered the Canadian gun control debate.¹²⁰ Within days of C-68 receiving approval in principle, the NRA issued a letter to Prime Minister Chrétien promising that its members would boycott Canada as a

¹¹⁷ Tim Harper, "3 Liberals from rural Ontario...." *Toronto Star*, April 6, 1995. p. A2.

¹¹⁸ Tu Thanh Ha, "Rush order placed on gun-control bill," *Globe and Mail*, April 4, 1995. p. A1.

¹¹⁹ *Ibid.* p. A1.

¹²⁰ Stewart Bell, "NRA aims at Canadian gun law," *Vancouver Sun*, April 7, 1995. p. B1. Despite the boycott, the NRA denied that they were lobbying in Canada.

destination for hunting and fishing.¹²¹ Two other American hunting organizations followed suit and also wrote to the PM indicating that they would no longer be visiting Canada.¹²² In 1995, the estimated value of the business potentially lost through the boycott was more than \$500 million.¹²³

Between second and third reading of C-68, Rock continued to defend and promote his gun law. In one of his more controversial statements, Rock suggested that the American militia movement behind the Oklahoma City bombing would be prevented from establishing itself in Canada because of stronger gun control.¹²⁴ Rock argued the police would be aware of any person or organization stockpiling weapons if the registration provision of C-68 become law.¹²⁵ He also described his gun control bill as part of a Canadian tradition of “quiet accommodation” which did not promote extremism.¹²⁶ Rock’s comments were heavily criticized by members of the gun lobby and Reformers as fear mongering to encourage support for C-68.¹²⁷

By May 1995, the governments of Saskatchewan, Alberta and the Yukon Territory expressed their desire to opt out of the national gun registry portion of C-68.¹²⁸

¹²¹ Ibid. p. B1.

¹²² Michael Valpy, “The U.S. cavalry is called in on gun control,” *Globe and Mail*, April 7, 1995. p. A2. The two organizations, other than the NRA, that threatened a boycott of Canada were the Sportsmen Conservationists of Texas and the League of Kentucky Sportsmen (p. A2).

¹²³ Ibid. p. A2.

¹²⁴ Mike Blanchfield, “Gun laws could prevent Oklahoma,” *Montreal Gazette*, April 25, 1995. p. A6.

¹²⁵ Ibid. p. A6.

¹²⁶ Ibid. p. A6.

¹²⁷ Southam News, “Gun advocates fire at Rock's ‘fear mongering’,” *Vancouver Sun*, April 25, 1995. p. A4.

¹²⁸ Tu Thanh Ha, “Exemption from gun bill sought by 3 governments,” *Globe and Mail*, May 10, 1995. p. A1. Saskatchewan’s opposition came from an all party delegation of the Legislative Assembly of Saskatchewan, rather than from the government itself. See Evidence Presented to the Standing Committee on Justice and Legal Affairs, Meeting no. 127, May 9, 1995. Available online at:

At the Common's Justice Committee hearings Saskatchewan and Alberta argued that the registry impinged on provincial jurisdiction — a position supported by Preston Manning. In fighting C-68, the Reform leader had contacted all provincial premiers urging them to mount pressure on Ottawa to have C-68 referred to the Supreme Court to test its constitutional validity.¹²⁹ Rock rejected outright any possibility of any opting out arguing that gun control would not be effective if it was not a national program.¹³⁰

The participation of provincial governments in the gun control debate demonstrated the reduction in strength of the negativity-bias in the issue. Previously, provinces did not have to get involved in the issue because the structure of federal politics prevented the passage of comprehensive gun laws. The fact that provinces became active in the debate at this point also showed the extent to which the issue had been regionalized. Provincial opposition would be led by Alberta with support from Saskatchewan and Manitoba, despite the ideological differences between the provincial governments. From the perspective of the provincial governments, opposition to the gun registry was a wise strategic move; they could not be blamed for a federal initiative and could exploit the strong negative-bias by catering to the gun vote among their respective electorates.

The Justice Committee hearings not only cemented opposition from some provinces, they also brought new criticisms of C-68 to the forefront. Initially, most criticism of Ottawa's gun control package was that it would inconvenience gun owners

http://www.parl.gc.ca/committees/jula/evidence/127_95-05-09/jula-127-cover-e.html. Viewed Feb. 1, 2004.

¹²⁹ Tu Thanh Ha, "Exemption from gun bill sought..." *Globe and Mail*, May 10, 1995. p. A1.

¹³⁰ Canadian Press, "No opting out, Rock says," *Winnipeg Free Press*, April 26, 1995. p. A6.

without being an effective deterrent to gun related crime. In addition, it was often stated that such a comprehensive registry system would be extremely expensive to set up and administer. However, as the Bill became more heavily scrutinized at the Committee level, C-68's expansion of police powers also became a central argument against C-68.

Sections 99 through 102 of the Bill outlined new inspection powers given to the police.¹³¹ Under these sections, police were permitted to enter private homes and business establishments at a reasonable time of day without a warrant. Police were only required to have to suspect, with reason, that a firearm or restricted weapon was present in the private residence, even if legally possessed. It went so far as to allow police unwarranted entry into a private home if it was suspected of containing ammunition. This meant that the dwelling of every person with a registered firearm could be legitimately searched by the police as could any other private houses in which authorities suspected there to be weapons present.

The Bill also required that citizens aid the police in conducting the inspections. Under section 101, people were entitled to refuse a search, however, doing so permitted the officer to seek a warrant solely on the grounds that entry was refused. Critics of C-68 argued that these sections violated the Charter of Rights, the Common law and the principles of English liberty inherited by Canada.¹³² This belief became one of the central pillars of the Reform Party's attack on C-68 as demonstrated by Reform's gun

¹³¹ Canada, House of Commons of Canada, *Bills* (1994-1995), "C-68: An Act respecting firearms and other weapons. pp. 41-44

¹³² For a good expression of opposition to C-68 on the grounds that it impinges on long established Canadian civil liberties, see Shafer Parker, "Much more than mere gun control," *Western Report*, April 24, 1995. pp. 26-29. In this article, Allan Rock is compared to Oliver Cromwell for their mutual disrespect for civil liberties (p. 28). Throughout the gun-control debate of the mid and late 1990s, *Western Report* (and its affiliates) remained steadfastly opposed to C-68, representing a unique position on the subject in the Canadian media.

control critic Jack Ramsay who stated, “when this bill passes our freedoms are gone... Mr. Rock is being absolutely unreasonable and irresponsible when he moves in this fashion to make criminals out of law-abiding citizens.”¹³³ Reform and other pro-gun groups also began asserting, at this time, that outlawing a large category of firearms under C-68 was tantamount to confiscation or expropriation without compensation.¹³⁴

During the Justice Committee hearings, a number of groups other than those representing gun enthusiasts also emerged to challenge C-68. For example, the Canadian Civil Liberties Association, which favoured gun control in principle, attacked the ‘inspection’ provisions of C-68. The head of the Association, Alan Bovoroy, announced that “[t]his is another example of creating unnecessary powers and hoping they won't be abused.”¹³⁵ In a surprising move, prominent members of the medical community, which had historically been strongly in favour of gun control began to question its value. In its testimony to the committee, the Canadian Medical Association (CMA) argued that C-68 would have little or no impact on murder and suicide rates.¹³⁶ In its brief, the CMA stated that it is “is unconvinced that the registration provisions proposed in Bill C-68 will be effective in reducing suicides or homicides because they seem to concentrate their efforts on that group of users which poses the least risk to society.”¹³⁷ Most other health

¹³³ Ibid. p. 28.

¹³⁴ Ibid. p. 28.

¹³⁵ Tracey Tyler, “Gun control bill attacked,” *Toronto Star*, May 13, 1995. p. A12.

¹³⁶ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 133, May 11, 1995. Available on-line at: http://www.parl.gc.ca/committees/jula/evidence/133_95-05-11/jula133_blk101.html. Viewed Feb 1, 2004. See also, Canadian Press, “Doctors unsure of legislation,” *Calgary Herald*, May 12, 1995. p. A8.

¹³⁷ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 133, May 11, 1995.

organizations continued to support the Bill and the CMA would ultimately resume its support of the Bill.

Another longtime supporter of gun control also indicated its disapproval of certain provisions of Bill C-68. The Canadian Bar Association, which had a policy of supporting tougher gun controls for over twenty years at that point, supported most provisions of C-68, including the registry, but attacked C-68 on the grounds that the organization could not support searches of private property without a warrant.¹³⁸ Other legal experts also argued that the 'search and seizure' components of the Bill would not survive an inevitable Charter challenge.¹³⁹ A substantial number of Aboriginal groups also noted their opposition to C-68. However, these were generally only concerned with the Bill's violation of treaty rights and traditional hunting activity rather than with the issue of gun control at large. The testimony of Bill Namagoose, Director General, Grand Council of the Crees (of Quebec), is indicative of this sentiment: "[w]e are not here to comment upon the merits of gun control legislation for the non-native societies of Canada. Our interest in Bill C-68, or any gun control legislation for that matter, is limited to the impact that such a law may have on our way of life, on our aboriginal, treaty and human rights and on our fundamental freedoms."¹⁴⁰

Some groups took a more extreme position on the issue. For example, during its presentation to the Commons Justice Committee, the president of the Saskatchewan

¹³⁸ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 143, May 11, 1995. Available on-line at: http://www.parl.gc.ca/committees/jula/evidence/143_95-05-17/jula143_blk101.html. Viewed Feb. 1, 2004.

¹³⁹ Canadian Press, "Parts of gun bill might be unconstitutional: experts," *Montreal Gazette*, May 9, 1995, p. A7.

¹⁴⁰ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 130, May 19, 1995. Available on-line at: http://www.parl.gc.ca/committees/jula/evidence/130_95-05-09/jula130_blk101.html. Viewed Feb. 1, 2004.

Outfitters Association submitted that guns were part of the Canadian way of life. However, “[o]ne man, Allan Rock, has stated that he intends to change that culture. Joseph Stalin and Adolf Hitler also changed their country’s cultures.”¹⁴¹ He maintained that the ultimate goal of the Liberals in enacting C-68 was to create a society where only police and military personnel have firearms, which “bears strong resemblance to Nazi Germany and Communist Russia, among others.”¹⁴² Many other groups used this slippery slope argument: gun control invariable leads to gun confiscation, which invariable leads to autocratic government and tyranny. This new variety of extremist rhetoric became more prevalent as the gun control debate became more heated and proved to be a counter-productive strategy that offended more moderate gun owners.

Another conspiracy-minded group, the Montreal-based ‘Friends of Liberty,’ went so far as to claim that the true purpose of C-68 was to disarm the Québécois population to prevent Quebec nationalists from achieving sovereignty if the upcoming independence referendum vote was successful.¹⁴³ An interesting argument against gun control was also provided by the president of the Responsible Firearms Owners of Alberta who expressed his concern that the prairies could become plagued with coyotes, gophers and other vermin if too many gun owners turned in their firearms to avoid paying the licencing and registration fee.¹⁴⁴

¹⁴¹ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 115. May 1, 1995. Available on line at: http://www.parl.gc.ca/committees/jula/evidence/115_95-05-01/jula115_blk101.html. Viewed Feb 1, 2004.

¹⁴² Ibid.

¹⁴³ Jim Bronskill, “Keeping Québécois docile is true aim of gun-control bill,” *Winnipeg Free Press*, May 7, 1995. p. A3.

¹⁴⁴ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 123. May 8, 1995. Available on line at: http://www.parl.gc.ca/committees/jula/evidence/123_95-05-08/jula123_blk101.html. Viewed Feb. 1, 2004.

Despite these criticisms, Rock, who continued to have the support of many groups on the gun control issue, vowed to remain firm on gun control. However, during his own testimony to the Justice Committee, the Justice Minister proposed that changes be made in both the sentencing provisions and sections dealing with the inspection powers of police.¹⁴⁵ Under the proposed changes, police would need a warrant to search the premises of an individual who owned less than ten guns.¹⁴⁶ Those who failed to register their gun(s) would still receive a criminal record, but the punishments would be reduced substantially.¹⁴⁷ These proposals were accepted by the Liberal dominated committee, who amended the penalties to a maximum six month sentence or a two-thousand dollar fine for failing to register a firearm and agreed also with the Rock proposal to reduce the new police powers contained in the Bill. Provisions were also eased regarding the ownership of antique guns by collectors.

While designed to quell criticism of C-68, these changes only angered pro-gun groups who argued that the changes did not go nearly far enough. The move also angered pro-gun control groups who opposed any reduction in penalties for non-compliance and feared that the minister was giving in to the gun lobby.¹⁴⁸ Some in the media attributed the weakening of C-68 to increasing pressure on the Justice Minister from the rural Liberal caucus; immediately prior to Rock's announcement, two additional Liberals backbenchers, John O'Reilly and Bernie Collins, indicated they would vote

¹⁴⁵ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 147. May 19, 1995. Available on line at: http://www.parl.gc.ca/committees/jula/evidence/147_95-05-19/jula147_blk101.html. Viewed Feb 1. 2004.

¹⁴⁶ Doug Fischer, "Rock offers to soften gun penalties," *Montreal Gazette*, May 23, 1995. p. A1.

¹⁴⁷ Ibid. p. A3. Penalties for not registering were reduced to a maximum \$2000 fine and six months in jail. However, those who deliberately did not register could face a ten-year prison sentence.

¹⁴⁸ Mary Nemeth, "Fighting Back," *Maclean's*, June 5, 1995. pp. 14-15.

against the Bill at final reading.¹⁴⁹ In fact, many rural MPs admitted that they had never faced such anger in their ridings on any other issue, indicating the salience of the issue for many gun owners.¹⁵⁰

The Prime Minister, however, remained committed to gun control, stating that “[i]t’s a policy of the government and we won’t back down. It’s the right policy. We don’t check only the polls before we act. But it so happens that in this case the people are with us.”¹⁵¹ The Prime Minister also threatened any MP who was considering voting against the government on the issue and chastised O’Reilly and Collins for publicly airing their disapproval of the Bill. Chrétien pointed out that “[t]hey had a chance to talk. They have a lot of freedom. They made all the speeches they wanted. They discussed this thing in caucus for a year. Even myself, sometimes, I don’t win in the caucus or in the cabinet. I go along with the rest.”¹⁵² Chrétien made it clear that the government would not back down from C-68 regardless of the vocal opposition of the gun lobby, or the reservations of rural MPs and their constituents. Don Boudria even suggested that renegade Liberal MPs should try to catch a twenty-four hour flu on the day of the vote to avoid punishments.¹⁵³ As the final Commons vote approached, a minimum of twenty-nine Liberal MPs had publicly stated their opposition to C-68.¹⁵⁴

There was much speculation leading to the third and final reading of C-68 in the House of Commons regarding how much support the Bill would get from the Liberal

¹⁴⁹ Larry Johnsrude, “Rock May bow to gun revolt,” *Winnipeg Free Press*, May 19, 1995. p. A3.

¹⁵⁰ *Ibid.* p. A3.

¹⁵¹ David Viennau, “Chrétien threatens gun bill rebels,” *Toronto Star*, May 22, 1995. p. A1.

¹⁵² *Ibid.* p. A1.

¹⁵³ David Viennau, “Torn MPs face high noon on gun law,” *Toronto Star*, June 13, 1995. p. A21.

¹⁵⁴ Nemeth. p. 14.

caucus. The Reform caucus was also divided on the issue. Three Reform MPs, including party whip Jim Silye, indicated that they would vote in favour of C-68 because polling in their ridings indicated that a majority of their constituents supported the law.¹⁵⁵ All three represented urban ridings in Calgary (Silye), Edmonton (Ian McClelland) and Vancouver (Ted White). These departures from the hard-line anti-gun control position proved to be somewhat embarrassing to the Reform Party and discredited their claim that the Liberals would suffer for passing C-68 during the next election.

Reform's policy of polling on the gun control issue also caused Stephen Harper, the lone Reform MP to vote for the law at second reading, to reverse his previous position and vote against C-68 on the strength of a second, more scientific poll, conducted in his riding.¹⁵⁶ Reform leader Preston Manning was criticized for not polling his constituents on the issue and thereby avoiding the possible embarrassment of having been one of the most vocal critics of C-68 and in the end, voting for it.¹⁵⁷ The NDP also remained divided on the issue, with eight of nine MPs still indicating they would vote against the wishes of the party. Even some rural Bloc MPs began to have reservations regarding the Bill.¹⁵⁸

Adding to the contentiousness of the already heated debate over C-68 was the Liberal decision, supported by the Bloc Québécois, to limit debate on the third reading of C-68 and another hotly contested piece of legislation (Bill C-41) regarding increased

¹⁵⁵ Kim Lunman, "Silye voting for gun controls," *Calgary Herald*, June 13, 1995, p. A3. Sixty-one percent of Silye's constituents indicated they supported the gun law.

¹⁵⁶ Ibid. p. A3. According to Harper, the first poll showed 64 percent of his constituents were in favour of C-68. However, a later 'scientific' poll indicated that approximately 60 percent of his constituents opposed the bill (p. A3).

¹⁵⁷ Norm Ovenden, "Manning won't consult voters," *Calgary Herald*, May 18, 1995. p. A20.

¹⁵⁸ David Vienneau, "Torn MPs face high noon...." p. A21.

sentences for those convicted of hate crimes. With the help of the Bloc, the Liberals managed to reduce the allocated time for the Commons to debate C-68 to only twelve hours. Considering that the Justice Committee had sent back 267 amendments, this was not nearly enough time for adequate debate. Preston Manning called the government's alliance with the Bloc to ram two unpopular laws through Parliament "close to treasonous."¹⁵⁹ Furious with the shortened debate schedule, Manning stated that the move was "despicable, anti-democratic and anti-Canadian."¹⁶⁰ The Reform leader attributed the Bloc's cooperation to its desire to end the parliamentary session to prepare for the upcoming independence referendum in Quebec.¹⁶¹

On 13 June 1995, after only two days of debate, Bill C-68 was approved after third reading by the substantial margin of 192-63. Given the high degree of speculation regarding the outcome, some in the media described the vote as anti-climatic.¹⁶² Only nine of the approximately thirty disgruntled Liberal MPs voted against the Bill. The opposition voted as expected with three Reformers voting for, eight NDPers against (with Svend Robinson voting in favour) and the Bloc unanimously supporting C-68. Rock described the passage of C-68 in the Commons as "a great day for Canada."¹⁶³ He also assured critics that his gun control package was a compromise that protected Canadians and still respected gun owners: "I've taken pains at every turn to emphasize that farmers and hunters and ranchers, target shooters and collectors will be able to continue their use

¹⁵⁹ Tu Thanh Ha, "Liberals, BQ combine to limit debate," *Globe and Mail*, June 9, 1995. p. A4.

¹⁶⁰ *Ibid.* p. A4.

¹⁶¹ *Ibid.* p. A4.

¹⁶² Doug Fischer, "Gun-control fight goes to Senate," *Montreal Gazette*, June 14, 1995. p. A1.

¹⁶³ Kim Lunman, "Gun control on hair trigger," *Calgary Herald*, June 14, 1995. p. A1.

of firearms as in the past. I very much believe that in 10 years we'll look back at the registration of all firearms and wonder what the fuss was about.”¹⁶⁴

Chrétien was also very pleased with the passage of the legislation. Nevertheless, he expressed his extreme displeasure at those Liberal MPs who defied the party whip as well as those who absented themselves from the vote. At a caucus meeting the day following the vote it was reported that Chrétien was personally offended by disloyalty of his renegade MPs, making the comment that “If the leader is hurt, then the whole team is hurt... I am a tolerant man, but I'm only going to take so much. When you do this, you do it to me.”¹⁶⁵ While the Prime Minister took no overt action against those who did not comply, he did threaten that if MPs did not start toeing the party line, their nomination papers may not be signed, and they would not be allowed to run as Liberals in the next election.¹⁶⁶ This threat came on the day of another controversial vote regarding hate crime, which a number of Liberals said they would not support.

After C-68 cleared the House, there was much speculation that the Conservative majority in the Senate would attempt to significantly amend the Bill and delay it by referring it back to the Commons.¹⁶⁷ Within hours of C-68 being approved, Conservative Senator and Tory spokesman on the issue of gun control, Ron Ghitter, promised that, despite pressure from the government, gun control would not be rushed through the Red Chamber. In particular, Ghitter argued C-68 should be put under the thorough scrutiny of

¹⁶⁴ Ibid. p. A1.

¹⁶⁵ David Vienneau and Tim Harper, “Fall in line — or else, PM warns rebel MPs,” *Toronto Star*, June 15, 1995. p. A2.

¹⁶⁶ Ibid. p. A2.

¹⁶⁷ David Vienneau, “Battle for gun control may not be finished,” *Toronto Star*, June 17, 1995. p. B1.

the Senate's legal affairs committee, which he recommended should conduct public hearings on the issue.¹⁶⁸ This move was accurately believed to be an obvious plan by Tory senators to kill the Bill. By returning the amendments back to the Commons, it would force another vote in the House of Commons. Ghitter revealed that one of the amendments would be to decriminalize the penalty for not registering firearms.¹⁶⁹ Since the Liberal government would not accept such a weakening of the Bill, C-68 would have to be modified again (back to its original form) by the government. The Senate then would have to reconsider the Bill. By this time, the legislative session would have ended and the Bill would have died on the order paper. The Senate frustrated Rock even further by announcing that it would not even begin to consider C-68 until the recall of Parliament after the summer recess.

During the summer of 1995, provincial opposition to the federal gun control plan became more vocal. All three prairie provinces, joined by the governments of the Yukon and the NWT, vowed to oppose the Bill and hoped to convince Senators to oppose the deal. All five governments formed a united front to testify at the Senate hearings on C-68. This group gained an important ally with the election of the Progressive Conservatives in Ontario. Very shortly after being elected, the Harris government indicated it would oppose gun control and join those other provinces fighting C-68.¹⁷⁰ The opposition of the Ontario Conservatives can best be explained as an attempt to exploit the anger of gun owners in the province, and because gun control was viewed as a

¹⁶⁸ Doug Fischer, "Tory senators plotting new strategy to kill controversial gun-control bill," *Vancouver Sun*, Sept. 13, 1995. p. A4.

¹⁶⁹ *Ibid.* p. A4.

¹⁷⁰ Canadian Press, "Ontario Tories to oppose gun-control bill," *Montreal Gazette*, Aug. 14, 1995. p. A7.

federal issue, it was unlikely that Ontario voters would punish the new government for their stand. The position of the Harris government can also be attributed to the fact that Conservatives wanted to put their stamp on the government. In addition, the Harris Conservatives took a much more confrontational approach with Ottawa than had previous Ontario governments.

At the time of the Senate debate on C-68, 51 Senators were listed as Conservative, 50 as Liberals, and 3 as independents. By August 1995, however, it became clear that party divisions would not hold on a Senate vote on gun control. Therefore, despite the vocal criticism of many Senators regarding C-68, it was uncertain what strength the anti-gun control forces actually had in the Upper House. The first sign that the Senate would not give C-68 as rough a treatment as expected came when it was revealed that the Senate Committee would only study the Bill for ten days. A significant debate, however, took place in the regarding the legislative timetable of C-68 in the Upper House.¹⁷¹ Despite the delaying attempts by some Tory Senators, the date for the vote on C-68 was finally scheduled for November 22, leaving plenty of time to pass before the end of the session, set for December 15.¹⁷²

Some of the amendments proposed by Tory Senators included the exemption of museums from the legislation, limiting the power of the Justice Minister's order-in-council authority to add guns to the restricted list, and reversing the burden of proof regarding the issuing of a gun licence. One further amendment would require that the government conduct hearings with Aboriginal groups regarding the impact of C-68 on

¹⁷¹ David Vienneau, "Senators set to vote on gun legislation," *Toronto Star*, Oct. 19, 1995. p. A17.

¹⁷² *Ibid.* p. A17.

both Aboriginals and treaty rights held by Aboriginals.¹⁷³ As the vote approached, a number of Senators indicated that they were unsure of how they were going to vote, and as late as the eve of the vote,¹⁷⁴ many observers predicted that the vote would be very close with the outcome uncertain.¹⁷⁵ The division on the package of amendments submitted by the Conservatives was indeed as close as predicted with the amendments being defeated 53 to 46. However, the vote on the Bill itself was not as close as many suspected it would be. After the failure of the amendment package, Bill C-68 passed the Senate easily by a margin of 64-28 with 11 abstentions. Bill C-68 then received Royal Assent on Dec 5, 1995, on the eve of the sixth anniversary of the Montreal Massacre and was proclaimed into law as the *Firearms Act*.¹⁷⁶

The Debate Continues: The Politics of Gun Control, 1996

Reaction to the passage of the *Firearms Act* was predictable. Allan Rock argued that the *Firearms Act* was a significant piece of legislation because "it reaffirms our character as a peace-loving, non-violent nation."¹⁷⁷ Like many government officials, including the prime minister, Rock used the passage of the *Act* to contrast Canada's gun control laws with those of the United States: "We have decided to follow a different route from the United States where citizens are often encouraged to arm themselves for self-defence. We Canadians don't want our children and grandchildren growing up in a society like

¹⁷³ Tu Thanh Ha, "PC senators play gun-bill roulette," *Globe and Mail*, Nov. 17, 1995. p. A1.

¹⁷⁴ Pat Carney, "Senator Carney doesn't know how she'll vote on gun-control legislation - for the women of Montreal or of B.C.," *Vancouver Sun*, Nov. 21, 1995. p. A15.

¹⁷⁵ Jim Bronskill, "Key gun control vote too close to call," *Winnipeg Free Press*, Nov. 22. p. B6.

¹⁷⁶ Bill C-68 became *The Firearms Act, An Act Respecting Firearms and Other Weapons* (1995), S.C. c. 39. The Bill and also amended part III of the *Criminal Code*.

¹⁷⁷ David Vienneau, "Tough gun law gets royal assent today," *Toronto Star*, Dec. 5, 1995. p. A2.

that.”¹⁷⁸ The Prime Minister remarked that Canadian gun control laws give Canada “a personality of our own” and that the law would be the envy of many liberal American legislators.¹⁷⁹ Not surprisingly those in favour of gun control, especially the Coalition for Gun Control, celebrated their victory with some disbelief that they had accomplished their goals.¹⁸⁰

While those fighting for gun control claimed victory with the passage of the *Firearms Act* into law, those who fought against gun control did not reconcile themselves to defeat. Within days of the Bill becoming law, those provinces that had long been opposed to C-68 threatened to go to court to challenge the constitutional authority of the federal government to enact their gun control measures.¹⁸¹ In addition, the various hard-line members of the gun lobby promised to continue fighting the law through a number of means. First, they vowed to support the provinces in their fight against gun control. Second, some of the more radical elements of the anti-gun control movement embarked on a campaign to encourage non-compliance with the federal *Firearms Act*. Third, most gun-rights activist groups opposed to gun control following C-68’s proclamation into law committed themselves to organizing against the Liberals in the next election. The strategy was to make gun control a central issue in the election. By targeting many apparently vulnerable rural Liberal incumbents, it was believed that the balance of power could be shifted, resulting in the defeat of the Liberals and their replacement by a (Reform) government which would rescind the *Firearms Act*.

¹⁷⁸ Ibid. p. A2.

¹⁷⁹ Sheldon Alberts, “Senate backs control of guns,” *Calgary Herald*, Nov. 23, 1995. p. A1.

¹⁸⁰ Canadian Press, “Two win after long, hard fight,” *Calgary Herald*, Dec. 7, 1995. p. A16.

¹⁸¹ Marta Gold, “Alberta ponders court challenge,” *Calgary Herald*, Nov. 24, 1995. p. A3; Canadian Press, “Romanow threatens to challenge gun-control law,” *Vancouver Sun*, Dec. 19, 1995. p. A3.

With such a short period between C-68 becoming law and the planned implementation of the licencing provisions of the law on January 1, 1996, the government announced in December 1995 that the start of licencing would be delayed until later in the new year due to the complexity of the system.¹⁸² Despite (or perhaps because of) the postponement there was much confusion regarding what the new legislation would mean for gun owners, collectors and dealers, as well as regarding the time-line for the implementation of the law and the cost involved. Because the Liberals had originally expected C-68 to become law earlier than it did, the massive infrastructure required to operate the licencing and registration programme was not on schedule. While there was no rush for gun owners and potential gun owners to get a licence or register their guns, information on the subject was not available.¹⁸³ Both gun shops and police were unable to provide advice and information for those owners seeking to comply early with the regulations.¹⁸⁴ There were also concerns expressed by many of Canada's museums, which had failed in their bid for a legislative exemption to the fees associated with registering the weapons in their collection. This represented a real problem for some museums. For example, the Glenbow museum in Calgary estimated that it would cost nine thousand dollars to register those guns in their collection that were not already

¹⁸² Bud Robertson, "New Law a moving target," *Winnipeg Free Press*, Dec. 30, 1995. p. A4.

¹⁸³ Pete McMartin, "Gun owners find registration slow-draw game," *Vancouver Sun*, Jan. 3, 1996. p. B1.

¹⁸⁴ Charles Rusnell, "New law mystifies gun owners," *Calgary Herald*, Jan. 5, 1996. p. A1.

registered.¹⁸⁵ The Canadian War museum reported that the *Firearms Act* could cost them as much as \$180 000.¹⁸⁶

In March 1996, the federal government announced that it would increase the amount of money that it would give to the provinces to cover the costs associated with gun control. The federal government now indicated that it would provide \$13.9 million, most of which would go to the chief provincial firearms officer in each province.¹⁸⁷ Since the announcement of Rock's gun control initiative in 1994, one of the principle concerns of provincial governments, even those that supported C-68, was ensuring that Ottawa cover the costs of gun control.

April of 1996 saw the bloodiest massacre in British Columbia as eleven people were shot with nine dying of their wounds.¹⁸⁸ The case was pertinent to gun control as the victims were the estranged wife of the killer and her family. The RCMP came under heavy criticism as the murderer had been investigated by the Mounties for uttering threats against his wife yet was issued a number of restricted firearms permits by police.¹⁸⁹ This incident was used by some opponents of gun control to argue that firearms regulations do not deter the criminal use of firearms. The argument was that legislation cannot stop a crazed, yet determined, individual. Others used the BC massacre to argue that even Rock's gun control provisions were insufficient, despite the fact that they had yet to come

¹⁸⁵ Bob Bergen, "New legislation sets historic weapons under the gun," *Calgary Herald*, Jan. 5, 1996. p. B5.

¹⁸⁶ Canadian Press, "Mandatory gun registration tab up to \$180 000 for war museum," *Winnipeg Free Press*, Jan. 5, 1996. p. A14.

¹⁸⁷ Jim Morris, "Ottawa to shell out cash for gun registry start-up," *Vancouver Sun*, Mar. 8, 1996, p. A4.

¹⁸⁸ Stewart Bell and Lindsay Kines, "Family asks why killer got gun permits," *Toronto Star*, April 8, 1996. p. A1.

¹⁸⁹ Donald McKenzie, "How Do You Legislate A Maniac?" *Calgary Herald*, April 10, 1996. p. C4.

into effect. The BC government, for example, announced in the wake of the killings that it would issue a more comprehensive permit questionnaire and empower the police to unilaterally revoke a firearms permit and even seize the weapons of any individual who is reported to police as threatening his or her spouse with violence.¹⁹⁰ This is yet another example demonstrating that both levels of government are able to legislate in the area of gun control. The federal justice minister, however, maintained that the *Firearms Act* was adequate and the RCMP had “ample discretion” to deny the killer a restricted weapons permit.¹⁹¹ The problem, Rock argued, was with the enforcement of the legislation, not the legislation itself.¹⁹²

Rock tabled the draft regulation that would support the *Firearms Act* on May 2, 1996. It outlined five separate types of gun licences: (1) permits to acquire and possess firearms; (2) licences for minors to possess firearms; (3) possession-only permits for those individuals who own firearms but cannot acquire new ones; (4) sixty-day permits for non-Canadian residents to use a gun while in Canada; and (5) licences for crossbows.¹⁹³ The regulations also stated that the licencing provisions would go into effect in 1997 with gun owners having four years after that to obtain a licence. The timetable for registration of firearms was to be even longer with owners having until 2003 to register their guns. A week later, however, Rock withdrew the regulations arguing that more was needed to study their implementation.¹⁹⁴ Those opposed to gun

¹⁹⁰ Mike Crawley, “B.C. to tighten curbs on gun permits,” *Vancouver Sun*, April 11, 1996. p. A1.

¹⁹¹ Peter O’Neil, “Gun laws are tough enough,” *Montreal Gazette*, April 16, 1996. p. A8.

¹⁹² Sheldon Alberts, “Gun laws strong, Rock says,” *Calgary Herald*, April 16, 1996. p. A3.

¹⁹³ Canadian Press, “Rock tables gun-control regulations,” *Winnipeg Free Press*, May 3, 1996. p. B2.

¹⁹⁴ Monte Stewart, “Rock scraps regulations,” *Calgary Herald*, May 9, 1996. p. A1.

control suggested Rock reconsidered the regulations after discovering their unpopularity with Canadians.¹⁹⁵

By the spring of 1996, the so-called 'gun lobby' was becoming more active in partisan politics and had developed an arms-length relationship with the Reform Party, which was the only national party receptive to the anti-gun control movement at that time.¹⁹⁶ In fact, some gun lobbyists used a by-election in Labrador to experiment with the time-tested NRA tactic of targeting potentially vulnerable electoral districts. The Canadian gun group, the National Firearms Association, paid two lobbyists to travel to Labrador to fight the Liberal candidate on the gun control issue.¹⁹⁷ The experiment was a qualified success; although the Liberals held on to the riding, they dropped in support from 77 percent in the 1993 general election to 40 percent in the by-election.¹⁹⁸ Reform, which did not even bother to run a candidate in 1993, made the election close, gaining 30 percent of the vote.¹⁹⁹ This example was used as motivation to establish a grass-roots movement to attempt to defeat the Liberal government over the firearms issue in the next election. While some in the Reform Party worried about championing an issue with minority public support, the party strengthened its anti-gun control stance at the Reform Party's convention in Vancouver in June 1996 when party members passed a motion in favour of repealing the *Firearms Act*.²⁰⁰

¹⁹⁵ Ibid. p. A1.

¹⁹⁶ Allan Chambers, "Gun lobby targeting Reform to win support," *Toronto Star*, May 26, 1996. p. A7.

¹⁹⁷ Allan Chambers, "Gunning for Votes," *Calgary Herald*, May 26, 1996. p. A8.

¹⁹⁸ Chambers, "Gun lobby targeting...." p. A7.

¹⁹⁹ Ibid. p. A7.

²⁰⁰ Ross Howard, "Reform's grassroots dig in on tough ground," *Globe and Mail*, June 8, 1996. p. A4.

Controversy surrounding gun control during the second half of 1996 dealt primarily with logistical and administrative issues. For example, a confidential government report was leaked in July warning against any plan to issue a federal gun amnesty for fear that it would be interpreted as an agenda of confiscation which would trigger a backlash against the implementation of C-68.²⁰¹ When the government announced the fees associated with obtaining a gun licence, they were criticized for being a tax grab.²⁰² However, some also described the low \$10 fee for those who got an early licence as a bribe to ensure people would comply with the *Act*.²⁰³

The second half of 1996 also saw the battle between those provincial governments opposed to the law and the federal government intensify. In September 1996, Alberta, which continued to be the most vocal of those provinces opposed to C-68, formally announced that it would challenge the constitutionality of the federal government's gun control program.²⁰⁴ It was also revealed Alberta's challenge would be supported by the governments of Saskatchewan, Manitoba, Ontario and the Yukon who would act as interveners in the case.²⁰⁵

By this time, opposition of a different sort began to emerge. Throughout the gun control debate, many First Nations leaders had expressed their concerns and opposition to gun control, mainly on the grounds that it violated Aboriginal treaty rights. On February 3 1996, opposition to the application of the *Firearms Act* to Aboriginals grew stronger as

²⁰¹ Jim Bronskill, "Grit brief warns of firearms amnesty," *Calgary Herald*, July 2, 1996. p. A3.

²⁰² Canadian Press, "Firearms registry, licences blasted," *Globe and Mail*, Aug. 10, 1996. p. A4.

²⁰³ Vancouver Sun Staff, "Early gun registration to cost less," *Vancouver Sun*, Aug. 10, 1996. p. A3.

²⁰⁴ David Steinhart, Richard Brennan and Sheldon Alberts, "Alberta, four allies to take on gun control," *Calgary Herald*, Sept. 27, 1996. p. A7.

²⁰⁵ *Ibid.* p. A7.

the Assembly of First Nations (AFN) threatened to take the government to court on the issue. Chief Ovide Mercredi stated that the AFN would fight the law unless all Aboriginal hunters were exempted from all federal firearms legislation.²⁰⁶ According to the *Firearms Act*, the fees associated with licencing and registration did not apply to First Nations people, however, Aboriginals were required to get a firearms licence and register their guns. Mercredi was also angry about the application of the regulations regarding storage and transportation to Aboriginals, stating that “[w]e have treaty rights and Aboriginal rights to hunt. When the treaties were signed, there was no discussion about issues like storage or registration.”²⁰⁷

In response to the concerns of Aboriginal groups, the federal government created a separate firearms regulatory regime for First Nations peoples in 1998. The *Aboriginal Peoples of Canada Adaptations Regulations* were designed to include Aboriginal people under the *Firearms Act*, and at the same time, recognize the First Nations treaty rights outlined in the Constitution and “respect the traditional lifestyles of Aboriginal Peoples.”²⁰⁸ The regulations, which were altered after consultations with First Nations organizations, allowed a role for community Elders in the screening process for those seeking to obtain a firearms licence and permitted Aboriginal people under the age of 12 the ability to obtain a minor’s permit to take part in traditional hunts. Among the other regulatory differences was the that, in certain circumstances, some First Nations people,

²⁰⁶ Jim Morris, “Leave us out of gun law, aboriginals tell Rock,” *Montreal Gazette*, Feb. 4, 1997. p. A8.

²⁰⁷ Jim Morris, “Mercredi warns Grits of gun-law court challenge,” *Calgary Herald*, Feb. 4, 1997. p. A11.

²⁰⁸ *Aboriginal Peoples of Canada Adaptation Regulations (Firearms)*. Available at the Canadian Firearms Centre website at www.cfc-ccaf.gc.ca. Viewed Feb. 1, 2004.

such as Elders and those living in remote areas, did not need to pass the safety training course; instead they were only required to demonstrate an understanding of firearms law and gun safety.

Despite these accommodations, many Aboriginal organizations continued to resent the application of the *Firearms Act* to First Nations people. From the perspective of Aboriginal leaders, the federal government's gun control program was an intrusion on their right to self-government, and treaty rights and an imposition on their traditional hunting practices. As a result, many First Nations groups opposed Aboriginal participation in the federal firearms program and demanded federal recognition of their right to regulate firearms for their own communities. The rejection of the *Firearms Act* by Aboriginal people was confirmed in July of 2003 when it was revealed by the Department of Justice that only a small percentage of Aboriginal gun owners had obtained a licence and registered their guns by the required deadline to do so.²⁰⁹ Another yet unresolved issue relating to the application of the *Firearms Act* to Aboriginal people deals with First Nations gun owners who live off reserve and, in particular, those who live in an urban setting. In this case, Aboriginal and non-Aboriginal people living in the same city and even the same neighbourhoods may be subject to different firearms regulations. Notwithstanding these problems, the government has indicated (as of July 2003) that Aboriginal people will not be exempted from the *Firearms Act*.²¹⁰

²⁰⁹ For example, only one percent of gun owners in the Mohawk community of Akwesasne had complied with the *Firearms Act* despite the firearms-related problems observed there. In Northern Manitoba, only 847 gun licence applications were received from twelve First Nations communities with a population of 17 129. Other Aboriginal communities had similarly low compliance rates. Tim Naumetz, "Gun registration rejected by a majority of Aboriginals," *Edmonton Journal*, July 23, 2003. p. A6.

²¹⁰ Federal Solicitor-General Wayne Easter committed the government to enforce the *Firearms Act* as it relates to Aboriginals: "Whether you are aboriginal, whether you are French, whether you are English,

The Election of 1993 as a Policy Window

The period immediately following the election of 1993 was uniquely favourable to tougher gun controls. The chain of events, as well as the timing and order of those events that supported gun control through the first half of the 1990s are remarkable. The Montreal Massacre, and the emergence of a gun control lobby raised the salience of the issue among Canadians. This was aided by the establishment of the Reform Party, which captured the gun vote in the early 1990s. However, these changes alone would not have resulted in tougher gun controls. Without the election result of 1993, which was truly a serendipitous event for supporters of comprehensive gun control, institutional forces would have prevented the passage of any form of gun control resembling the *Firearms Act*.

The election was clearly a policy window for those seeking to implement tougher gun controls. After 1993, the political forces which had long impeded tougher gun controls were replaced by a much more receptive political environment. With the demise of the Progressive Conservatives and NDP, the brokerage character of party competition had eroded. While the Liberals still represented the quintessential brokerage party, the emergence of the Bloc and the Reform changed the very nature of federal politics in a manner that made comprehensive gun control much less risky for the government than it had in the past. Indeed, there were actually political gains to be made on the issue for the first time.

whether you are Scottish, or any culture or nationality, on this law [the *Firearms Act*] we believe the same rules should apply to all people.” Ibid. p. A6.

The infusion of ideology into Parliament, as well as the increased regionalization of federal issues and federal political strategy, removed or isolated much of the negativity-bias in the issue. With the Reform Party's clear and unwavering anti-gun control position, they became the parliamentary champion of the rights of gun owners. As a result, the protests of the firearms community were longer as effective; with the gun vote locked up by Reform, there was little point in the Liberals trying to appease angry gun owners. By cementing their support for Reform, gun owners and firearms associations could no longer play one party off against another on the issue. The Liberals, therefore, did not need to try to appease angry gun owners who would not be voting Liberal in the near future.

In addition, given the Liberals had a vary advantageous position of being the only party that was competitive in all of Canada's regions they could afford to be more innovative and politically courageous. The characteristics of brokerage party competition that made innovation and courageous policymaking strategically unwise had been removed. From this position of strength enjoyed by the Liberals, those in favour of tougher gun control could advance their agenda in the face of a clear policy window with much less political risk than was previously present.

In this new institutional setting, the negativity-bias that had previously stymied attempts at tougher gun control had been reduced and regionally isolated to the extent that it no longer threatened the future electoral success of the government. In this environment, the time-tested tactics of the gun lobby were no longer effective in forcing the government to back down. The negativity-bias that had blocked gun control for so

long was no longer effective at the federal level. Consequently, the governments of those provinces where gun control was the least popular became the voice for angry gun owners.

The transformation of gun control politics is also demonstrated by the direct involvement of the PM in the issue and his ability to enforce strict party discipline. Before the 1993 election, a backbench revolt could force the government to back down on the issue. However, after 1993, any Liberal defections could be offset by the commitment of the Bloc to tougher gun controls. Also, the Liberals found it much easier to pass tougher gun control in such a divided Parliament with exceptionally weak opposition. The Thirty-fifth Parliament was the first time in Canadian history that there was no clear government-in-waiting. It was also the first time that the Official Opposition was inherently incapable of winning the next election. Clearly, the period immediately following the election of 1993 was uniquely receptive to comprehensive gun control.

CHAPTER 6

AFTER THE 'WINDOW:' IMPLEMENTING THE *FIREARMS ACT*

Kingdon's analysis of the policymaking process ends when policy entrepreneurs have successfully taken advantage of the opportunity presented to them by the policy window. Once the policy is in effect, the policymaking stream has been completed. The passage of the *Firearms Act* in 1995, however, did not end the debate surrounding gun control, which continued unabated throughout the 1990s and into the twenty-first century. After the *Firearms Act* became law, angry gun owners continued to actively oppose the law, hoping either to have it rescinded or reduced in effect. Not surprisingly, the Liberals were unresponsive to this continued opposition. Having already imposed losses on the 'firearms community,' the Liberals had nothing to gain from rethinking their position. The nature of gun control politics had been altered so drastically by the new parliamentary dynamic that the 'gun lobby' had lost almost all of the influence they once had on government.

Perhaps the best indicator of how much the issue had changed after 1993 is represented by the 1997 election campaign. That election demonstrated how the negativity-bias in the gun control issue had become regionally isolated during the Thirty-fifth Parliament. This was clearly demonstrated by the gun control issue, which took on a much more regional character. The election campaign of 1997 also provided evidence that gun control had become of strategic value for the Liberals against their new parliamentary opponents, particularly the Reform Party. Prior to 1993, there was a

substantial amount of risk involved in pursuing a stringent firearms policy with almost nothing to be gained. However, the election of 1997 and the subsequent debates surrounding the *Act* demonstrated how the Liberals could use gun control to their advantage. That the Liberals were more comfortable than Reform in raising the issue spoke volumes to how the negativity-bias in the issue had changed.

Although the Reform Party had been a very strong and vocal opponent of the *Firearms Act*, the party did not raise the issue during the election of 1997, most likely because it would prove counterproductive to the goal of making an electoral breakthrough in Ontario and urban Canada. Since there was little to choose between the Liberals and the Bloc on the issue, the Liberals would not be hurt in raising the topic in Quebec. In fact, once the Conservatives came out against the *Firearms Act*, the Liberals used gun control as an issue to prevent the Tories from making gains among federalist voters in Quebec. The NDP was unable to discuss the gun control issue effectively because they remained deeply divided on the subject, with the party executive supporting the *Firearms Act* and the parliamentary caucus opposing it.

Despite the persistent efforts of the Reform Party to defeat the *Firearms Act* and its implementation after it had become law, the most serious challenges to the Liberal gun control plan came in the form of a constitutional challenge. Alberta, supported by a number of other provinces, claimed the *Firearms Act* was an illegal intrusion into provincial jurisdiction. Alberta's litigation against gun control is further evidence of the regional isolation of the negativity-bias in the issue. It also shows that parliamentary opposition, which had blocked comprehensive gun control for twenty-five years, was no

longer capable of doing so. Before 1993, most provinces either implemented their own limited gun controls or avoided the issue. Any province that opposed tougher gun control did not need to get involved in the debate because federal political forces could effectively stifle gun controls on their own. However, after 1995, provinces such as Alberta, presented a much more credible challenge to the *Act* than those operating in the federal sphere. Put simply, if the political forces that had impeded gun controls from 1968-1993 had continued to do so, there would have been no need for provincial opposition.

The vehement opposition to the *Firearms Act* after 1995 by the Reform Party, some provincial governments, firearms enthusiasts and gun organizations also demonstrates the clash of two conflicting philosophies of firearms policy. Those who supported the 'old' longstanding conservative approach to firearms policy, whereby the activities of 'responsible' gun owners would not be impeded, found themselves on the defensive. The tables had been turned, and those supporting tougher gun control found themselves defending the status quo for the first time. Ironically, despite the strong opposition to comprehensive gun controls, once it became law, the *Firearms Act* enjoyed the protection of similar political forces that had previously blocked gun controls. Returning to Kingdon's framework, after 1993, political forces had become unreceptive to the removal of comprehensive gun control. Any future government seeking to reduce the effective or revoke the *Firearms Act* altogether would face more political risk than potential gain.

In addition to the negativity-bias being reversed on the gun control issue after the *Firearms Act*, once in place, comprehensive gun control began to acquire institutional inertia. Pierson points out that “political arrangements are unusually hard to change”¹ As time goes by, the inertia increases and the policy becomes more resilient. After 1995, those seeking to rescind the gun registry faced many of the same institutional barriers that had preserved the character of Canada’s first gun control policy. Once the *Firearms Act* become policy, the burden of institutional change was shifted; those that had defended the old policy from a position of strength now found themselves fighting from a weakened position.

Demonstrating the power of these institutional forces, anti-gun control activists realized that the *Firearms Act* would be difficult to reverse and immediately shifted the focus of their opposition away from Parliament and toward other political institutions. Within days of the bill being passed by the Senate, members of the gun lobby promised to continue fighting the law three ways. First, they vowed to support the provinces in their fight against gun control. Second, some of the more radical elements embarked on a campaign to encourage non-compliance with the federal *Firearms Act*. Third, following Bill C-68’s proclamation into law, most gun-rights activist groups opposed to gun control committed themselves to organizing against the Liberals in the next election. By targeting many apparently vulnerable rural Liberal incumbents, it was believed that the balance of power could be shifted and the Liberals defeated and replaced by a (Reform) government, which would rescind *The Firearms Act*.

¹ Pierson. p. 262.

By supporting the provinces, especially in their constitutional challenge of the *Act*, those campaigning against comprehensive gun control were seeking to take their struggle to another institutional arena and by-pass both the negativity-bias associated with electoral politics and much of the institutional inertia acquired by the *Firearms Act*. Since the Charter of Rights became law in 1982, this has been a popular and effective strategy for many seeking to reverse longstanding policies without having to overcome the powerful forces that protect those policies. Because of the effectiveness of this strategy, the *Firearms Act* will undoubtedly undergo a Charter challenge of its own in the near future.

The second strategy of trying to delegitimize the *Firearms Act* by encouraging non-compliance and emphasizing the high cost of the registry should also been seen as a way counter the institutional inertia. If the registry losses popularity and becomes viewed as a 'problem,' the Liberal government may be forced to re-examine the federal firearms program and make substantial changes on its own. This did occur in 2003. However, the response of the government was to improve the financial operation of the registry rather than weaken the gun control provisions, a move that silenced few critics.

One interesting aspect of how the policy stream may have changed since the registry has be in effect, is that prior to the passage of the *Firearms Act*, the answer to the gun 'problem' was the 'solution' of gun control, and every firearms related incident pointed to the need for tougher gun laws. Since Canada now has a comprehensive gun control regime in place today, a tragedy involving firearms may instead point to a

‘problem’ with the registry and the ‘solution,’ being to significantly alter federal firearms policy. This may present a challenge to the *Firearms Act* in the future.

The third strategy, electing a party that opposes comprehensive gun control, is an obvious attempt to reverse many of the political forces that protect the *Firearms Act*. However, even if a party that favoured rescinding the federal firearms program were elected to a majority government they would still face substantial resistance to revoking the registry.

After the *Firearms Act* became law, the debate over gun control did not disappear. However, the nature of the debate changed in response to the new institutional arrangement in which it took place. Much of the politics of gun control after 1995 was less about the principle of gun control itself (a battle that had already been fought) and much more about logistical matters including cost overruns, administrative difficulties and the value of the registry. Despite the strong criticisms of the federal firearms program, many political and institutional forces combine protected the registry. In fact, it would probably take another policy window to significantly alter the current firearms policy.

The Election of 1997 and the ‘Invisible’ Issue of Gun Control

Despite the hopes of many opponents of C-68, gun control was not a significant issue during the election campaign of 1997, which ran from April 27 to election day on June

2.² Although firearms organizations rented billboards, distributed signs and bumperstickers reading “Remember C-68 when you vote,” gun control did not become a significant national election issue.³ It may have had some impact on a few ridings, but overall its impact was minimal, especially given the promises of the gun lobby to make it a significant issue. In terms of media coverage, gun control was a significant issue on only a single day of the national campaign.⁴ One reporter even referred to gun control as an “invisible” issue.⁵ After the election, polling data conducted on the election confirmed that it was not an important issue to voters.⁶ The main issues of the day were jobs, taxes and national unity along with other issues such as health care and crime issues (of which gun control was only a part).

While Reform promised to repeal C-68 and replace it with significantly tougher penalties for those who misuse guns, gun control did not figure prominently in Reform’s campaign strategy or in their policy document “A Fresh Start for Canadians.” Instead Reform focused on economic issues, promising lower taxes to stimulate job creation, shifting later in the campaign almost exclusively to the issue of national unity.⁷ Reform’s neglect of gun control during the campaign can probably be best attributed to

² See for example, Edward Greenspon, “Following the Trail of Campaign ’97,” in Alan Frizzell and Jon H. Pammett, eds., *The Canadian General Election of 1997* (Toronto: Dundurn Press, 1997). pp. 21-38.

³ Dale Eisler, “Gunning for the Grits,” *MacLean’s*, May 26, 1997. p. 17; James L. Sheppard, “Remember Bills C-68 and C-17 when you vote,” *Kingston-Whig Standard*, May 23, 1997. p. 9.

⁴ Canadian Press and Southam Newspapers, “Gun control comes out of party holsters as day’s issue,” *The Vancouver Sun*, May 22, 1997. p. A3.

⁵ *Ibid.* p. A3.

⁶ For an overview of voting behaviour in the 1997 election see, Jon H. Pammett, “The Voters Decide,” in Alan Frizzell and Jon H. Pammett, eds. (1997). pp. 225-248. Not only was there little interest in the gun control issue, the election itself did not attract much interest. Pammett notes that [t]he lack of public interest in the 1997 election campaign is not only illustrated by the drop in the voting turnout rate... [i]t can [also] be seen... in the category of people who, when asked about the most important issue to them in the election said they did not know or that there was none.” p. 236.

⁷ Greenspon, pp. 22-38.

the fact that they had already solidified the C-68 protest vote, so there was little to be gained by reminding the majority of Canadians, especially those in urban Canada, who supported tougher gun control, of their opposition.

Firearm regulation was mentioned in the Liberal Campaign Document, *Securing Our Future Together* (Red Book II). One-half page of the 104-page Liberal platform proudly trumpeted the accomplishments of the government on gun control. It began: “[e]ffective gun control is central to the Liberal government’s strategy to reduce and prevent violent crime. Canada’s new gun control law is one of the toughest in the Western world. It is solidly supported by Canadians including the police....”⁸ Despite this mention in their campaign literature, the Liberals used the gun control issue sparingly on the campaign trail, introducing it only towards the end of the campaign in Montreal where Chrétien was joined by relatives of victims of the Montreal Massacre.⁹

Edward Greenspon points out that publicizing the Liberal record on gun control in Quebec, where C-68 was very popular, was a direct attack on Jean Charest and the Conservatives who, vowed to repeal C-68 as part of their new party platform.¹⁰ Greenspon further notes that:

[t]he decision to raise the profile of the gun control issue also spoke to the diminished expectations of the Liberals in Western Canada. If they thought themselves competitive in Western seats with sizeable rural populations, they would have been far more reluctant to talk about their controversial legislation. But once those seats weren’t going their way anyhow, the strategists felt free to use the issue.”¹¹

⁸ Liberal Party of Canada, *Securing Our Future Together: the Liberal Plan — 1997* (Ottawa: Liberal Party of Canada, 1997). p. 89.

⁹ Canadian Press and Southam Newspapers, “Gun control comes out....” p. A3.

¹⁰ Greenspon, pp. 32-33.

¹¹ Greenspon. p. 33.

Although they raised the issue, gun control did not at all figure prominently in the electoral campaign of the Liberals.

By far the most surprising aspect of the 1997 campaign (relating to gun control) was the decision of the Conservatives to endorse the repeal of the *Firearms Act*. This position was part of a deliberate effort to move the party to the right of the political spectrum during the campaign to better compete with Reform. Conservative leader Jean Charest's opposition to gun control did not turn out to be a wise strategy, as those who supported gun control were heavily critical of the move, and those who were against it generally saw the switch as political opportunism and continued to back Reform.¹² The Tory position on gun control was especially strange given that Charest was from Quebec, and the party had hoped to make some gains in that province which was overwhelmingly supportive of gun controls.

Although the NDP had endorsed gun control with the selection of their new leader, Alexa McDonough, it was not a significant issue to their campaign, which almost entirely focused on the issue of jobs.¹³ The NDP could hardly become the champion of tougher gun controls when eight of their nine MPs had voted against the *Firearms Act*. While the Bloc Québécois supported gun control, it was not central to their campaign as except perhaps as part of a package of measures to control motorcycle gangs in the province.

Despite the relative absence of any significant discussion of gun control, the topic remained a controversial and impassioned issue below the surface. Organizations such as

¹² Susan Delacourt, "Charest supports appeal to right," *Globe and Mail*, May 5, 1997. p. A8; Murray Campbell, "Gun control triggers emotions," *Globe and Mail*, May 23, 1997. p. A6.

¹³ Greenspon. p. 34.

the NFA worked hard to raise the issue and organize gun owners against the Liberals, and many Canadians continued to express their anger at C-68. While the matter of gun control may have resonated with the minority of Canadians who felt strongly on the issue, it did not capture the attention of the media, the parties, the leaders or the general public.

Ultimately, the Liberals were re-elected with a slim majority of 155 seats out of a total of 301. At this point one could be forgiven for assuming that the gun control issue had been settled. Although it was not a serious campaign issue, the government that passed C-68 into law had been returned to office, thereby giving democratic legitimacy to a controversial gun control program that had never faced public scrutiny through election. The gun control issue, however, would not die after the election of 1997, as some in the gun lobby gave themselves credit for reducing the number of Liberal seats, and a few of the Liberal incumbents targeted by the NFA and other pro-gun groups went down to defeat. While the gun lobby did seem to lose momentum following the election of 1997, the hardliners vowed to continue the fight.

The Controversy Continues: The Politics of Gun Control, 1997-2003

Shortly after the 1997 election, Anne McLellan took over the Justice portfolio from Allan Rock. Her appointment was a clever strategic move by the Prime Minister, as she represented half of the entire Liberal caucus elected from Alberta.¹⁴ By appointing an Albertan as Justice Minister, Chrétien could better counter opposition to the registry from

¹⁴ The Liberals only managed to elect 2 out of 26 seats in Alberta. The Reform Party captured the other 24 seats. The other Liberal MP elected from Alberta, David Kilgour, was also appointed to the Cabinet.

the Alberta government, including the constitutional challenge to the *Firearms Act* which was in the process of taking shape. By using McLellan as the spokesperson for Ottawa's justice policy, the characterization of the gun control debate as being a dispute between central Canada and Alberta was lessened and could be seen more as a dispute between Albertans with differences of opinion. This may have been particularly useful on the gun control issue as it reinforced the point that most Albertans supported C-68. Furthermore, it may have also helped counter some of the rhetoric of gun enthusiast groups since most of the largest and most extreme were headquartered in Alberta. Upon her appointment, however, McLellan, did not anticipate dealing with the gun control issue to any great extent, indicating that she felt that "the election has determined issues like... gun control in large measure"¹⁵

To the Alberta government, however, the fight over C-68 was just beginning. In June of 1997, the government filed documents outlining its arguments against the *Firearms Act* through a reference to the Alberta Court of Appeal (ACA). The trial, which began on September 8, 1997, attracted a significant amount of media attention.¹⁶ For those involved, the stakes were high; the proponents of gun control who had worked diligently for years to see the passage of the *Firearms Act* feared all would be lost if the court struck down the law. In fact, there were concerns that if Alberta won the case, portions of the federal gun control regime passed in 1991 and 1977 would also be ruled

¹⁵ Sheldon Alberts, "McLellan sticks to guns," *Calgary Herald*, June 12, 1997. p. A3.

¹⁶ See for example, Chris Cobb, "Provinces take legal shot at federal Firearms Act," *Vancouver Sun*, Sept. 8, 1997. p. A3.

unconstitutional.¹⁷ For the gun lobby, however, the court challenge was seen as one of the last meaningful chances to reverse their previous political defeats.

At the Alberta Court of Appeal, *Reference re Firearms Act*¹⁸ was limited only to a jurisdictional challenge of Ottawa's authority to licence and register firearms. In doing so Alberta did not seek to attack the law on other legal grounds, including a potential Charter challenge. Consequently, Alberta's case rested primarily on the premise that while Ottawa could justifiably regulate dangerous weapons, the regulation of ordinary weapons such as shotguns and rifles fell entirely under the provincial jurisdiction over 'property and civil' rights outlined in section 92 (13) of the constitution. The Alberta government was supported in its desire to have the *Firearms Act* declared unconstitutional by the Attorney-Generals of Manitoba, Saskatchewan, NWT and the Yukon who participated as interveners in the case. Ontario also intervened, but only challenged the aspects of the *Firearms Act* relating to registration and did not challenge the licencing provisions. Alberta was also aided by two non-governmental interveners, the Shooting Federation of Canada and the Alberta Fish and Game Association. On the other side, supporting the federal government as interveners, was the Alberta Council of Women's shelters, the Coalition for Gun Control, the Canadian Association of Chiefs of Police, the City of Toronto and the City of Montreal.¹⁹ A First Nations intervener, the Chiefs of Ontario sought to expand the parameters of the case to consider whether the

¹⁷ Eion Kenny, "Gun Control said lost if ruling is negative," *Globe and Mail*, Sept. 12, 1997, p. A4; Brian Laghi, Existing gun laws at risk, court told," *Globe and Mail*, Sept. 11, 1997. p. A4; Don Martin, "Alberta's challenge doomed," *Calgary Herald*, Sept. 10, 1997, p. A19.

¹⁸ 164 D.L.R. (4th), 1998. p. 513. The case was heard for 4 days from September 8 to 12 1997.

¹⁹ Ibid. p. 534. The Coalition for Gun Control, the Canadian Association of Chiefs of Police, the City of Toronto and the city Montreal, presented a unified front on the case and were collectively recognized by the Court as a single intervener.

Firearms Act violated the constitutional protection of Aboriginal rights under s. 35 of the constitution.²⁰

When the Alberta Court of Appeal (ACA) handed down its decision a year later, on September 29, 1998, it rejected Alberta's position by the slim margin of 3-2. According to the majority of the court, the *Firearms Act* fell within the federal criminal power and was therefore constitutional. Chief Justice Fraser, who supported the constitutionality of the *Act*, stated:

I regard the pith and substance of the licencing and registration provisions as being to protect public safety from the misuse of ordinary firearms, whether in crime or otherwise. In fact, it seems to me that effective gun control is doomed to failure without some proactive, preventative means of licencing and registering *all* firearms. Only upon knowing who has what guns will it be possible to reduce the likelihood that guns will be misused, whether criminally or otherwise.²¹

[I]t seems to me that [the licencing and registration provinces] are still sufficiently connected to a valid criminal purpose — the protection of the safety and security of Canadians. In the end, the licencing and regulation provisions ultimately make it more difficult for ordinary firearms to be misused, whether in crime or otherwise. That falls squarely within the federal criminal law power.²²

Having relied on this interpretation, the justices in the majority did not have to address the federal government's second defence of the constitutional validity of the *Act*, which rested on the residual clause of the *Constitution Act*, 1982; the federal government had argued that even if the *Firearms Act* did not fall under the jurisdiction of the criminal power, the legislation could be justified under the federal government's right to make laws for the "peace, order and good government" of the country.

²⁰ Ibid. p. 534.

²¹ Ibid. p. 598. Emphasis added.

²² Ibid. p. 610.

The two dissenting justices clearly felt that the regulation of guns was a provincial power under s. 92(13) and could not be taken away by the federal government. Furthermore, both dissenting justices also rejected the federal government invoking the POGG clause to save the legislation:

[t]he regulation of ordinary firearms does not have either the necessary 'singleness, distinctiveness and indivisibility' to distinguish it from matters of provincial concern, or a scale of impact on provincial jurisdiction that it is reconcilable with the fundamental distribution of power under the Constitution. It is not a new subject matter, nor is it one on which the provinces are incapable of legislating effectively. Peace order and good government, in my respectful view, is a constitutional red herring.²³

With the federal government's case only being upheld by a margin of 3-2, a Supreme Court challenge was inevitable.

Despite decision of the ACA, 1998 was, for the most part, a relatively quiet year for the issue of gun control. Nevertheless, a substantial degree of skepticism regarding the impact of the law on crime by gun owners began to emerge and the gun lobby continued to oppose the *Act*. Concerns were also raised regarding the escalating cost of licencing all gun owners and registering all guns in Canada. Critics were also quick to attack the many logistical and computer problems that plagued the Canadian Firearms Centre as the licencing and registration processes progressed. Having lost the political battle, some gun user groups, such as the Law-abiding Unregistered Firearms Association (LUFA), promised to fight the *Firearms Act* by advocating non-compliance. The hope being that if enough people failed to register their weapons the system would be scrapped.

²³ Ibid. p. 690.

As the licencing and registration was scheduled to begin on October 1, 1998, gun-user groups renewed their campaign against the registry. On September 22 1998, the gun lobby organized its last large-scale protest on Parliament Hill against the *Firearms Act*.²⁴ The rally, called "Fed Up II," promised that 20 000 people would travel from across Canada to express their dislike of the federal gun laws.²⁵ Interestingly, in an attempt to rehabilitate the image of those opposed to the *Firearms Act*, participants were given explicit instructions not to drink or take drugs prior to the rally, to dress respectfully (no military attire or hunter's orange), to be polite to reporters and tolerant of those who addressed the crowd in a language other than English.²⁶

Ultimately, however, the number of protesters was substantially lower than predicted, with the crowd estimated at below 9000, indicating to many that the strength of the movement had declined substantially.²⁷ Among those to address the rally in support of gun owners were a number of Reform MPs, including leader Preston Manning as well as Elsie Wayne, interim leader of the PC Party. Both Manning and Wayne indicated that they still opposed the law and would repeal it if elected to government.²⁸ Media coverage

²⁴ This date had been moved back to Oct 1, 1998 by the Justice ministry. Oct. 1, however, only represented the start of licencing and registration, not deadlines by which gun owners must comply with the program. The rolling deadline undoubtedly contributed to the confusion regarding the *Firearms Act* and added to the consternation of some gun owners. The change was made at the request of the Ontario solicitor-general because of technical problems with the national database, which would not be ready by Oct. 1.

²⁵ Chris Cobb, "Don't go off half-cocked," *Montreal Gazette*, Sept. 21, 1998. p. A7.

²⁶ Ibid. p. A7.

²⁷ Tonda MacCharles, "'Fed up' gun users direct rancour at government," *Toronto Star*, Sept. 23, 1998. p. A7.

²⁸ Ibid. p. A7.

of the rally was generally negative and the protestors were often characterized as an extremist minority.²⁹

After being postponed earlier, the registration and licencing provisions of the *Act* were initiated on December 1, 1998, to the cheers of gun control advocates and the chagrin of the gun lobby that had vowed to stop the registry from ever being implemented. Gun owners now had until January 1, 2001 to obtain a licence and January 1, 2003 to register their guns. The hard-line gun lobby continued to encourage non-compliance and continued to support the provincial governments who had begun to appeal the decision of the Alberta Court of Appeal to the Supreme Court of Canada. December 1, 1998, also represented the beginning a federal amnesty that allowed people to turn in any firearms made illegal or restricted by the *Firearms Act*. In addition, the Canadian Firearms Centre (CFC), which was created to oversee the federal firearms program, also began also operating on December 1, 1998.

Once again, interest in the issue subsided after the licencing and registration procedures began. Increasingly, administrative, logistical and cost issues overshadowed the debate over gun control itself. The registration was hampered by a number of computer breakdowns which prompted Garry Breitkreuz, the Reform critic on the issue, to suggest that it would take 233 years to register all the guns in Canada at the rate the National Firearms Centre was able to process each registration, averaging just 360 per day.³⁰ The Reform Party also criticized the growing bureaucracy needed to administer

²⁹ See for example, Catherine Ford who described the rally as "small" and "banal." "The gun debate: Gun-control bill enjoys wide support," *Montreal Gazette*, Sept. 30, 1998. p. B3.

³⁰ George Koch, "Gun registration could take 233 years, Reform MP claims," *National Post*, April 7, 1999. p. A4.

the registration. In May of 1999, it was discovered that 621 federal civil servants were administering the program, with 184 future hirings already approved and many more slated to be hired.³¹ This number did not include firearms bureaucrats in Quebec, as that province had chosen to administer the registry provincially, rather than let the federal government run the program. By 1999, the government projected that the total cost for the registry to taxpayers would be \$120 million with at least an additional \$50 million annual operating expenses. Reform estimated that the true cost to the taxpayer would be more than \$1 billion, by the time the program had completed its start up phase in 2003.³² By this time, it became clear that the federal government would also have to bear the cost of administering the firearms program in Western provinces that refused to participate in the program.

In June 1999, the chief spokesperson for the registry drew criticism for releasing misleading numbers that suggested a much higher participation rate in the gun control program that actually existed. According to the CFC, 1.3 million firearms had been registered and 411 000 people had been licenced by May 24, 1999.³³ However, through an access to information request, the Reform Party discovered that only 66 000 guns had been registered along with only 5 500 licences issued, far short of the Liberal's goal of 1.3 million new guns and half a million owners signed up in the first six months of the program.³⁴ Concern about low participation in the program led the CFC to include all previous registered handguns (which were required to be registered starting in 1934); a

³¹ Jonathon Gatehouse, "Bureaucracy multiplies at gun registry," *National Post*, May 20, 1999. p. A7.

³² *Ibid.* p. A7.

³³ Lorne Gunter, "Fiddling gun-registry figures," *Montreal Gazette*, June 25, 1999. p. B3.

³⁴ *Ibid.* p. B3.

total of 1.2 million handguns had already been registered well in advance of the *Firearms Act*.³⁵ To further push ownership licence numbers up, the Centre also included all those who had a valid FAC under the old system despite the fact that they were required to re-l licence themselves under the new *Act*. These statistical shenanigans were very detrimental to the registry process and increased suspicions and mistrust among many already cynical gun owners.

At this point, one of the federal government's longest and most influential allies in the gun control debate also began to question the registry system. The Canadian Police Association (CPA) reconsidered its position on gun control due to the high cost, complexity, inefficient administration and fear of lack of compliance. While the (CPA) ultimately remained in favour of the registry, Anne McLellan felt it necessary to undertake a major overhaul of the program's administration to respond to the growing criticism and to encourage compliance. Despite the revamping of the program, the reported inefficiencies of the gun registry remained a target for critics.³⁶

By February 2000 Alberta's appeal of the ACA's decision had made it to the Supreme Court of Canada.³⁷ Alberta continued to be supported by the intervening governments of Ontario, Manitoba, Saskatchewan, the Yukon and the NWT. In addition, Nova Scotia and New Brunswick, which did not participate in the original *Firearms Reference*, now supported Alberta at Canada's highest court. The Alberta government had also acquired a number of new non-governmental allies intervening on its behalf.

³⁵ Ibid. p. B3.

³⁶ See for example, Norm Ovenden, "Consultant shoots holes in firearms legislation," *Calgary Herald*, Nov. 24, 1999. p. A16; Norm Ovenden, "Guns program an 'inefficient' mess," *Vancouver Sun*, Nov. 24, 1999. p. A9.

³⁷ *Reference re Firearms Act (Can.)* [2000] 1 S.C.R. p. 783.

Three gun owner advocacy groups intervened to support Alberta: the Coalition of Responsible Firearms Owners and Sportsmen (CORFOS), the Law-Abiding Unregistered Firearms Association (LUFA) and the Shooting Federation of Canada (SFC). The Federation of Saskatchewan Indian Nations also intervened to challenge the *Act*. However, like previous objections from First Nation's groups, their challenge was limited to concerns that the *Firearms Act* did not respect Aboriginal rights.

Intervening on behalf of the federal government in support of the *Firearms Act* were the cities of Winnipeg, Montreal, and Toronto (intervening independently in their own right), the Canadian Association of Chiefs of Police, the Canadian Pediatric Society, the association pour la santé publique du Québec, the Canadian Association for adolescent Health, the Alberta Council of Women's Shelters, the Fondation des victimes du 6 décembre contre la violence, CAVEAT, and the Coalition for Gun Control.³⁸

While the basis for the constitutional challenge was expanded somewhat, Alberta's arguments were essentially the same at the Supreme Court as they were at the ACA. Once again the case was limited to the question of whether or not Parliament had the authority to enact the *Firearms Act* under s. 91 of the constitution. In a relatively short decision released June 15, 2000, the court unanimously upheld the constitutionality of the *Act* on the grounds that it constituted a valid exercise of Parliament's jurisdiction over criminal law:"

[t]he law in 'pith and substance' is directed to enhancing public safety by controlling access to firearms through prohibitions and penalties. This brings it under the federal criminal law power. While the law has regulatory aspects, they are secondary to its

³⁸ Ibid. p. 783.

primary criminal law purpose. The intrusion of the law into the provincial jurisdiction over property and civil rights is not so excessive as to upset the balance of federalism.³⁹

Since all guns are capable of causing harm or death, the court argued that, “it follows that all guns pose a threat to public safety. As such, their control falls within the criminal law power.”⁴⁰

This contrasted with the opinion of Alberta and its supporting interveners, that the federal law had usurped the regulatory power held by the provinces. Alberta argued that, due to the complexity of the *Firearms Act* and the “discretion it grants to the Chief Firearms Officer [CFO],”⁴¹ the *Act* should properly be in the provincial sphere as these “aspects of the law... are the hallmarks of regulatory legislation, not the criminal law.”⁴² Despite these objections, the Court pointed out that other complex regulatory regimes, such as the *Canadian Environmental Protection Act* and the *Food and Drugs Act*, are constitutionally valid pieces of federal law.

The Court also rejected Alberta’s claim regarding the power of the federal government to regulate firearms, stating that the “prohibitions and penalties are not regulatory in nature”⁴³ as they go beyond merely enforcing the provisions of the *Act*. The Court also denied the claim that one of the central purposes of the penalties attached to the *Act* was to pay for the administration of the regulations. Therefore, the Court supported the federal government’s argument that promoting public safety was the foremost design of the *Act*, and any financial penalties which flow from non-compliance

³⁹ Ibid. p. 791.

⁴⁰ Ibid. p. 810.

⁴¹ Ibid. p. 805.

⁴² Ibid. p. 805.

⁴³ Ibid. p. 807.

have the purpose of punishing those who disobey the *Act*. On this issue the Court ultimately ruled that “Parliament’s intention was not to regulate property, but to ensure that only those who prove themselves qualified to hold a licence are permitted to possess firearms of any sort.”⁴⁴

Alberta further claimed that the only legitimate way the federal government could deal with the issue of gun control and remain exclusively in the domain of the criminal law was to completely outlaw all guns, both ordinary rifles and shotguns as well as restricted weapons. The Court also rejected this point, indicating that Parliament “may use indirect means to achieve its ends... [consequently, a] direct and total prohibition is not required.”⁴⁵ The court also noted that legal exemptions do not derogate the criminal law. Perhaps the most compelling argument put forward by the Court on this matter was stated rhetorically: “if prohibition is not required to make handgun control unconstitutional, which no one suggests, why should it be required for ordinary firearms....”⁴⁶

According to Alberta, Ottawa did not have the constitutional authority to withhold a gun permit based on public safety complaints, or to deal with more mundane aspects of gun control such as the regulation of proper storage or transportation. The Court also refused to accept this argument, suggesting that such aspects of gun regulation are for the benefit of public safety and are, therefore, rightly in the criminal (federal) sphere. Here,

⁴⁴ Ibid. p. 807.

⁴⁵ Ibid. p. 807.

⁴⁶ Ibid. p. 807.

the Court accepted the evidence of the Canadian Attorney General, who pointed to numerous studies that the availability of guns directly correlates with the suicide rate.⁴⁷

As a corollary, the federal government was permitted to prevent those people who could potentially misuse a firearm before and after the fact; if keeping guns away from certain individuals would lower the suicide rate, then the federal government could take action to do so. The Court also provided the example of an individual suffering from mental illness; Parliament may take measures, for public safety reasons, to ensure that no person with mental illness possesses a firearm, for their own sake as well as for the sake of the general public.⁴⁸ Regarding the regulation of storage, the Court gave the example that “a prohibition on misuse is unlikely to prevent the death of a child who plays with a gun; a prohibition on irresponsible ownership or careless storage may do so.”⁴⁹ A final scenario provided by the court to explain the constitutionality of the *Act* was robbery; punishments for misuse may not prevent a robbery, however, if the criminal is prevented from having access to guns, the robbery might be prevented. It is important to note that, according to the Court, from a constitutional perspective, the effectiveness of the law was not important. The issue was only whether or not the Parliament of Canada had the authority to implement its gun control legislation.

Alberta also objected to the *Firearms Act* on the grounds that such legislation properly fell into the provincial power over property and civil rights enumerated in s. 92 (13) of the *Constitution Act*. From this perspective, Alberta argued that as the province oversees automobile registration and land titles, it alone has the power to regulate on the

⁴⁷ Ibid. p. 804.

⁴⁸ Ibid. p. 808.

⁴⁹ Ibid. p. 808.

use of other property such as firearms. Alberta noted that cars are dangerous, yet the long-established power to regulate them falls under provincial jurisdiction. However, the Court denied the similarities regarding automobiles and firearms. On this point, the Court noted that:

[b]oth firearms and automobiles can be used for socially approved circumstances. Likewise, both may cause death and injury. Yet their primary uses are fundamentally different. Cars are used mainly as means of transportation. Danger to the public is ordinarily unintended and incidental to that use. Guns, by contrast, pose a pressing safety risk in many if not all of their functions. Firearms are often used as weapons in violent crime, including domestic violence; cars generally are not. Thus Parliament views guns as particularly dangerous and has sought to combat that danger by extending its licensing and registration scheme to all classes of firearms. Parliament did not enact the *Firearms Act* to regulate guns as items of property.⁵⁰

As a result, the Court ruled that the federal government has the right to regulate all gun as they all pose a potential threat to public safety.

One of the more interesting arguments established by the attorneys-general of the intervening provinces was that Ottawa had “upset the balance of federalism.”⁵¹ By expanding its criminal power, it had unfairly usurped provincial jurisdiction. From this perspective, the federal government could greatly increase its power in relation to the provinces merely by criminalizing aspects of provincial jurisdiction. While the Supreme Court agreed that the balance of federalism needed to be maintained, they did not sympathize with the provinces. Rather, they submitted that “the issue is whether the law is mainly in relation to criminal law. If it is, incidental effects in the provincial sphere are constitutionally irrelevant.”⁵² The Court further pointed out that there had been federal

⁵⁰ Ibid. p. 809.

⁵¹ Ibid. p. 812.

⁵² Ibid. p. 813.

firearms laws on the books since Confederation and the balance of federalism had not been upset by those laws.⁵³

Despite rejecting all of Alberta's challenges to the *Firearms Act*, the Supreme Court opened the door to further challenges on two main grounds. The first of these involved Aboriginal Canadians who "argue that [the *Firearms Act*] discriminates against them and violates treaty rights, and express concerns about their ability to access the scheme, which may be administered from a great distance. These apprehensions are genuine..."⁵⁴ The Court also hinted that the legislation may discriminate against the Charter rights of rural or northern Canadians who are disproportionately affected by the legislation. Therefore, the Court very much left open the possibility of a treaty or Charter challenge: "[i]f the law violates a treaty or a provision of the Charter those affected can bring their claims to Parliament or to the courts in a separate case."⁵⁵ During the Reference case, however, the court was unwilling to go beyond federalism arguments and discuss the applicability of Charter or treaty rights to the *Firearms Act*. The ruling of the Supreme Court brought predictable reactions from activists on both sides.

From the perspective of most Canadians, and even most gun owners, the *Firearms Act* was now law and had been legitimated by the Supreme Court. Nevertheless, a number of hard-line gun activists still refused to admit defeat on the gun control issue by the time of the general election of November 27, 2000. Organizations, such as the NFA, continued try and make gun control an election issue. In fact, the NFA in cooperation with the Canadian Institute for Legislative Action (CILA) organized an ambitious

⁵³ Ibid. pp. 813-814.

⁵⁴ Ibid. pp. 815-816.

⁵⁵ Ibid. p. 816.

campaign to provide support for Alliance candidates in every riding by providing local volunteers who would get the ‘gun vote’ out to help form an Alliance government.⁵⁶

They also specifically pinpointed a number of ridings where they thought they could defeat Liberal MPs. One of their biggest targets was Justice Minister Anne McLellan. In her Edmonton riding, the NFA conducted a local advertising campaign against her and sent volunteers door-to-door throughout the riding in support of McLellan’s Alliance opponent, Betty Unger.⁵⁷ While the efforts of the NFA may have made the vote close, they failed to unseat the Justice Minister, who held onto her riding with 44.24 percent of the vote — less than a two percent margin of victory over Unger. Other riding-specific campaigns, such as the one conducted against Conservative Leader Joe Clark (which was surprising given the Conservatives had promised to rescind the *Firearms Act*), also did not produce the desired results. Moreover, the gun lobby failed in its attempt to make the *Firearms Act* a significant campaign issue outside of a few riding despite a fairly extensive effort and wide distribution of signs referring to C-68 as “the Home Invasion Bill.”⁵⁸

Although the gun lobby worked diligently for the Canadian Alliance, the party did not address the issue on the hustings. In fact, the *Firearms Act* was a non-issue in the national campaign. The Liberals mentioned gun control only briefly in the “Red Book 2000” which stated: “to protect all Canadians, we have made Canada’s gun laws among

⁵⁶ Norm Ovenden, “Gun groups aiming at killing arms laws,” *Edmonton Journal*, Sept. 7, 2000. p. A6.

⁵⁷ Larry Johnsrude, “Gun lobby targets McLellan,” *Calgary Herald*, Oct. 25, 2000, p. A17.

⁵⁸ Norm Ovenden, Gun groups aiming at....” p. A6

the strictest in the world.”⁵⁹ Beyond that minor comment, there was little mention of the issue by the Liberals or any other of the parliamentary parties. Social issues, such as health care were the dominant issues during the campaign along with national unity and economic issues.⁶⁰ However, as Jon Pammett noted, twenty-nine percent of Canadians, when asked what the most important issue of the election was responded that “there was no issue, or that they did not know of one.”⁶¹ In the minds of the major political parties, gun control was no longer an important issue by the time the election of 2000 took place.

Except for the most extreme gun-rights hardliners, the Supreme Court decision combined with the re-election of the Liberals in 2000 closed the issue of firearms for the foreseeable future. Predictions of massive non-compliance did not occur when the deadline passed for gun owners to possess a licence. After these defeats, the last strategy of the gun lobby for overturning the *Firearms Act* rested with the hope the legislation would not survive a Charter challenge.⁶² In 2000, Ted Morton, President of CORFOS, vowed to have the law struck down on Charter grounds, which from his perspective, would hopefully tie the legislation up in Court indefinitely.⁶³ It is worth noting that a 1998 Charter challenge to the four-year mandatory sentence for those committing a

⁵⁹ Liberal Party of Canada, *Opportunity for All: The Liberal Plan for the Future of Canada* (Ottawa: Liberal Party of Canada, 2000). p. 19.

⁶⁰ Jon Pammett, “The People’s Verdict” in Jon H. Pammett and Christopher Dornan eds., *The Canadian General Election of 2000* (Toronto: Dundurn Press, 2001). pp. 297-305.

⁶¹ *Ibid.* pp. 301-302.

⁶² Richard Foot, “Gun lobby planning Charter challenge,” *National Post*, Feb. 7, 2000. p. A1. As of Feb. 2004, the Supreme Court had not yet dealt with the constitutionality of the *Firearms Act* under the Charter.

⁶³ *Ibid.* p. A1.

robbery with a firearm on the grounds that the punishment was “cruel and unusual” did not succeed at the Supreme Court.⁶⁴

On December 3, 2002, Auditor-General Sheila Fraser released a scathing report on the registry.⁶⁵ She publicized what everyone had long known: that the gun registry and licencing program were massively over budget. From the outset, critics had accused the government of deliberately underestimating the costs to make the registry more politically palatable. In 1995, it was initially estimated that the program would cost Canadian taxpayers only two million dollars (\$119 million minus \$117 million recovered in fees). It was also revealed that the cabinet had known about the ballooning costs as early as 1997 but had not made them public. By 1998, the Justice Department indicated that the program was over budget but did not provide any figures. Fraser, however, confirmed that as of 2002, the government had spent \$688 million on the program and only recovered \$59 million in fees. The Auditor-General estimated the cost of the program would rise to more than a billion dollars by 2004/2005. Fraser also chastised the Justice Department for keeping Parliament in the dark regarding the rising expenses of the program.⁶⁶ She also argued that the Department had also deliberately underestimated

⁶⁴ Stephen Bindman, “Court says ‘yes’ to ‘no means no’: Rape shield law, tough gun penalties pass constitutional challenges,” *Ottawa Citizen*, Feb. 9, 1998, p. A5.

⁶⁵ The December 2002 report of the Auditor-General is available on-line at http://www.oag-bvg.gc.ca/domino/reports.nsf/html/02menu_e.html. Viewed Feb. 1, 2004.

⁶⁶ *Ibid.* In her report Fraser stated that “[t]he Department of Justice Canada did not provide Parliament with sufficient information to allow it to effectively scrutinize the Canadian Firearms Program and ensure accountability. It provided insufficient financial information and explanations for the dramatic increase in the cost of the Program.”

the cost to the government by a large margin. In fact, Fraser said that the *Firearms Act* was so mismanaged that a full audit could not be conducted.⁶⁷

As the January 1, 2003 deadline for gun owners to register their guns approached, there were increasing concerns on a number of fronts. *Anti-Firearms Act* activists were hoping that there would be a high level of non-compliance which would jeopardize the registry. Others attempted to sabotage the registration process by trying to overload the system's computers by registering many times under false names. The latter tactic may have been successful. It was later revealed in June 2003 that the registry's computers had crashed during the peak registration, and many people who thought had registered had not been entered in the system.

On March 25, 2003 the government had to impose strict party discipline to pass an additional \$59 million to keep the firearms program running.⁶⁸ The firearms program also suffered another blow in June 2003, when Nova Scotia and Ontario joined Alberta, Saskatchewan as provincial governments that indicated they would not be prosecuting individuals who violated the registry. The impact of this was widely overstated by the media; police would still be able to lay charges based on registry violations in those provinces. However, to express their opposition to the registry, those five provinces would not be prosecuting registry violations in court, leaving that responsibility (and expense) to federal Crown prosecutors.

⁶⁷ Ibid. The report stated: "In our view, the financial information provided for audit by the Department does not fairly present the cost of the Program to the government. Our initial review found significant shortcomings in the information the Department provided. Consequently we stopped our audit of this information that because we did not believe that a detailed audit would result in substantially different findings."

⁶⁸ Tim Naumetz, "Liberal MPs toe line, give \$59 million to gun registry," *Ottawa Citizen*, Mar. 26, 2003. p. A9.

As of July 1, 2003, more than 300 000 gun owners had not registered their guns, leading some to question the effectiveness of the registry. In addition, an estimated 1.5 million long guns had not been registered. However, people continued to obtain licences and register their guns after the deadline, moving the percentage of guns and gun owners closer to the original goals of the government. Despite all the problems associated with the gun registry, it appears to have been gradually accepted by the vast majority of Canadian gun owners with only the most militant of gun owners refusing to comply. However, because of the mismanagement and cost overruns associated with the federal firearms program, it will probably be some time before the controversy over gun control, the *Firearms Act* and the gun registry fades away.

The Transformation of Firearms Activism

Activism on the gun control issue had changed substantially during the mid-1990s. By the time the debate on C-68 emerged, groups on both sides of the debate had become increasingly professional and better organized. However, the gun control movement gained much more ground during this period than did its opponents. By 1995, the gun lobby did not hold much advantage, if any, over its adversaries on the other side of the issue. In addition, while many groups came out in support of gun control, the Coalition for Gun Control emerged as a single voice to defend and promote the virtues of gun control. While police associations, lawyers and health care professionals continued their campaign for gun control, it was the Coalition that came to dominate the pro-gun control camp. This proved to be invaluable as the Coalition provided a competent and consistent

message that could defend the government's proposals, rebut the comments of the gun lobby and provide insight and information to the media on demand.

The same could not be said of the gun lobby, which was represented by a number of independent groups with a wide scope of opinion on the issue of gun control, much of which was extreme and counter-productive. In fact, many of the more moderate gun user groups, including many 'outdoors' organizations and recreational shooting clubs that had gun enthusiasts in their membership found much of the rhetoric of the hard-line gun lobby distasteful and, as a result, withdrew from the issue. In fact, it is possible to argue that as the gun control movement became more sophisticated, the message of the gun lobby became increasingly less politically sophisticated.

In 1994, the NFA claimed a membership of 113 000,⁶⁹ making it by far the biggest gun association in Canada. Its high membership combined with its relentless attack on C-68 contributed to its high profile during the debate over C-68 and supported its claim to be "Canada's most effective firearms association."⁷⁰ Over time, the NFA evolved from a fairly moderate organization to an increasingly hard-line gun lobby with obvious influences from the powerful American gun lobby, particularly the NRA. During the debate over C-68, the NFA was concerned with property rights, privacy and the effectiveness of the Liberal firearms regulation and was concerned that law-abiding gun owners should not be punished for the actions of criminals.⁷¹ The group also supported the right of an individual to use firearms for self-defence and for the protection

⁶⁹ Pete McMartin, "Top gun among B.C. firearms owners fears registration," *Vancouver Sun*, Sept. 15, 1994, p. A1.

⁷⁰ See the NFA website at: www.nfa.ca. Viewed Feb. 1, 2004.

⁷¹ Campbell Clark, "I'll toughen gun control," *Montreal Gazette*, Aug. 26, 1994, p. A1.

of property. The NFA also claimed the right of Canadians to bear arms, argued that widespread gun ownership was necessary to prevent the emergence of tyrannical government and sought preserve 'Canada's firearms heritage' — a very Americanized list of grievances that has little support in the Canadian political and legal tradition. In fact, American firearms rhetoric was central to the anti-gun control campaign of the NFA. For example, a director of the NFA stated that the organization was "Canada's leading civil rights organization," and a press release issued by the organization maintained that "[a]n armed population is the foundation of democracy" and "a government that has disarmed the people can slaughter the people any time it wants to."⁷² While this rhetoric was standard for the NRA in the US gun debate, in Canada it was generally portrayed by the mainstream Canadian media as foreign, right-wing, extremist and dangerous. In addition, it did not resonate with the majority of Canadian gun owners and was probably counter-productive as many Canadians feared the importation of American-style gun politics into Canada. This fear was exacerbated by the fact that almost every extremist quotation or press release ultimately made it into the news media vastly overshadowing the legitimate concerns of more moderate gun owners. Even more extreme were the numerous references made by the NFA comparing Bill C-68 with Nazi and Soviet gun laws and associated Allan Rock and Jean Chrétien with Hitler.⁷³

Another prominent group, the Shooting Federation of Canada (SFC) was originally founded in 1932 as the Canadian Small Bore Rifle Association but changed its name in 1949 to the Canadian Civilian Association of Marksmen and finally the group

⁷² Stewart Bell, "Pro-gun lobbyist shoots for armed citizenry, *Vancouver Sun*, June 2, 1995. p. A1.

⁷³ Pete McMartin, "Top gun among...." *Vancouver Sun*, Sept. 15, 1994. p. A1.

was renamed the SFC in 1964.⁷⁴ The SFC represents only recreational and competitive shooters. The SFC, with a reported membership of 100 000 in 1995, is an umbrella organization for all skeetshooting and trapshooting associations in Canada, as well as some recreational shooters.⁷⁵ Part of the responsibility of the SFC is to support and arrange participation in national shooting competitions as well as international competitions such as the Olympic, Commonwealth, and Pan Am Games as well as specialized world shooting championships. While competitive shooters did indeed have some serious complaints regarding how the legislation would affect them, the SFC went beyond those specific concerns and argued for the rights of gun owners in general and impugned the crime fighting value and cost of C-68. The SFC was active in the legal challenges to the *Firearms Act* and worked diligently to make gun control an election issue which would hurt the Liberals.

Of the many new gun-user or gun rights groups that emerged after 1994, three are worthy of mention. The first of these is the Canadian Institute for Legislative Action (CILA). The group was modeled after and supported by the American NRA, who had for a number of years operated its own Institute for Legislative Action (ILA) in the United States. In 2001, it was revealed that CILA had received extensive logistical support and advice, but no funding, from the NRA.⁷⁶ CILA employed many of the tactics of the NRA, such as using the media and targeting individual legislators and threatening the

⁷⁴ Evidence presented to the Standing Committee on Justice and Legal Affairs, meeting no. 123. May 8, 1995. Available on line at: http://www.parl.gc.ca/committees/jula/evidence/131_95-05-10/jula131_blk101.html. Viewed Feb. 1, 2004.

⁷⁵ Ibid. p. 5.

⁷⁶ Tim Naumetz, "Pro-gun lobby reveals ties to NRA," *Ottawa Citizen*, Aug. 10, 2001. p. A5.

electoral defeat of politicians who supported gun controls.⁷⁷ Obviously, these strategies were not nearly as effective in Canada as they have been in the United States.

The second gun user group of note that emerged specifically to fight C-68 was the Law-abiding Unregistered Firearms Association (LUFA). This group was formed in 1998 to overturn the gun law through a number of means, including intervening in the Supreme Court challenge and organizing a number of gun rallies. However, as the name indicates, LUFA's prime concern was promoting civil disobedience in the form of encouraging gun owners not to comply with the national gun registry. The organization, which claimed a membership of about 17 000 in 2001,⁷⁸ represented perhaps the hardest-line of any gun rights group with a significant membership. In 1998, LUFA's mission statement read:

The Law-Abiding Unregistered Firearms Association (LUFA) was founded to protect the rights and freedoms of ALL Canadians. Our strategy has always been based on one simple principle, "We will NEVER REGISTER OUR FIREARMS!!!" We quite openly proclaim "REGISTRATION TODAY; CONFISCATION TOMORROW!!!"⁷⁹

It is taken for granted by the LUFA executive that the Liberal *Firearms Act* is a slippery slope headed to further state oppression and the erosion of liberty and democracy: "the precedence [sic] set by this Bill can easily be used to turn Canada into something much less than a democracy by the stroke of a pen in an order in council [sic]."⁸⁰ They also point to Nazi Germany and the Soviet Union along with England and Australia as places

⁷⁷ Dalton Camp, "Journalists are the target," *Charlottetown Guardian*, Oct. 20, 1999. p. A6.

⁷⁸ Taken from the LUFA from the website on November 18, 2001, but is no longer available. Because of a legal dispute, LUFA was forced to shut down its website for a prolonged period of time.

When it regained a web presence, a completely new site was created with no reference to old material.

⁷⁹ Ibid. Emphasis and capitalization in original.

⁸⁰ Ibid.

where gun registration led to the confiscation of firearms. Borrowing from the U.S. experience LUFA argues that there is an unspoken right to bear arms and defend oneself.

Although substantially less militant, The Coalition Of Responsible Firearms Owners and Sportsmen (CORFOS) has also been a staunch opponent of the federal government's gun control provisions. CORFOS represents a coalition of eight gun user groups who oppose the *Firearms Act* and did so in court by intervening to support Alberta in its attempt to have the *Act* declared unconstitutional by the Supreme Court. According to CORFOS literature, ordinary Canadian hunters, shooters and firearms collectors make up the vast majority of its members. Its constituent groups represent a like-minded bunch of pro-firearms organizations: The Alberta Fish and Game Association, The Responsible Firearms Coalition of British Columbia, The Responsible Firearms Owners of Alberta, Responsible Firearms Owners of Ontario, The Sporting Clubs of Niagara, The Alberta Arms and Cartridge Collectors Association, The National Firearms Association and the Alberta Civil Society Association. CORFOS, therefore, limits the direct involvement of wildlife organizations, which, in the past, were the primary players in the so-called gun lobby in early attempts at gun control. In doing so, it perhaps took a more hard-line approach to the issue than those groups would have done if they had participated directly.

It is also worth noting that there were many smaller gun rights advocacy groups that were established in direct response to the Liberals' firearms initiative. These less well-known groups were generally more extreme than the NFA or LUFA but had little

impact on the debate. More than one of these organizations threatened violence over the *Firearms Act*, and some went so far as to advocate a revolution because of it.

On the other side of the issue, many organizations also emerged during the *Firearms Act* debate to argue for more stringent gun controls. For the vast majority of these groups, advocating for tougher gun control was not the central purpose of the organization. Not including the Coalition for Gun Control, which remained as the only significant national organization solely dedicated to lobby for tougher gun controls. The primary pro-gun control organizations can be divided into eight different categories.

First, there are groups representing medical professionals. The participation of numerous medical organizations such as (but not limited to) the Canadian Pediatric Society, the Association pour la santé publique du Quebec and the Canadian Association of Emergency Physicians, buttress the perception that gun control is about public safety and will reduce deaths, both through the prevention of crime and suicide. Second, there are groups representing victims, including the Fondation des victimes du 6 décembre contra la violence and Canadians Against Violence Everywhere Advocating its Termination (CAVEAT). CAVEAT was a leading proponent of C-68. Third, there are numerous municipal governments including the largest cities led by Toronto, Montreal and Winnipeg. The active role of these cities in the debate underscores the rural-urban divide on the issue. Fourth there are police organizations, led by the Canadian Association of Chiefs of Police, whose involvement in the debate reinforces gun control as a crime prevention issue. Fifth, there are professional organizations, including the

Canadian Teacher's Federation and the Canadian Bar Association. Sixth, there are unions such as the Canadian Autoworkers and the Canadian Labour Congress.

Seventh, there are women's groups, including NAC, YWCA, the Canadian Federation of University Women and the Alberta Council of Women's Shelters, to name only a few. The participation of so many women's groups and the high profile played by many individual women in the debate contributes to the image of gun control as a feminist issue, both positively and negatively. For a small minority of gun users gun control is seen derisively as part of a larger feminists agenda.⁸¹ All of these groups participated in the gun control debate, supporting gun control with varying degrees of intensity.⁸²

Eighth, are the many Aboriginal organizations, such as the Federation of Saskatchewan Indians, Inuit Tapirisat of Canada and the Assembly of First Nations who took part the firearms debate. Groups representing Aboriginal people, however, have consistently been concerned with the impact of C-68 on treaty rights, rather than debating gun control itself. In fact, most Aboriginal groups have not expressed an opinion on the application of the *Firearms Act*, to non-Aboriginal Canadian.

Despite the efforts of these groups, the Coalition for Gun Control has been by far the most important organization in the gun control since the early 1990s. During the debate over C-68, the Coalition was the only organization of any substance solely dedicated to gun control in Canada. As such, it led the fight for tougher gun controls. It organized countless press conferences, issued numerous press releases and was widely

⁸¹ See for example, Rathjen and Montpetitt. p. 96.

⁸² This is not an exhaustive list. It merely represents the leading organizations actively in favour of gun control.

quoted in the media. In fact, Coalition President Wendy Cukier was almost always chosen as a representative of the pro-control side for journalists seeking to obtain a reaction from those on both sides of the debate.

While most of the other groups mentioned above who supported gun control contributed in their own right, they all are member groups of the Coalition with the notable exception of Aboriginal organizations. In fact, the Coalition claimed to have more than 350 organizations that supported its cause and more than 12 000 individuals.⁸³ Although the Coalition was founded in the wake of the Montreal Massacre, it did not dominate the pro-gun control side of the argument until the debate surrounding C-68. In fact, by 1994, it could be argued that due to its membership and its leading role, the Coalition for Gun Control had become synonymous with the Canadian gun control movement. Coalition executives Wendy Cukier and Heidi Rathjen were leading voices in the media on the issue from the control movement and always provided a response to actions of the government and the claims of gun activists.

As mentioned above, the fact that the Coalition was the only group entirely dedicated to gun control was beneficial as it allowed it to present a consistent and coherent message. Perhaps the best indication of the importance of the Coalition in the gun control movement and its effectiveness was the attention it got from its adversaries in the gun lobby. The Coalition and Cukier, in particular, were often targeted by those opposed to gun controls, occasionally in a personal and threatening manner.⁸⁴

⁸³ See the Coalition's website at: www.guncontrol.ca/Content/Supporters.html. Viewed Feb. 1, 2004.

⁸⁴ For example, Cukier and Rathjen reported having received many late-night obscene phone calls about gun control. Doug Fischer, "Unlikely duo lead the war against guns," *Toronto Star*, Feb. 18, 1995, p.

The central message of the Coalition throughout the debate surrounding the *Firearms Act* was that gun control increases public safety by reducing gun misuse; the Coalition was “formed to reduce gun death, injury and crime.”⁸⁵ Because of this focus, the Coalition’s arguments were heavily reliant on statistical data concerning gun control in Canada and in a comparative perspective. While reducing gun misuse was the stated focus of the organization it is clear that there is an ideological component to their desire for gun control. Not surprisingly, the organization also supported the control of gun as a symbolic goal in and of itself.

The Changing Politics of Gun Control

The nature of the gun control debate, and the degree to which it changed after the passage of the *Firearms Act* confirms that the election of 1993 had a profound effect on the politics surrounding firearms policy. That such a controversial issue was hardly addressed in the 1997 election spoke volumes for how the negativity-bias had been removed from the issue and how the comprehensive gun control was now protected by institutional inertia. The lack of criticism directed at the Liberals by their parliamentary adversaries during that election demonstrated that the perceived political costs for the government had been substantially reduced. In fact, the Liberals were the only party to even broach the subject to any extent which supports the argument that they were the

A20. After conducting an interview with the founders of the Coalition, Fischer described the abuse heaped on the two women as follows: “they have been called hysterical, misguided and dishonest, ridiculed as government dupes and slandered as liars and femi-Nazis (A20).” Some gun-rights groups even advocated registering their gun in the name of Wendy Cukier as a form of protest (David Vienneau, Gun owners are lobbied on internet,” *Toronto Star*, April 16, 1995, p. A4). See also, Rathjen and Montpetit.

⁸⁵ See the CGC website at <http://www.guncontrol.ca/Content/about.htm>. Viewed on Feb 4, 2004.

only party able to use gun control to their advantage. This is a complete reversal of what occurred prior to 1993 when the government faced such high potential losses that they were unwilling to take risks on the issue.

Even nine years after its passage, *the Firearms Act* remains controversial. Massive cost overruns associated with the administration of the registration and licencing provision of the *Act* had ballooned to over a billion dollars more than the original cost estimate with millions more required to fix it. In addition, a number of law enforcement officials and agencies have recently expressed growing concerns about the difficulties enforcing the *Act*. For those opposed to the Liberals' gun control law, these problems bring hope that the *Firearms Act* will be repealed or reduced in impact. However, given that the *Firearms Act* is law and its provisions are in effect, it is protected by some of the same forces that hindered its implementation. While improvements may be made to the registry, it is unlikely that the government will reduce Canada's gun control to any significant extent. Many individuals, organizations and politicians would vigorously oppose any liberalization of the *Act*. The blame-avoiding tendencies, which previously stifled gun control, have, to some degree, been reversed, and there would be much more to be lost than gained for any government. Barring another policy window opening, such as a successful Charter challenge, a substantial shift in public opinion or a significant institutional re-alignment, the *Firearms Act* and comprehensive gun control will remain on the books.

CHAPTER 7

CONCLUSION:

PARLIAMENT, POLITICS AND GUN CONTROL

In 1995 Canada moved from a passive model of regulating firearms through the *Criminal Code* to the establishment of a complex, permanent and expensive federal gun control program dedicated to monitoring all privately owned firearms in the country. The result is that today Canada possesses one of the toughest gun control regimes in the democratic world. This thesis has sought to explain both the timing and the reasons for such a dramatic shift in Canadian firearms policy. The evidence suggests that the transformation of Canada's gun control policy can be primarily attributed to institutional forces. In particular, the central premise of this thesis has been that, without the election of 1993, such a drastic change from the previously established pattern of firearms regulation would not have occurred.

While institutional factors were central in facilitating the shift in Canadian gun control policy, social changes were also important for supporting the transformation of Canadian firearms policy. The evolving values of Canadians, increasing urbanization, the growth of interest group activism and other longer-term social forces transformed the context in which firearms politics takes place. More recent influences, such as the Montreal Massacre and the establishment of a Canadian gun control movement, also played supporting roles. Indeed, despite being distorted by the electoral system, the election results of 1993, which created a political environment favourable to tougher gun controls, is itself a product of Canadian voting behaviour.

This thesis also demonstrates that, contrary to popular belief, Parliament remains influential in shaping policy. The 'decline' of Parliament has been lamented by many parliamentarians and political scientists, who argue that executive control over the opposition and backbench MPs has eroded Canadian democracy. Despite the undeniable fact that Parliament has 'declined' in terms of its stature and effectiveness, the federal legislature nonetheless remains an important force in Canadian politics and can be an effective constraint on the prime minister. This thesis does not dispute the observation that Parliament has declined in power and prestige or that Canadian democracy has suffered because of the growth of primeministerial power. However, the evolution of gun control policy shows that party competition in Parliament can structure federal politics in a manner that favours certain policies over others. It has often been argued that a Prime Minister with a majority government is relatively unconstrained by Parliament. The case of gun control, however, demonstrates that Parliament provides a structure that can, at times, effectively constrain the executive.

Explaining the *Firearms Act*

An examination of the evolution of Canadian firearms policy raises two central, and related, questions. First, what accounts for the timing of the *Firearms Act*? Second, given the popularity of gun controls among Canadians and federal administrations why did it take so long to implement comprehensive gun controls in Canada? After examining the historical development of Canadian firearms policy in the context of federal politics with a view to answering both of these questions, this thesis argues that

the 1993 election had an indirect, yet profound impact on Canadian firearms policy. The *Firearms Act* was an unprecedented departure from the previously established pattern of firearms policy. It took a dramatic election to make such a radical policy change possible. The realignment of the partisan composition of Canada's Parliament created an environment where, for the first time, comprehensive gun control could succeed as a public policy.

Perhaps the most remarkable aspect of the gun control controversy of the 1990s is the rapidity with which the politics of the issue changed. Only a few years prior to the *Firearms Act* becoming law, the passage of comprehensive gun controls was considered to be a political impossibility. It was thought that any government pursuing firearms legislation similar to the *Firearms Act* would have faced overwhelming opposition and probably suffered significantly at the ballot box. In fact, since the late 1960s, a number of prominent federal cabinet ministers indicated that they, like the majority of Canadians, supported tougher gun control. However, comprehensive gun controls were unable to be passed in Parliament because of the vehement opposition by gun enthusiasts and many rural MPs. Even as recently as the early 1990s, the gun lobby was considered to wield a substantial amount of power. By the mid-1990s, however, the politics of gun control had changed so drastically and so quickly that the government was able to pass a comprehensive gun control regime despite strong opposition.

Prior to 1993, the negativity-bias inherent to the gun control issue was too much for even a pro-gun control government to overcome. Invariably, any gun control proposal would draw only criticism from the vocal minority of voters that were against

tougher gun controls. Because of the strong negativity-bias in the issue, it was strategically prudent for the government not to impose losses on gun owners. Given the idiosyncrasies of Canada's electoral system, losing the 'gun vote' to the Official Opposition may have been costly in terms of the number of seats won by the government. With little credit to be gained, the government was better off strategically avoiding the issue and the blame that came with it. Despite the fact that government had identified a 'gun problem' and had a solution for that problem, adopting a policy that imposed losses on the 'firearms community' was not worth the political risks to the party in power.

So what changed in the 1990s to make comprehensive gun controls a more politically attractive policy? With the benefit of hindsight, it could be argued that the 'planets were aligned' for proponents of gun control in the mid-1990s. A number of events, some connected and others unrelated, came together to create a favourable political environment for tougher gun controls. In policy terms, the Montreal Massacre was an exogenous occurrence that changed the politics of gun control at a number of levels. While the Massacre did not directly influence lawmakers at the time, it changed the language and framed future gun control debates. The Montreal Massacre raised sensitivities to the gun control issue and led directly to the creation of Canada's first gun control movement and pushed women's organizations to embrace the cause.

Shortly after the Massacre, the election of 1993 (the results of which had nothing to do with gun control) created a new Parliamentary environment that was uniquely receptive to a policy of tougher gun controls. With the support of the official opposition

Bloc Québécois, the Liberal government was in a favourable position to see the *Firearms Act* through to its passage. In addition, after the election of 1993 the gun control issue became a strategic wedge issue for the Liberals to use against their new Parliamentary opponent in English Canada, the Reform Party. The appointment of Allan Rock, who admitted he saw little need for the private ownership of firearms, to the Justice portfolio was also a favourable event for gun control activists, as was the commitment of the Prime Minister to tougher gun laws.

While the issue of gun control is ostensibly about public safety and crime reduction, firearms policy must also be understood in the context of party politics and parliamentary competition. There is no doubt that, in passing the *Firearms Act*, the Liberals had the goal of reducing gun related crime and promoting the Canadian value of non-violence. However, no policy change as controversial or drastic as the *Firearms Act* is ever made without considering the political ramifications of embarking on such a controversial policy. Only Jean Chrétien, Allan Rock and the inner circle of Liberal advisors and strategists know with certainty what the political motivations were for the government to push through tougher gun laws despite the inevitability that they would face extremely vocal opposition from angry gun owners and rural MPs. Nevertheless, it seems likely that after the election of 1993, there were, for the first time, political gains to be made for the government to pursue tougher gun control.

The election of 1993 was a disaster for the governing Conservatives who were reduced to only two seats. The NDP also failed to retain official party status. The replacement of the Tories and the NDP by two new parties, the Bloc Québécois and

Reform, fundamentally altered the way gun control policy played out in Parliament. This new parliamentary dynamic made gun control a more attractive policy for the Liberals than it had for any other previous government. By pursuing a policy of tougher gun control the Liberals would be cementing their electoral strength in Quebec where gun controls were the most popular. At the same time, it was clear that the loudest opposition to C-68 would come from areas, such as the prairies, where the Liberals had traditionally not done very well electorally. The regionalization of Canadian politics after the 1993 election isolated much of the negativity-bias in the issue to parts of the country in which the Liberals had not been particularly competitive. Since the Liberals had historically not been very successful on the prairies, they did not have much to lose by angering gun owners in places like Alberta. In fact, it was probably also the case that most angry gun owners were going to vote for Reform anyway. As a result, there was, for the first time, more to be gained politically in pursuing tougher gun control than there was at risk for the Liberals.

The sweeping changes to the opposition benches in the wake of the election of 1993 also meant that there was a lot less parliamentary experience on the opposition side of the House. After the election of 1993, the opposition ranks, particularly in the Reform Party, were full of parliamentary newcomers, and both the Bloc and Reform were newly formed political parties that had not yet cut their teeth in federal politics. The Liberals could capitalize on this particularly weak opposition to push through a very controversial policy such as gun control. In addition, because the opposition was now split between two regional parties (the Bloc and Reform), there was no obvious government-in-waiting

or national opposition party for the first time in Canadian history. The Official Opposition Bloc, which only ran candidates in Quebec, was inherently incapable of winning enough seats to form the government. The Reform Party was regionally contained, and in 1995 it seemed unlikely that the party would be able to form the next government, especially considering they had no realistic chance of winning any seats in Quebec. At the time, it was also apparent that it would take a number of years, at least more than one election, for the PCs to recover from their resounding electoral defeat of 1993. The NDP, which had also been substantially reduced in the Commons and also did not retain official party status, would not be a serious threat to challenge the Liberals in the next election. Therefore, the Liberals could be much more courageous on controversial matters such as gun control, knowing that they faced a divided opposition comprised of four parties, none of which appeared to be able to win the next election.

Undoubtedly, the Liberals knew that their caucus would be divided on the issue and that a substantial number of their own backbench MPs would vocally oppose tougher gun control measures. They could also anticipate strong opposition from the Reform Party as well as from angry gun owners. However, it was obvious that the gun control issue would also present challenges to their parliamentary rivals. Reform's staunch opposition to the Liberal's firearms policy committed them to defending a position supported by a small minority of the electorate. Gun control may have been perceived by Liberal strategists as an excellent wedge issue to demonstrate the fundamental difference between the two parties to the Canadian public. In the early and mid-1990s, Reform had often been labeled by the media as a western right-wing movement with extremist

elements. It is not inconceivable, therefore, that Liberal strategists used the gun control issue as a means to making Reform a less attractive option to moderate voters and thereby limit any potential Reform inroads in Liberal strongholds, especially in central and urban Canada. Furthermore, the Liberals were not the only party in Parliament in favour of tougher gun controls. The Bloc's unwavering support of the *Firearms Act* meant that the political risk involved in pursuing gun control were reduced substantially. With the Bloc behind them, the Liberals could weather a minor backbench defection on the issue.

Prior to the 1993 election, any government pursuing tougher gun control represented the extreme gun control position. Before that election, the official opposition would invariably oppose any government gun control initiative. The traditional opposition line on gun control was that they were in favour of tougher gun laws but could not support the government's wrong-headed proposal that would be an unjust imposition on honest, law abiding gun owners and would not be effective in reducing gun crime. The NDP had occasionally favoured tougher gun laws, but like every other federal caucus, was divided on the issue, with many of its rural MPs opposed to stricter firearms control. In fact, eight of the nine member NDP caucus voted against the *Firearms Act*.

By the mid-1990s, the Liberals could claim to hold the middle ground on the issue between the Reform Party which vehemently opposed tougher gun control, both in practice and in principle, and the Bloc Québécois which was pushing for even tougher gun control. This had a significant rhetorical benefit for the Liberals. By 1993 the government also had allies outside of Commons for the first time. The Montreal

Massacre had inspired a collection of groups and individuals to work for more stringent gun controls, including the Coalition for Gun Control, victims groups, various women's organizations and professional associations. During previous attempts at implementing stricter gun controls, the government faced strong opposition with little support from the majority of Canadians who supported tougher gun laws. All of these factors combined to present a uniquely favourable environment for comprehensive gun control.

Alternative Explanations for the *Firearms Act*

Most examinations of the *Firearms Act* thus far have explained the impetus for the *Act* as a measure to promote crime prevention and public safety. While the Liberals undoubtedly did have this goal in mind when they passed the *Act*, to understand the motivations for a comprehensive gun control policy it is important to look at the broader political picture. Prior to 1995, there had long been concern expressed by the public, the media and politicians regarding the misuse of firearms, the easy availability of guns and ammunition and the proliferation of firearms, yet this concern did not translate into tougher gun control for almost twenty-five years. In addition, the firearms crime rate was in decline in the period immediately prior to the passage of the *Firearms Act*. Therefore, the need for gun control was no more urgent than it had been in the past.

The Montreal Massacre has also been suggested as being the primary motivating factor behind the *Firearms Act*. However, clearly the Massacre alone would not have brought about significantly tougher gun laws. As Kingdon notes, focusing events such as the Massacre “only rarely carry a subject to policy agenda prominence by themselves.

They need to be accompanied by something else... they reinforce some preexisting perception of a problem, focus attention on a problem that was already in the 'back of people's minds'."¹ Furthermore, Kingdon points out that a focusing event "is by its nature of short duration."² The six years between the Montreal Massacre of 1989 and the passage of the *Firearms Act* in 1995 is far too long for the Massacre to be directly responsible for the legislation. Australia and Britain both implemented comprehensive gun controls as a direct response to very disturbing Massacres. In Britain tougher gun laws were initiated shortly after Dunblane shootings. In Australia, comprehensive gun laws were initiated a mere twelve days after the massacre in Port Arthur, Tasmania. The speed of government action on the issue in Australia was even more remarkable given that it required the cooperation of the Commonwealth and state governments. While the Montreal Massacre changed the tone of the Canadian gun control debate of the early 1990s regarding C-80 and C-17, it did not even result in tougher gun control *proposals* from the government. This is even more remarkable considering that federal gun control policy was under review at the time of the Massacre.

Other factors have also been given credit for Canada's comprehensive gun laws. The gun control movement, particularly the formation of the Coalition for Gun Control, has been given much of the credit for tougher gun laws. In fact, they themselves claim that they were the key factor in getting the *Firearms Act* passed into law.³ The notion that the Coalition for gun control was the largest factor has also been expressed

¹ Kingdon, p. 98.

² Kingdon, p. 169. Kingdon further notes that "people can stay excited about an airline crash or a railroad collapse for only so long." The same is true of a shooting incident.

³ Rathjen and Montpetit, pp. 203-205.

elsewhere.⁴ This thesis does not deny the importance of Coalition activism to the gun control issue. Clearly the government benefited substantially from the work of the Coalition and its constituent groups. However, had Parliament not been dramatically altered after the election of 1993, it is unlikely that any amount of activism on the issue would have been able to overcome the political forces and negativity-bias that had blocked earlier attempts at implementing comprehensive gun controls.

The role of women and women's organizations in pushing for tougher gun laws after the Montreal Massacre has also been listed as a decisive factor in pursuing tougher gun laws. For example, the feminist magazine *Herizons* argued that "[t]he victory of Canada's new gun control bill against the powerful and well-moneyed gun... lobby belongs largely to women who took up arms and won."⁵ The magazine gave much of the credit to individual women such as Suzanne Laplante Edward, Heidi Rathjen, and Senators Sharon Carstairs, Mira Spivak and Janis Johnson.⁶ Once again, although the increased interest of feminists and feminist organizations in the gun control issue did indeed benefit the Liberals in pursuit of tougher gun laws, it cannot be considered to be a determining factor.

The Montreal Massacre, the formation of the Coalition for Gun Control and the participation of women's groups in the issue of gun control should properly be seen as playing supporting, rather than deciding, roles in the passage of the *Firearms Act*. These supporting factors demonstrate that the planets were indeed aligned for comprehensive gun controls by the mid-1990s. Along with the supporting forces mentioned above, the

⁴ Guy. pp. 344-345.

⁵ No author listed, "Women Win Gun Control," *Herizons*. p. 13.

⁶ Ibid. p. 13.

appearance of the Reform Party on the federal scene in 1987 and the decision of the gun organizations to throw their support behind Reform in the early 1990s dramatically changed how the issue played out. Once Reform had cemented the support of angry gun owners, the Liberals no longer needed to worry about the gun vote as they had already lost it. Much of the negativity-bias in the gun control issue was thereby eliminated. By committing to a single party, the 'gun vote' had lost the flexibility that had increased its influence. The growing prominence of more extremist American-style gun rights activists through the early and mid-1990s was also a supporting factor; the rhetoric of these groups was disturbing to many Canadians and was probably counter-productive to their cause. All of these factors, many of which appeared coincidentally, were in place when the 'policy window' created by the 1993 election results opened to allow policy entrepreneurs to pursue their goal of comprehensive gun controls for Canada.

Another social influence on the gun control issue, urbanization, should also be considered an underlying factor that explains, to some extent, why gun controls have been so popular with Canadians. Since the first poll was conducted on the subject in 1967, a strong majority of Canadians have consistently indicated that they support tough gun control laws. Not surprisingly, polls have also consistently indicated that there is a substantial difference of opinion on the gun control issue between those Canadians living in rural Canada and those residing in an urban environment. While it may be tempting to argue that urbanization had a profound impact on gun control policy, it does not explain why Canada did not possess much stronger gun controls much earlier than 1995. By 1931, more than half the country's population lived in towns or cities, and by 1941

roughly half the population lived in centres with a population larger than ten thousand people.⁷ By 1971, 76.6 percent of Canadians were considered urban, with the percentage moving upwards only slightly since then to around 80 percent today. Consequently, while urbanization is clearly a factor in the changing politics of gun control, it does not explain why comprehensive gun controls became law in 1995, instead of 1975, 1985 or even 2005, if ever. Nevertheless, gun control is clearly an issue that symbolically pits 'urban values' against 'rural values.' It is not surprising that, with its growing population, urban interests are slowly superceding rural policies that are holdovers from a time when Canada was primarily rural and agriculture and replacing them with policies that reflect urban visions of Canada.

For obvious reasons, gun control is often seen as a symbolic struggle between rural and urban Canada. In Canadian cities, guns are often more associated with crime, gangs and random acts of violence than with hunting, pest control and sport shooting. Most high-profile shooting incidents in Canada have occurred in cities, and support for tougher gun laws has always been much stronger in urban areas. Because of the rural/urban divide on firearms policy, it has often been suggested that Canada should have two different gun control laws: one for cities and one for rural areas. In fact, at one time, the government even publicly considered banning guns in metropolitan areas while allowing rural gun owners to continue with their traditional gun use. Throughout the history of gun control in Canada, tougher gun laws have generally been championed by urban MPs with rural MPs leading the resistance against stringent gun control, further reflecting the rural/urban dynamic of the debate.

⁷ Leo Driedger. pp. 61-62.

In terms of public opinion, there is also strong urban/rural dimension to the gun control issue. In poll after poll, the major urban centres in the country consistently indicate high support for stricter gun control. In contrast, the small towns and rural communities where firearms are most widely used are the same places where the greatest opposition to firearms control lies. For example, in 1995 an Angus Reid poll found a strong correlation between opinions on the gun control issue and the size of the community people live in.⁸ This poll showed clearly that “support for the bill [Bill C-68] increased along with the size of the community where respondents live.”⁹ According to Angus Reid:

Among the residents of Canada’s three largest cities... more than three-quarters of respondents favour the proposals. Support drops to 64 per cent among residents of cities with more than 100,000 people, to 59 percent in towns between 5,000 and 100,000 and 47 per cent of those who live in smaller communities or on farms.¹⁰

Other polling data supports this finding. For instance, a 1999 Gallop poll found that support was highest in Canada’s biggest cities.¹¹ The same poll showed that 85 percent of Vancouver residents supported registering firearms; whereas the entire province of British Columbia (including Vancouver) was only 69 percent in favour, indicating a fairly wide gap in opinion.¹² A 2001 Gallop Poll showed perhaps the greatest difference in opinion on the gun registry between urban and rural Canadians. The poll, which found that the gun registry had a 76 percent support rate in total, found

⁸ Doug Fischer, “Angus Reid poll: gun control support falls.” p. A1.

⁹ Ibid. p. A1.

¹⁰ Ibid. p. A1.

¹¹ Chad Skelton, “The growing battle over registering firearms,” *Vancouver Sun*, Dec. 8. p. A1.

¹² Ibid. p. A1.

that an overwhelming 97 percent of Montrealers favoured the registry.¹³ Toronto also strongly supported the registry at a level of 88 percent, followed by 80 percent of Vancouverites.¹⁴ The polling data, therefore, supports the common perception of gun control as largely an issue in which urban Canada is at odds with rural interests. Furthermore, rural Canadians are also more likely to own guns than those in urban Canada. There is a different perception of firearms in small town and rural Canada, where there are still legitimate uses for firearms. Farmers, hunters, trappers and Aboriginals who live in rural, northern and remote Canada commonly use firearms for recreation, economic activity or pest control. In fact, many opposed to the *Firearms Act* make the claim that, in rural Canada, guns are a way of life.

It is also telling that most major Canadian city governments publicly supported the Liberals' gun control policy. Elaine M. Davies notes that Toronto "Mayor Barbara Hall, speaking on behalf of all city mayors in the Federation of Canadian Municipalities, applauded the firearms legislation and described it as essential to 'ensure a more sustainable, safer urban environment'."¹⁵ Furthermore, the cities of Montreal, Toronto and Winnipeg participated directly in the gun control issue by intervening in *Reference re Firearms Act* to support the federal government. Clearly urban politicians recognize that gun control is of concern to urban voters and that tighter gun restrictions are popular with their constituents.

¹³ Thomas Hartley and Josephine Mazzuca, "Seven out of ten Canadians support national firearms registry," *The Gallup Poll*, Nov. 27, 2001. p. 1.

¹⁴ *Ibid.* p. 2.

¹⁵ Davies. p. 53.

The political power of rural Canada has declined substantially over the last fifty years. Although the rural population of Canada is increasing, the rate of that increase is dwarfed by the growth of urban Canada. Today urban Canadians represent over eighty percent of the population.¹⁶ Although Rural MPs once dominated Canadian politics, over time the influence of rural political forces has declined and more attention has been given to urban concerns. Migration and immigration patterns ensure that rural Canada will not be as influential in determining electoral results as it once was. Furthermore, while some rural overrepresentation still takes place, thanks to the electoral redistributions of the 1980s and 1990s it is not nearly as egregious as it once was.

Also supporting the evidence for the existence of an urban/rural divide on the issue of gun control is the differing levels of support for the government's gun control package across the Canadian regions. For example, the 2001 Gallop Poll found that support for a national registry was greatest in central Canada, with 90 percent of Quebeckers and 80 percent of Ontarians approving of the legislation.¹⁷ Outside of central Canada, support dropped below the national average of 76 percent.¹⁸ The level of support found in British Columbia was 71 percent and only 67 percent in Atlantic Canada.¹⁹ The prairies stand out amongst the regions, with by far the lowest support: the firearms registry was supported by a bare majority (53 percent) of prairie residents.²⁰ This is not surprising as many of the most vocal critics of the federal firearms control

¹⁶ Ray D. Bollman, "Rural and Small Town Canada," Statistics Canada and Rural Secretariat, Agriculture and Agri-Food Canada, June 8, 2000. Available on-line at: www.statcan.ca/english/freepub/21F0018XIE/free.htm.

¹⁷ Ibid. p. 1.

¹⁸ Ibid. p. 1.

¹⁹ Ibid. p. 1.

²⁰ Ibid. p. 1.

package, such as LUFA, CORFOS and the NFA are all based in Western Canada and led by Western Canadians, with a large portion of their membership coming from the prairies. Furthermore, it also underscores why the government of Alberta has been the most vocal of the provinces opposed to the *Firearms Act*.

Changing political values were also undoubtedly a very important background factor in the passage of Canada's first comprehensive gun control laws. From 1867-1993 Canadian firearms regulations were guided by the same underlying principles. For most of Canadian history, Canadian firearms policy had an underlying Tory philosophy: regulating people rather than guns themselves. As Canadian firearms policy evolved, some firearms, particularly handguns and later assault rifles, were regulated because they were more prone to be used for offensive purposes. For the most part, firearms policy did not affect the vast majority of Canadian gun owners who owned only ordinary rifles and shotguns. Other than attempting to keep restricted weapons out of the hands of irresponsible and potentially dangerous individuals through a relatively lax permit system, firearms policy did not try to control access to guns. Those that misused firearms were primarily dealt with through the *Criminal Code* based on the crime they committed with the firearms.

The passage of the *Firearms Act* in 1995 represented a profound shift in the underlying philosophy behind federal gun control policy that reflected a larger shift in Canadian society. The *Firearms Act* completely uprooted all Canadian firearms policy that had gone before it and replaced it with a comprehensive gun control regime. Whereas the old 'conservative' approach to firearms regulation focused on controlling

gun users, the guiding principle behind the *Firearms Act* is that guns themselves are inherently dangerous and must be regulated; if all guns are controlled, gun violence can be controlled. Symbolically the *Act* also supports the notion that 'non-violence' is a Canadian value. This was evident in many statements made by the government during the gun control debate of the 1990s. For example, in March of 1995 Justice Minister Alan Rock stated that "[m]ore than anything else, Bill C-68 is about the kind of country we want to live in, the kind of society we want as Canadians"²¹ Controlling guns, which are essentially violent, sends the message that violence is unacceptable. The very idea that guns, in and of themselves are dangerous, is a relatively new notion in Canada. For most of Canadian history guns were viewed primarily as useful tools, often necessary for survival.

The Charter of Rights and Freedoms, adopted in 1982, has influenced Canadian values and Canadian political culture in a way that favours tougher gun control. While the document itself does not directly address the issue of gun control, the same type of interests that have benefited and are supported by the Charter are similar to those in favour of gun control. The Charter underscores the Canadian values of tolerance, equality and the rule of law. Private ownership of firearms does not fit well with the ideology of the Charter. To many, guns symbolically represent violence, especially against women and minorities. If traditionally disadvantaged groups are victimized by violence or are under the threat of violence, they have not yet achieved equality. Only when violence is eradicated can all groups enjoy true equality. Therefore, gun control, as part of a campaign against violence, gun control is consistent with Charter values and the

²¹ André Picard, "Rock urges stand against gun lobby," *Globe and Mail*, Mar. 21, 1995. p. A3.

ideology of the 'Charter Coalition.' In addition, gun control appears to be a natural fit with the Charter Coalition's urban and post-materialist foundation. Moreover, many of the groups that have embraced the Charter (so-called 'Charter Canadians') participated in the gun control debate and were supportive of tougher gun laws.

Clearly urbanization, immigration, the adoption of the Charter, the emergence of political interests groups (including feminists organizations and victims rights groups), and changing political culture transformed the background of the gun control issue. Indeed, it is unlikely that a 'gun problem' would even have been identified without many of these supporting factors. In fact, it would be foolish to think that serious gun controls could have been implemented before some of these transformations in Canadian society took place. It would have been much more difficult, if not impossible for any pro-gun control government (if one had been in place) to impose comprehensive gun controls in the 1800s, 1920s or even the early 1960s. While social factors were essential in supporting the drastic policy change that was the *Firearms Act*, the timing and the scope of the changes can only be fully explained by looking at the election of 1993. Without that election, it is unlikely that these 'background' factors would have resulted in tougher gun controls.

The most convincing proof of the limited impact of social factors is that only two years before the 1993 election, during the debate over C-17, a comprehensive gun control policy was unimaginable to even the most staunch gun control advocate. Prior to the election of 1993, such an unprecedented shift in firearms policy was thought to be politically impossible. Since Canada did not undergo a radical social transformation in

these two years, social forces alone cannot explain why the federal government was able to enact such a rigorous, and unprecedented gun control law.

Another supporting factor that contributed to the passage of the *Firearms Act* is the leadership of Jean Chrétien. Every prime minister possesses a unique personality and leadership style that influences the strategy and operation of the government. Chrétien's self-proclaimed image was that of 'the little guy from Shawinigan' — a simple small town character who persevered to get to the top. Shortly after being elected, Chrétien promised to employ a collegial style of leadership reminiscent of Lester Pearson.²² Once in power, however, Chrétien's actions demonstrated that he was much less willing to share power than he had originally indicated, and it quickly became apparent that the new prime minister was going to be even less accepting of dissent from his cabinet and caucus. In fact, according to Donald Savoie, more power was consolidated in the hands of Chrétien than in any other prime minister in Canadian history.²³ One journalist even went so far as to describe Chrétien as a "closet autocrat, ruthlessly intolerant of opinions other than his own."²⁴

Because of Chrétien's highly centralized leadership style, there was little doubt that the *Firearms Act* would become law. He was uncompromising on the issue of gun control and insisted that Liberal MPs adhere to the party line. Chrétien demonstrated many times that he would not hesitate to employ all the powers at his disposal to control

²² Michael S. Whittington, "The Prime Minister, Cabinet, and the Executive Power in Canada, in Michael S. Whittington and Glen Williams, ed., *Canadian Politics in the 21st Century* (Toronto: Nelson Canada, 2000). p. 51.

²³ Donald J. Savoie, "The Rise of Court Government in Canada," *Canadian Journal of Political Science*, Dec. 1999. p. 636.

²⁴ Bruce Wallace, "For the love of power: Is Jean Chrétien a closet autocrat?" *Maclean's*, Oct. 19. pp. 16-29.

his cabinet and backbenchers. Despite the objections of many rural MPs on the gun control issue, Chrétien made it clear that those who defied him would suffer the consequences. Members who voted against the government at second reading were stripped of their committee responsibilities and Chrétien even threatened not to sign the nomination papers of those MPs that voted against the *Firearms Act* at third reading.

If Chrétien had not displayed such a strong, centralized leadership style it would have been much more difficult to get comprehensive gun control passed. Had Chrétien been more compromising or more sensitive to the pressure placed on the government, the *Firearms Act* may not have been passed so rapidly, and it may not have been so tough. Chrétien's unwavering support of the *Act* and his ability to stifle opposition within his own caucus should be considered important factors in accounting for the passage of Canada's toughest gun control laws. However, even Chrétien's heavy-handed leadership would not have been able to overcome the obstacles that blocked comprehensive gun controls prior to 1993. Therefore, Chrétien's leadership, although important, should be considered to be a supporting, rather than a determining, factor.

The Duration of the Policy Window

In explaining the timing of the *Firearms Act* it is important to consider the duration of the policy window that facilitated its passage. In Kingdon's model of agenda setting, policy windows open and close very quickly. Therefore, if a policy entrepreneur does not act swiftly, the window will close, and the opportunity for policy change is lost. Kingdon suggests a number of reasons why windows close. The most obvious of these is that

“participants may feel they have addressed the problem through decision or enactment... the fact that some action has been taken brings down the curtain on the subject for the time being.”²⁵ This is clearly applicable to Canadian firearms policy. Once the *Firearms Act* was passed, those who supported comprehensive gun control had been successful and from their perspective the issue was closed because they had achieved their goals.

While the passage of the *Firearms Act* clearly represented the closing of the window, it is worthwhile to consider how long that window would have remained open had no action been taken. Put simply, how long after 1993 was the political environment favourable to comprehensive gun controls? On the surface, it may appear that not much has changed in the decade that has passed after the 1993 election. After the 1997 and 2000 elections, both the federal party system and the dynamic of competition between the parliamentary parties remained fundamentally the same. Consequently, it might be suggested that the Liberals had a very wide policy window to take advantage of and could have implemented gun control, for example, in 1998, 2002 or beyond

On closer analysis, however, it is clear that the election of 1993 presented a unique opportunity for policy entrepreneurs in pursuit of comprehensive gun laws to act. First, as Kingdon argues, the quicker any policy window is exploited, the better the chance of its success.²⁶ This appears to be the case with the federal *Firearms Act*. If the Liberals had not acted as quickly as they did, the potential political risks and losses would have been augmented and the strategic benefits would have remained the same, at best. After the 1993 election, the Liberals not only faced two new parties, but the ranks of the

²⁵ Kingdon. p. 169.

²⁶ Kingdon. p. 170.

opposition benches were filled with rookie MPs. This is particularly true of the Reform Party, which had only one MP in the House prior to 1993.²⁷ The Liberals, with many longstanding veterans of federal politics in their ranks, could take advantage of this particularly weak opposition to push through a controversial matter like gun control.

Reform's weakness as an opposition party was amplified by the party's expressed disdain for the Canadian parliamentary system, and its deliberate attempt to adopt a new style of parliamentary behaviour that would not be automatically adversarial.²⁸ In fact, Reform "initially broke with many practices of opposition parties."²⁹ The party's populist platform was critical of the strict party discipline that dominated the House and called for parliamentary reform. The result of Reform's desire to give individual MPs more freedom was that the party had difficulty mobilizing its members and could not count on presenting a unified front on any issue. Undoubtedly, Liberal strategists could exploit Reform's unwillingness to follow the long established pattern of parliamentary opposition. As Reform was trying to find its parliamentary footing and at the same time challenge the very foundation of Westminster democracy in Canada, it was not providing an effective opposition to the Liberals. In fact, as its early parliamentary record indicates, Reform suffered the growing pains expected of a new party as well as the tensions that

²⁷ In fact, Deborah Grey, who won a by-election in 1989, was the only Reform MP out of the 52 member caucus with any Parliamentary experience. The only Reform MP with any significant legislative experience was Ray Speaker who had previously sat in the Alberta legislature. Tom Flanagan, "From Reform to the Canadian Alliance" in Hugh G. Thorburn and Alan Whitehorn, eds., *Party Politics in Canada* (Toronto: Prentice-Hall, 2001). p. 287.

²⁸ Ibid. p. 282.

²⁹ Ibid. p. 287. Flanagan notes the deliberate departure of Reform from past opposition practices: The Reform "caucus elected a 'coordinator' rather than a 'whip' and vowed that it would eschew heckling and other disruptive behaviour on the floor of the House. Manning did not sit on the front benches, he did not name critics for particular portfolios, and he spent a great deal of time and money on televised 'town hall' meetings, conveying the symbolic message that Parliament is not the most important centre of political discussion (p. 287)."

could be expected from a party actively participating in a parliamentary environment which it had rejected.

Not surprisingly, Reform's first term was plagued with problems and embarrassing gaffs. Tom Flanagan notes this: "Reform had to struggle to find its new role in the House of Commons."³⁰ However, not long after entering Parliament, Reform "began acting like other opposition parties."³¹ Therefore, it was a wise political move for the Liberals to attempt to tackle the issue of gun control while its most obvious critic on the issue was both inexperienced and while it rejected the traditional role played by opposition parties in the House of Commons.

Opposition in the Thirty-fifth Parliament was also not particularly effective because it was divided between fundamentally different parties and was inherently unable to present a common front against the Liberals. The Reform Party and the Bloc had little, if anything, in common and could not work together. This put the Liberals, who occupied the middle ground in Parliament on the gun control issue, in an enviable position. In this new environment, the numerically limited Conservatives viewed Reform, not the Liberals as their closest rival. While the NDP may have shared some of the social democratic principles that the Bloc supported, they could not be seen to ally themselves too closely with a separatist party. In addition, it took a while for all parties and MPs to acclimatize themselves to the new party system.

The Liberals might have suspected that the new post-1993 party system was only a temporary break from the previous pattern. Given the high number of flexible

³⁰ Flanagan. p. 287.

³¹ Flanagan. p. 288.

partisans, voters who had switched away from the Conservatives and NDP could just as easily switch back. After the 1993 election, there was a substantial amount of speculation regarding the longevity of Reform and the Bloc. Some political scientists at the time suggested that the alteration of the partisan composition of Parliament was more of a temporary aberration rather than a long-term change in the political landscape.³² For example, Archer, Gibbons, Knopff, and Pal argued in 1995 that Reform and the Bloc faced “substantial and probably overwhelming obstacles to their continued viability at the federal level.”³³ Therefore, “while Parliament currently has two strong regional parties, the institutional factors favouring a smaller number of parties with a more national orientation may well return us to a more familiar partisan alignment.”³⁴ Not being sure how long the new party system was going to last, the Liberals were correct in taking advantage of the policy window as quickly as possible.

The policy window that opened for comprehensive gun controls after the 1993 election should rightly be viewed as conforming to Kingdon’s model in which a window opens quickly and closes quickly. It would have been significantly more difficult to enact comprehensive gun controls had the Liberals not acted as swiftly as they did. By advancing their agenda of tougher gun control almost immediately after coming to office, the Liberals did not allow those opposed to gun controls, in and out of Parliament, much time to organize. Had they waited, they would have undoubtedly faced a much stiffer resistance. Any delay by the Liberals and they would have faced a more experienced and

³² Carty, Cross and Young. pp. 12-13.

³³ Keith Archer, Roger Gibbins, Rainer Knopff and Leslie A. Pal, *Parameters of Power: Canada's Political Institutions* (Toronto: Nelson Canada, 1995). p. 441.

³⁴ *Ibid.* p. 441.

competent opposition in the House of Commons. Furthermore, not knowing what the outcome of the next election would bring, the Liberals had to act during the Thirty-fifth Parliament; had the Conservatives rebounded to form the opposition in the 1997 election, all the institutional factors that had blocked previously comprehensive gun controls would have been reinstated. Despite the support of Bloc, with only a slim majority of seven seats after the 1997 election, the Liberals probably would have stayed away from a contentious issue such as gun control, which may have triggered more backbench defection than their slim majority could have tolerated.

The Canadian Gun Lobby: A Paper Tiger?

Until recently, the Canadian 'gun lobby' was believed to be a very powerful political force on the Canadian political scene. This perception emerged primarily because the gun lobby represented a large number of Canadian gun owners, both directly and indirectly, who were generally opposed to tougher gun laws. The image of the Canadian gun lobby also undoubtedly benefited from the reputation of the American gun lobby, particularly the National Rifle Association. The NRA has been described as one of the most powerful lobby groups in the United States and has successfully stymied numerous attempts to implement tougher gun laws in that country. The Canadian gun lobby, however, gained its reputation as a powerful political force primarily through the media in the 1970s.

The gun lobby did not need to assert itself until the late 1960s when it expressed concern about the changes to firearms law outlined by the Omnibus Bill. However, it was

not until the 1970s that Canadian gun organizations had established a reputation as a tough political opponent for any government seeking to initiate tougher gun laws. By the end of that decade, the gun lobby had been given credit for defeating Bill C-83 and determining the contents of the much weaker C-51. After that victory, they pressured the government on every minor change and amendment to federal firearms policy.

Writing in *MacLean's* in 1977, Robert Lewis noted the power of the gun lobby arguing that the defeat of C-83 in 1977 was the result of "a long, and remarkably successful, lobbying campaign, a campaign to reverse the government's intentions, force the redrafting of legislation, and give us a new — and inadequate — gun control law."³⁵ Others also accused Justice Minister Ron Basford of caving in to the gun lobby. In fact, during the debate over C-83, the angry gun owners sent more letters to the Justice Department than had ever previously been received other than on the issue of capital punishment. In fact, when Basford lost his seat in House, some MPs attributed his defeat to his support for tougher gun controls.

The gun control debates of the 1970s had solidified the image of the Canadian 'gun lobby' as being able to influence Canadian firearms policy. Building on their success, gun organizations in the early 1980s continued to be politically active. Their most notable effort during this period was their attack on Warren Allmand and his private member's bill calling for tougher gun control. Gun organizations distributed a circular that completely misrepresented Allmand's bill. The effort put forth by the gun lobby to defeat this Bill was remarkable given that very few private members' bills become law, especially those dealing with a controversial topic such as gun control.

³⁵ Lewis. p. 40b.

In the early 1990s, the gun lobby was given credit for vetoing Bill C-80 and weakening Bill C-17, primarily through their ability to influence (and perhaps threaten) rural MPs. However, it was during the debate over C-80 and C-17 that the actual power of the gun lobby was first called into question. In the wake of the Montreal Massacre, an editorial in the *Montreal Gazette* argued that the minimalist approach to gun control taken by the government “suggests a too high regard for Canada’s gun lobby whose ability to mobilize popular protest is at this stage mostly bluff.”³⁶ Another journalist writing at the same time noted that “the strength of the gun lobby in this country has yet to be truly tested.”³⁷

It is unlikely that, during the last thirty-five years, the Canadian gun vote possessed sufficient numbers to inflict significant electoral losses to any government advocating tougher gun laws. However, this was not apparent until the government tested the voting power of Canada’s gun owners with the *Firearms Act*. Undoubtedly, party polling on the issue demonstrated to Liberal strategists that losing the gun vote would not threaten their electoral chances nationally and would probably only hurt them in a few ridings that they were not likely to win anyway. Given that their parliamentary competition at the time was fragmented and that their chief political opponent on the issue, the Reform Party, was unlikely to win the next election, the Liberals could impose losses on the ‘gun vote’ without suffering too much at the ballot box.

During the previous parliamentary era, the ‘gun vote’ could play the two brokerage parties against each other and increase both their influence and the negativity-

³⁶ Editorial, “Time for really tough gun control,” *Montreal Gazette*, Jan. 15, 1990. p. B2.

³⁷ Henry Aubin, “Wanted: the will for real gun reform,” *Montreal Gazette*, Jan. 15, 1990. p. B3.

bias in the issue substantially. Because of the nature of parliamentary competition between the Liberals and the Conservatives and the relative ease with which Canadian voters switch voting preference, the gun vote could move back and forth between the Liberals and Conservatives amplifying both the negativity-bias and the desire for the government to avoid blame on the issue.

The actual strength of the gun lobby proved to be only a shadow of its reputation. Despite employing countless pressure tactics, gun enthusiasts were unable to force the government to back down, or even moderate, its firearms policy. The ineffectiveness of the gun lobby is further demonstrated by its inability to even make gun control an important issue in the 1997 election, let alone mobilize angry gun owners to defeat the Liberal government. In hindsight, it is not surprising that the 'gun vote' was not strong enough to influence a national election campaign. Countless polls demonstrated that a substantial majority of Canadians supported tougher gun laws. Therefore, only a small minority of Canadians opposed tougher gun laws. Of that minority, gun control is a vote determining issue for only a fraction of the total. Although an individual answering a telephone survey may indicate that they oppose the gun registry, it may not be a politically salient issue for them. As discussed earlier, in polls asking respondents to identify the most important election issues during the 1997 election campaign, gun control did not register as an important topic. Under this favourable institutional environment, the Liberals correctly guessed that, despite its reputation, taking on the 'gun vote' would not be politically damaging.

Parliament and Gun Control

While this thesis has been primarily concerned with gun control policy, at a higher level of analysis it also sheds light on the influence of Parliament and politics on policymaking in Canada. It is widely understood today that Members of Parliament, both individually and collectively, are not as influential as they once were in the policymaking process. In fact, it is often argued that the House of Commons has been relegated to the task of merely rubber stamping policy that originates from the Prime Minister, cabinet and the bureaucracy. Because of the vast array of powers at the disposal of a Canadian prime minister with a majority government, it is widely believed that the PM can, more or less, determine which policies become law and which do not.

The decline of the Canadian Parliament is well documented.³⁸ Politicians as well as many in the media have suggested that Parliament has become a dysfunctional political institution that is in need of substantial reform. One recurring argument is that Parliament does not play nearly as important a role in Canadian political life as it once did. Christopher Garner, for example, argues that the decline of Parliament is a significant concern for the Canadian public: “[p]olls reveal that a majority of Canadians think Parliament is not working, and that they are wholly dissatisfied by politics.”³⁹ C.E.S. Franks, one of Canada’s leading Parliamentary scholars, also argues that “[u]nquestionably, Parliament has become a less prominent place for major political

³⁸ See for example, Franks, “The Decline of the Canadian Parliament.” p. 15. Donald J. Savoie, *Governing From the Centre: The Concentration of Power in Canadian Politics* (Toronto: University of Toronto Press, 1999).

³⁹ Christopher Garner, “Reforming the House of Commons: Lessons from the Past and Abroad,” in Gregory S. Mahler and Roman R. March, *Canadian Politics* (Guilford, Connecticut: Dushkin Publishing, 2000). p. 30.

announcements and debates, and the decline is continuing.”⁴⁰ Franks places a substantial amount of the blame for this decline on the Canadian media which longer focuses as much attention on Parliament as they once did, as well as on successive governments who have chosen to bypass Parliament. In particular, Franks notes that in recent times, important government programs and policies have been increasingly introduced and announced outside of Parliament. Whatever the reasons, there can be no doubt the importance of Parliament has been reduced in the both eyes of the public and the media.

In addition to Parliament losing its stature in Canadian society, Franks argues that in many substantive ways Parliament is increasingly being controlled by the executive.⁴¹ The result is that the institution now plays a limited role in determining public policy outcomes. Donald J. Savoie agrees with this assessment, arguing that Canada is now governed from the ‘centre’ and that “...effective power rests with the prime minister and a small group of carefully selected courtiers.”⁴² According to Savoie, the PM, with the aid of central agencies such as the PMO and PCO, has usurped power that has traditionally been held by the cabinet and Parliament.

Backbench MPs, who are committed to (or are coerced into) supporting the position of their party, do not normally play a meaningful role in determining policy outcomes. This fact is noted by Michael M. Atkinson and David C. Docherty who argue that “...once MPs arrive in Ottawa, the Westminster model assigns them a rather prosaic task. If they sit on the government side of the House, their job is to express confidence in

⁴⁰ C.E.S. Franks, “Parliament, Intergovernmental Relations, and National Unity,” a paper presented for the Intergovernmental Affairs Branch of the Privy Council Office, May 1997. p. 21.

⁴¹ Franks, *The Parliament of Canada*. c. 1.

⁴² Donald J. Savoie, “The Rise of Court Government in Canada,” *Canadian Journal of Political Science*, Dec. 1999. p. 635.

their leadership by voting for government-sponsored measures; if they are opposition members they are expected to oppose those measures, at least if directed to do so by the opposition party leadership.”⁴³ William Heward Gaffey, a former MP, also laments the decline in importance of MPs and argues that they now have “no power at all when it comes to the formulation of public policy.”⁴⁴ For this reason, Canadian MPs are often disparagingly referred to as ‘sheep’ because they do what they are told by their leadership. As a result, backbench MPs have a limited influence on legislative outcomes and an even smaller role in policymaking.

In his examination of political careers of MPs, David C. Docherty notes that when newly elected MPs come to Ottawa, “the previous expectations [they] had about their life on Parliamentary Hill meet with the realities of office. For the politically ambitious and those determined to play a role in legislation and policy development, this experience can be frustrating.”⁴⁵ Docherty notes that because ordinary MPs play only a minimal role in the policymaking process, they soon focus on constituency work. Docherty also reports that taking an active interest in their constituents is often much more rewarding for the average MP, especially those who have limited chance at promotion, than attempting to involve themselves in policymaking activity. By doing so “they can profess that they are ‘constituency representatives’ who have no time for ‘legislative games,’ thus avoiding tackling the existing structure of rules and roles.”⁴⁶ Docherty points out that some MPs

⁴³ Atkinson and Docherty, “Parliament and Political Success in Canada.” p. 10.

⁴⁴ William Heward Graffey, *Democracy Challenged: How to End One-Party Rule in Canada* (Montreal: Véhicule Press, 2002). p. 186.

⁴⁵ David C. Docherty, *Mr. Smith Goes to Ottawa: Life in the House of Commons* (Vancouver: UBC Press, 1997). p. 252.

⁴⁶ *Ibid.* p. 253.

abandon their political careers, because they are frustrated in the limited role that they play in the legislature.⁴⁷

Today, a prime minister with a majority government dominates almost every aspect of parliamentary life. The PM controls the legislative process and thus determines the policies made by the federal government and approved by Parliament. Because of this executive dominance, it would be easy to assume that Parliament has little or no influence in determining policy outcomes. The assumption that Parliament is irrelevant to the policymaking process seems especially plausible when the activity of Parliament is placed under a microscope. Clearly, on a day-to-day basis there is little Parliament, or parliamentarians, can do to check the policymaking power of a committed prime minister. Given the excessive degree of party discipline observed in the House and the fact that almost every vote in the Canadian House of Commons is considered a matter of confidence, a PM with majority can enforce party discipline to ensure that his policy preferences become laws. Some observers have even suggested the PM has become a democratic dictator, or as one reporter put it, a 'closet autocrat' who controls the policymaking process between elections and is only accountable to the electorate every four or five years.⁴⁸ For that reason many examining public policy in Canada are not concerned with Parliament's role in the process because it is understood to be minimal.

A related criticism of the current operation of Parliament is that, because of party discipline, the opposition is ineffective in influencing public policy or checking the activity of the federal government. Indeed, parliamentary opposition can do very little to

⁴⁷ Ibid. p. 253.

⁴⁸ Bruce Wallace, "For the Love of Power," *MacLean's*, Oct. 19, 1998. pp. 16-20.

stop a majority government committed to a policy or piece of legislation. This is a concern because, more often than not, the opposition parties collectively obtain more than half the votes cast in any given election. If the opposition is powerless, some complain that the views of a large percentage of the electorate are shut out of the democratic process. The argument being that an ineffective opposition denies the majority of Canadians who voted for the opposition parties a voice in federal politics between elections.

Through the enforcement of draconian party discipline, the government is almost never defeated on a motion of confidence. With the notable exception of Question Period, the Prime Minister, controls almost all aspects of the procedures and the operations of Parliament. For critics of the current operation of Parliament, the ineffectiveness of the opposition parties to check the government and the powerlessness of backbench MPs on both sides of the House signals the need for significant institutional reform to reverse the decline of Parliament, challenge the dominance of the executive and reduce the 'democratic deficit.'

Viewed through a microscope, Parliament does indeed appear to be largely irrelevant, especially in the area of policymaking. However, this thesis demonstrates that Parliament and opposition parties are relevant both in terms of determining political outcomes and influencing the policymaking process. The relevance of Parliament, and of opposition parties, however, is limited to the structure they provide to federal politics. This structure is not easily observed during the day-to-day operation of the House of Commons and is *passive* rather than active. This thesis demonstrates that, at least in

some cases, the nature of party competition, the ideological dynamic of parliamentary parties and how they relate to the electoral system and the voting behaviour of Canadians shape federal politics to a significant extent.

It should not be surprising that certain policies are encouraged under certain parliamentary structures and discouraged under others. Clearly, the structure of Parliament played an important role in the formulation of Canadian firearms policy. Because of the way the gun politics in Canada meshed (or did not mesh) with parliamentary politics, it was very difficult for the government to impose losses on Canadian gun owners. Until 1993, Parliament structured federal politics in a manner that was unreceptive to gun controls. From the late-1960s until 1993 pursuing tougher gun controls did not provide any strategic advantage for the government over their parliamentary opponents and may, in fact, have benefited the opposition more than the government.

The structure given to federal politics by Parliament was transformed by the election of 1993. The emergence of new political parties fundamentally changed the nature of the party system and party competition. No longer did the government have to be concerned with the government-in-waiting as its primary political opponent and no longer were the government and opposition fundamentally alike in terms of ideology and long-term policy preferences. The nature of party competition between two national pragmatic brokerage parties is vastly different from competition between a national brokerage party in government and two regionally-based programmatic parties.

This thesis has demonstrated, at least in the area of gun control policy, that the policymaking ability of the executive was significantly constrained by the political forces of Parliament, party competition, and electoral politics. It has long been thought that a policy that was supported by the cabinet, especially the prime minister, and also enjoyed strong support in the opinion polls would have no difficulty becoming law. The example of gun control policy demonstrates that this is not always the case. Until the parliamentary environment was altered by the election of 1993, the structure of Parliament combined with other organizational factors to make gun control reform an unattractive policy option for the government despite the fact that both the cabinet and the Canadian public supported those reforms.

This thesis does not dispute that the role of Parliament and individual MPs in public life has been diminished significantly in recent years. Rather, it argues that despite the centralized nature of Canadian government, Parliament, as an institutional structure, still shapes policy outcomes, at least in some cases. In addition it suggests that policy analysts should consider the larger political picture when examining public policy. Except in the case of minor or technical policy changes, the prime minister, who is both the head of the government, as well as leader of his party must take party politics into account when making policy. Because the Canadian government operates under the principle of responsible government and the PM has come to symbolize both the party and the government, accountability for all governmental activity falls squarely in his lap. While the PM possesses the power to 'impose losses,' it is harder for the PM to avoid

'blame' for doing so in Canada's centralized system of government. Consequently, a few ill chosen policies may hurt the PM and his party in the next election.

In the case of firearms policy, Parliament and parliamentary politics constrained the policy options of the government and the prime minister. However, these constraints are often difficult to discern. Much of the ability of Parliament and party competition to influence policy outcomes is hard to detect because it often takes place prior to a policy being introduced into Parliament in the form of legislation. The PM, his advisors and strategists take into account how any substantial policy matter will play out in Parliament with particular emphasis on the dynamic of party competition in the House of Commons. It is only when there has been a miscalculation by strategists and legislation is withdrawn or is pushed through at political costs to the government that the impact of Parliamentary competition is demonstrated. This was certainly the case with Bill C-83, which once introduced, became a political liability to the Liberal government, and was subsequently withdrawn. The fact that the vast majority of federal 'government' bills become law gives a false impression that Parliament is irrelevant to the policymaking process.

The idea that Parliament can be a significant structural constraint on the Prime Minister is unlikely to give any comfort to frustrated backbench MP or those reformers hoping to erase the 'democratic deficit.' In fact, it actually supports the observation that the day-to-day operation of the House and activities of MPs has very little impact on the policymaking process. The PM may be constrained by activity in the House only if he or she considers how any given policy proposal may play out in the theatre of Parliament.

As a structural constraint, Parliament should properly be viewed as determining who are the players in federal politics and the standing that they have. While symbolically taking place on the floor of the House of Commons the actual competition may also reside outside of Parliament, especially during election campaigns. After all, the parties are not competing for power *in* Parliament as the government retains power for the duration that the Parliament sits. However, the parties are constantly in competition as they prepare to contest elections. The PM is constrained by Parliament, but only because it is representative of the nature of party competition at the federal level. Parliament, however, should be viewed as more than a simple scorecard of how well the parties did in the last election, because competition between the parties is continuously evolving, both inside and outside of Parliament. In that sense, Parliament and party competition are intertwined. Put simply, since the governing party and the Prime Minister must constantly consider how policies will strategically play out against their parliamentary opponents, both in the short and long term, Parliament provides a structure which frames the action of the government.

Such an understanding of the place of Parliament in the policymaking process is not a fundamental reinterpretation of the role that Parliament plays in the political process. It does not suggest that individual MPs play a role in policy formation or the most of the activities and debates in the House are meaningful. However, it does suggest that, contrary to widespread belief, the parties who occupy the opposition benches do indeed have an indirect influence over policy. The governing party develops and adapts its political strategy with the opposition and their political platform in mind. As

discussed previously, the Liberals have often shifted their location on the political spectrum to better compete with their opponents.

One interesting aspect of the structural influence of Parliament is that it does not work in a straightforward way. It might be expected that the dynamic of party competition in the House of Commons would favour the government moving politically closer to the opposition to lessen the distance between the parties. This was the case when the Liberals moved closer to the left of the political spectrum in the 1970s to counter the growing strength of the New Democrats and the popularity of many NDP ideas and social policies. Indeed, the Liberals absorbed many of the NDPs most popular policies into their own platform. Similarly in the 1990s, party competition between the Liberal government and the Reform party pushed the federal political agenda toward the fiscal conservatism of Reform and later, the Alliance. In both cases the structure provided by party competition and the party system had a large impact on many aspects of federal politics and federal policymaking, and it transformed the very nature of political discourse in the country.

The case of gun control indicates that the relationship is more complex than described above. With the *Firearms Act*, the Liberals, operating under a more regionalized dynamic of party competition moved toward the gun control policy of the Bloc Québécois. This left little to choose between the two parties competing for the support of Quebecers, making gun control a non-issue in that province. At the same time, the Liberals, competing primarily with the Reform Party outside of Quebec, benefited from creating distance between the parties on the issue. Once it was clear that

Reform would take the hard-line stance on the issue and the polls continued to support a national firearms registry, gun control became a perfect wedge issue for the Liberals to differentiate themselves from Reform policy and limit Reform gains in Ontario and urban Canada. This thesis, therefore, suggests that party competition in Parliament can influence policy outcomes in a number of ways and in a number of directions.

These observations mean two things for Canadian parliamentary democracy. First, the prime minister is not all-powerful between elections and is constrained in his policymaking ability because of party competition in Parliament. Second, the opinion that the opposition in Parliament is not influential when facing a majority government is incorrect. The opposition continues to influence policy throughout the government's mandate. The effect of this influence, however, is indirect and difficult to detect because it often takes place in secret policy meetings where the government plans its strategy. Once again, emphasizing the 'structural,' indirect and occasionally inverse impact of the opposition parties in Parliament will not give any satisfaction to would-be reformers of the House of Commons.

The Applicability of Kingdon's Model

From a methodological standpoint Canadian politics is so centralized that employing Kingdon's garbage-can inspired, irrational model of the policymaking process may draw some criticism. However, the most valuable aspect of Kingdon's approach to this thesis is that 'politics matters.' A notion that is applicable to even the most centralized democracies. Kingdon's assertion that if the policy stream does not couple positively

with 'political forces,' it is unlikely to succeed, applies to Canada as much as it does to the United States. In fact, a case could be made that in jurisdictions like Canada where power is highly concentrated, the policymaking stream could actually be pushed by politics to a greater extent than in countries like the United States with all its checks and balances. In Canada, where the PM controls most aspects of the policymaking process, more consideration can be given to the strategic ramifications of any given policy. This is especially the case considering that, under the principle of Westminster government as it operates in Canada, the PM is accountable for all activity of the federal government. Given that Canadian elections are leadership driven, ultimate accountability for all activities of the federal government falls squarely on the lap of the PM. Put simply, it is the prime minister who receives the blame or credit for federal policies that fail or succeed. Unlike the American president, who can blame to an obstructionist or adversarial Congress for blocking or altering his policy proposals, the Canadian PM must take responsible for all the policy positions of the government. In addition, the PM, contrary to the American head of government, knows precisely who the opposition is; he faces it daily in the House of Commons. As a result, the PM may be more cognizant of politics in the policymaking process and the strategic ramifications of that policy.

It is precisely because the PM is so powerful relative to other political institutions and actors that greater political consideration may be given to the strategic impact of certain policies. In some cases, the policy process may actually be driven by politics. Policies which otherwise may never have been put forward, may be placed on the agenda merely because of strategic considerations in the government's continuous struggle

against their parliamentary opposition. The PM and governing party strategists may conceive of policies that provide themselves an edge against their parliamentary opponents or that cause problems for the opposition. This scenario is only possible in a highly centralized political system with strong political parties. Only in such places can policy considerations and strategic party politics be almost completely intertwined.

Of course, this thesis does not conclusively demonstrate that there was strong strategic motivation behind the *Firearms Act*. Only those in the inner circle of the Liberal Party know to what extent political strategy played a role in the policy agenda that led to the *Firearms Act*. Nevertheless, it seems fairly obvious that party strategy played some role in the gun control issue of the 1990s. In fact, it would be unreasonable to suggest that the prime minister, who is both Canadian's chief policymaker and leader of the government party, would not use his control of federal policy for strategic purposes. While it would be interesting to examine the extent to which strategic political considerations played a role in the development of certain policy areas, the secrecy involved in developing party strategy would make such a research project almost impossible.

Kingdon argues that the policymaking stream can only come to successful conclusion if problems and solutions are joined to favourable political forces. However, Kingdon's examination of the policymaking process was based entirely on American case studies. Due to the high degree of executive dominance in federal politics those adapting Kingdon's theoretical framework in a Canadian context could be forgiven for equating 'favourable' political forces with a prime minister who is committed to a certain

policy coming into office. Kingdon's analysis focuses mainly on people in government, such as Members of Congress, committee members, the president, presidential advisors and bureaucrats. He also includes some more structural aspects under his category of political forces, such as the 'national mood' and the ideological composition of Congress. However, Kingdon does not focus on party politics or party competition to any great extent in his analysis. This is undoubtedly because of the comparatively weak role that parties play in American politics and that fact the only two parties are represented at the federal level. As this thesis demonstrates, because of the central importance of party politics in Canadian political life, anyone applying Kingdon's analysis to Canadian policymaking must include the party system, party competition and the structure that Parliament provides to almost every aspect of federal politics.

Although beyond the scope of this thesis, another interesting avenue of research is the impact of the structure of Parliament across the policy spectrum. It should be expected that, like gun control, many areas of federal policy have also been affected by the institutional structure of Parliament. The influence of the parliamentary framework might be subtle or more obvious than the case of gun control, depending on the subject matter. Less controversial policy areas might be relatively unaffected by Parliament and party competition, and other policy areas may divide the parties in a way that minimizes strategic considerations. The same may also be true of those issues in which parties are in agreement or those which are technical in nature. Given that Parliament is often overlooked in the policymaking process, clearly more research needs to be done examining how parliament, from a structural perspective, influences political outcomes.

A brief examination of the issue of same-sex marriage demonstrates the differences that can occur across the issue spectrum. That issue particularly demonstrates the importance of polling for a government that is confronting a strong negativity bias. If the polls strongly support a policy, the government may be more willing to overcome a vocal minority that is opposed to it. The issue of same-sex marriage demonstrates how negativity-bias can play out differently when polls do not favour the government's position so strongly. Canadians are much more divided on the issue of same-sex marriage than have been on gun control. Consequently, the dramatic election of 1993 had only a limited impact on gay and lesbian rights.

In her examination of the Liberal record on the gay rights issue, Miriam Smith notes that: "[l]ike their Tory predecessors, the Liberals would prefer to shield themselves from public controversy on lesbian and gay rights by either implementing policy changes incrementally, without high profile legislative change, or by passing the political hot potato to the courts."⁴⁹ The negativity-bias is amplified because Canadians are fundamentally divided on the issue and there are limited regional differences of opinion on the issue across the country and there is not much credit to be gained by pursuing a gay rights agenda. This has made avoiding the issue has been a more attractive option, despite the fact that the government has generally expressed its support for same-sex relationship recognition.

Smith notes that the Liberal Party has long supported gay rights, including the prohibition of discrimination based on sexual orientation. However, "[d]espite this

⁴⁹ Miriam Smith, "Reluctant Recognition: The Liberal Government and Lesbian and Gay Rights," in Leslie A. Pal, ed., *How Ottawa Spends 1998-1999: Balancing Act: The Post Deficit Mandate* (Toronto: Oxford University Press, 1998). p. 309.

seeming support... the Liberal government has been reluctant to take a strong stance in favour of lesbian and gay rights.”⁵⁰ Smith observed in 1998 that “the government is caught between a lesbian and gay rights movement that has been increasingly successful at claiming the high ground of rights... and an opposition that targets the government for giving in to a ‘special interest group’ and condoning a ‘lifestyle’ that threatens the very fabric of Canadian society....”⁵¹ In this parliamentary environment, the negativity-bias against recognizing gay marriage was reinforced by party competition. The Liberals’ main opponent in English Canada, the Reform Party, would have undoubtedly be seen as the beneficiary of the negativity-bias. If the Liberals had pursued the gay marriage issue in a more straightforward manner, angry defenders of the ‘traditional’ family would have rejected the Liberals and supported Reform in the next election. Because gay marriage enjoys significantly less support among Canadians than gun control does, the negativity-bias was augmented significantly and could be seen as a substantial threat to the future electoral chances of the Liberals.

An Ipsos-Reid Poll released in August 2003 demonstrates the crucial difference between the politics of gun control and that of same-sex marriage. In that poll Canadians were substantially opposed to the formal application of the term ‘marriage’ to same-sex couples, with 38 percent of Canadians indicating that their belief that “the word marriage should apply to any two people, regardless of sexual orientation, who choose to make a life commitment to one another.”⁵² Thirty-seven percent of Canadians completely

⁵⁰ Ibid. p. 294.

⁵¹ Ibid. p. 294.

⁵² Ipsos-Reid, “Same-Sex Marriage: The Debate Enjoined,” Toronto: Ipsos-Reid. Aug. 8, 2003. Available in the archives section of the Ipsos-Reid website: www.ipsos-reid.com. Viewed Feb 1, 2004.

rejected recognizing same sex marriage and instead supported the notion that “the word marriage should apply exclusively to union of a man and a woman.”⁵³ Twenty-four percent of Canadians surveyed took the middle-ground position (but still rejected same-sex marriage), arguing that “the word marriage should apply exclusively to the union of a man and a woman and that there should be some other legal term for the for the formal union of same sex couples.”⁵⁴ It is also important to note that opposition to same sex marriage was expressed in much stronger terms than was support for it.⁵⁵ While numbers fluctuate between polls, there is clearly much more opposition to same sex marriage than there has been for comprehensive gun controls. Consequently, the negativity-bias has been too high for the government to address the issue and there were few opportunities for credit-claiming.

Unlike gun control, in which support and opposition is unevenly spread across Canada, the negativity bias in the same-sex marriage issue cannot be so regionally isolated. In addition, the overwhelming majority of Canadians support the principle of gun control. Even in Alberta, a hotbed of anti-gun control sentiment, there have been a number of polls showing that even a majority of Albertans supported tougher gun control. This is not the case with same sex marriage which, although there is some regional variations on the issue, there is much less support for same sex marriage than gun control across all the regions of Canada.⁵⁶

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Thirty-seven percent of respondents indicated that they were strongly opposed to same-sex marriage and only 26 percent indicated that they were strongly in favour. Ibid. p. 3.

⁵⁶ Ibid. p. 4.

The conditions that made gun control an attractive political option in 1993 and reduced the negativity-bias in the issue have not materialized for same-sex marriage. Because of polling numbers, and the nature of the issue there was much more credit to be gained for the government in pursuing tougher gun control than champion the cause of same-sex marriage. Among those in favour of the recognition of gay marriage, it is probably only a highly salient issue within the gay community. Since the gay community is, and will always be, a small minority of the voting population, there are relatively few votes to be gained for a government recognizing same-sex marriage. With the exception of one or two ridings with prominent gay communities, this vote is dispersed across the country with little electoral impact. While many straight Canadians support the legalization of gay marriage, it is likely much less salient for them that it is for gay Canadians. Therefore, the substantial number of Canadians who loudly oppose gay marriage are probably perceived by the government to wield a significant amount of electoral clout, especially compared to the limited amount of credit which can be gained from pursuing the issue. Put simply, it appears that many more Canadian with a passionate opinion on the issue are against gay marriage than for it. Because of the nature of the gay marriage issue and the way the Canadian population is divided on the issue, it is not surprisingly that the government has not wanted to confront the issue directly.

This legislative behaviour may have also been encouraged by the institutional setting of gay rights issues. The government has realized that by leaving the issue up to the courts they may be able to achieve the policy goal of legalizing same-sex marriage

without facing the blame of doing so. Aided by the reference procedure, Charter litigation has allowed governments to avoid many contentious issues and rely on the judiciary to advance controversial areas of policy. If this option were not available, the politics of the issue may have been substantially different. The strategy of avoiding blame by passing the issue to the courts was simply not an option for the government on the gun control issue.

Another question suggested by this thesis as an avenue for future research is to what extent Canadian federal elections open policy windows. Of most interest would be those elections that usher in a new party system, such as the election of 1993. That election simultaneously signaled the end of the third party system and the beginning of the fourth party system. What other policies, if any, were influenced by the outcome of the 1993 election and to what extent? Undoubtedly, policies other than firearms policy were affected by that election. The difficulty with this type of analysis, however, is not only in determining the policy windows which were exploited because of the election, but also those that presented a opportunity, but were not exploited. Nevertheless, examining the impact of the replacement of one party system with another on various areas of public policy may provide a worthwhile avenue of study.

Conclusion

While it may not be the type of influence that many in favour of parliamentary reform hope for, the case of gun control points to the fact that Parliament continues to matter in Canadian politics. A prime minister with a majority government cannot always act on his

or her policy preferences, regardless of the popularity of that policy. Even though polls suggested that Canadians were strongly in favour of tougher gun laws and the government indicated that they supported tightening gun regulations, they could not overcome the way the issue linked up with party competition. The fact that the issue cut across party lines accentuated the negativity-bias and made imposing losses on gun owners strategically unattractive. The structure provided by Parliament, however, is not always expressed in negative or blocking terms. This thesis demonstrates that after the 1993 election, the dynamic of parliamentary competition actually encouraged and provided incentives for the government to act on their political preferences.

An examination of Canadian gun control policy also suggests that policy analysts and others interested in the formation of public policy should give more thought to the larger political situation. This thesis argues that scholarly examinations of Canadian public policy should consider to a greater extent what impact party competition and other structural aspects of Parliament play in the policymaking process. In some cases the impact may be of no significance, depending on the dynamic of the party system and other political considerations. However, it is incorrect to assume that because the Canadian political system is highly concentrated and that the prime minister wields an enormous amount of power in relation to other political actors on the federal scene that party politics and Parliament are of no consequence. As Kingdon points out, policy analysis should always consider the political aspects of any policy and how they relate to the current political environment, including Parliament. The case of Canadian gun

control clearly demonstrates that politics and Parliament remain influential factors in shaping public policy and determining political outcomes.

EPILOGUE

After the deadline to register weapons had passed on July 1, 2003, controversy around the registry began to slowly fade into the background. Efforts were made to improve the efficiency of the registry and to bring down the costs associated with running the federal firearms program. In October 2003, the Canadian Firearms Centre revealed that it had undertaken substantial cost cutting measures to respond to the criticisms of the 2002 Auditor-General's report. With the *Firearms Act* on the books and the registry in operation it appeared that the debate over the registry had ended and it would become just another program permanently administered by the federal government.

It was somewhat surprising that Canada's new Prime Minister, Paul Martin reopened the debate in January 2004. On January 1, 2004, Deputy Prime Minister and Public Safety Minister Anne McLellan announced that the federal firearms program was under review and hinted that there would be significant changes.¹ McLellan, who once again became responsible for the federal firearms program, indicated that the decision to review the program had been made in consultation with the prime minister. It was also announced the review itself would be undertaken by Albina Guarnieri, the Associate Minister of National Defence and Minister of State for Civil Preparedness. The stated purpose of the review was "to look at the program in a very pragmatic way to make sure

¹ Kelly Cryderman and Rick Pedersen, "McLellan announces gun-registry review," *Calgary Herald*, Jan. 2, 2004. p. A7. McLellan was appointed Deputy PM and Minister of Public Safety and Emergency Preparedness on Dec. 12, 2003, the same day responsibility for the gun registry was transferred to the Ministry of Public Safety and Emergency Preparedness.

it is delivering improvements in public safety.... We are trying to justify every dollar spent.”²

The gun registry had been plagued by number of significant problems from the central complaint regarding the expense of the program to issues of non-compliance and the effectiveness of the gun laws. According to the government’s own estimates, by March of 2004 the program will have cost Canadian taxpayers a total of \$814 million and was costing the federal government \$113 million annually.³ This figure ensured that the program would surpass the one billion dollar mark within two years. Furthermore, the high degree of non-compliance with the registry had also called it into question; as 2003 ended, it was estimated that over a million guns in Canada had not yet been registered. It was also often pointed out that, as of January 2004, only one person had been charged with not registering a firearm and the majority of provinces and territories were not cooperating with the federal government by refusing to prosecute those that violate the law.⁴ The *Globe and Mail* even reported that a ‘senior government official’ had suggested that the law was not ‘a meaningful law’ because of all the problems associated with it.⁵

In the wake of McLellan’s announcement, the registry faced a barrage of criticism. Beyond the expected heckles of gun organizations and fiscal conservatives, the registry even faced criticism from police, a traditional supporter of tougher gun control. The head of the Calgary Police Association, the union representing police officers in that

² Ibid. p. A7.

³ Mario Toneguzzi, “Police union boss wants gun registry scrapped,” *Saskatoon Star-Phoenix*, Jan 5, 2004. p. A6; Tim Naumetz, “Gun Registry will stay,” *Ottawa Citizen*, Jan. 8, 2004. p. A5.

⁴ CBC Online Staff, “Ottawa to review gun registry,” CBC News Website, Jan. 2004. www.cbc.ca/stories/2004/01/07/martin_caucus040107, viewed Jan. 17, 2004. Some police departments later disputed the fact that only one person had been charged under the registry.

⁵ Jane Taber, “Major changes likely after review,” *Globe and Mail*, Jan 7, 2004. p. A1.

city went so far as to advocate that the registry be scrapped altogether so more money could go toward more front-line police officers.⁶

Although Minister Guarnieri hinted that the existence of registry might itself be in jeopardy after the review, when she replied to questions about the future of the registry by stating that “all options are on the table.”⁷ When questioned on the issue, Prime Minister Martin, however, contradicted his minister by firmly stating that he was committed to the registry: “[l]et me be very clear. We are committed to gun control and we are committed to the registration of weapons.”⁸ However, Martin did acknowledge that there were serious problems with the federal firearms program and the review could make significant changes. In particular, Martin did concede that the registry was far too expensive and although a billion dollars had already been spent on the program, future expenditure should be curtailed substantially.⁹ This was not the first time Martin had publicly criticized the registry. While seeking the leadership of the Liberal Party, Martin expressed his view that not “another penny” should be spent on the registry until it was underwent significant financial reform.¹⁰

The media attributed the announcement of the review as reflecting Martin’s commitment to fiscal-cost cutting and Martin’s desire to put his own stamp on the government to differentiate himself from the Chrétien administration. Some in the media also attributed larger political motivations to the review. In particular, many observers saw the review as part of Martin’s attempt to end western alienation, given the relative

⁶ Toneguzzi. p. A6.

⁷ Naumetz, “Gun registry will stay.” p. A5.

⁸ Ibid. p. A5.

⁹ CBC Online Staff, Jan 17, 2004.

¹⁰ Jane Taber, “Gun initiative carries controversial legacy,” *Globe and Mail*, Jan 7, 2003. p. A4.

unpopularity of the Liberal's firearm policy in that part of the country and also to show that he was going to much more frugal with federal finances than his predecessor. Others argued that Martin did not like the design of the registry itself.¹¹

On January, 21 2004, the registry received a hearty endorsement from Edgar McLeod, President of the Canadian Association of Chief of Police (CACP), who argued that the registry was valuable a valuable tool for police because they are aware of any guns that may be present when responding to a call.¹² In fact, although McLeod acknowledge that the registry was expensive, he argued that the government should reconsider making significant cuts to the program as they may undermine its effectiveness.¹³ CACP's support for the registry help offset a poll released on February 2, 2004 which showed that support for the registry had slipped substantially. While the overwhelming majority of Canadians supported 'gun control' in principle, a majority of the those surveyed wanted the registry dismantled. A full 52 percent of those polled favoured scrapping the registry, while only 43 percent said that the registry should be maintained.¹⁴

These new developments in the gun control saga demonstrate many of the arguments made in thesis. First, it demonstrates Kingdon's observation that turnover in key personnel can be the catalyst for a significant policy change by opening new policy windows.¹⁵ This is obviously the case in the desire to review the firearms policy. If

¹¹ Ibid. p. A4.

¹² Richard Cuthbertson, "Police Chief defends gun registry," *Halifax Daily News*, Jan. 2004. p. 4.

¹³ Province Staff, "Top cops back gun registry," Jan. 22, *Vancouver Province*, Jan. 22, 2004. p.

A22.

¹⁴ Kim Lunman, "Martin health plan gets 48% support," *Globe and Mail*, Feb 2, 2004. p. A4.

¹⁵ Kingdon. p. 153.

Chrétien had remained as Prime Minister, any review conducted would have been done with much less fanfare and with a much greater defence of the program. From a strategic perspective there does not seem very much to be gained for Mr. Martin in conducting the review as many of the institutional factors that encouraged tougher gun law in 1993 are still present and now represent a significant barrier to the removal or significant alteration of the federal gun law.

Even with the decline in popular support for the registry, there is substantially more blame than credit to be attributed to the government if significant changes are made. Such a move would not only anger those people who support tougher gun control, it would probably not win the Liberals many votes. While it is impossible to predict what the future holds, it is unlikely that the Liberals can win over angry gun owners even if the registry were abandoned outright. The expected response would be to blame the Liberals for the registry and the cost associated with it, and see the cancellation of the program as an admission of incompetence by the Liberals. Angry members of the gun-owning community, after a decade of fighting the Liberals on the issue, are not likely to take a forgive-and-forget attitude. To overcome the institutional inertia the *Firearms Act* has acquired over the last ten years, support for the registry will have to drop much lower than 43 percent for the government to seriously consider revoking the registry.

Abolishing the gun registry would also be unwise considering the current dynamic of party competition in the House of Commons. First, it would be policy reversal of almost unprecedented proportions and would draw criticism from all quarters. The new Conservative party would be able to claim a significant rhetorical victory and

state that they were right all along and the government (with Martin as finance minister) wasted a billion dollars, with no public benefit whatsoever. This could be particularly costly given the likelihood of a federal election in 2004. The NDP would undoubtedly benefit from scrapping the registry, because they could point to the move as further evidence that the Liberals are moving to the right under Martin. Under the decidedly urban-centred leadership of Jack Layton, the NDP may be able to take a much stronger position on gun control than they have previously, even with a strong rural component in their caucus. Similarly, the Bloc would be able to criticize the Liberals on their reversal in Quebec where gun control policies are strongest. In this environment it is unlikely that the government was ever seriously considering revoking the gun registry. Minor changes, however, such as reducing the penalties for non-compliance by removing them from the *Criminal Code* may be viewed as compromise position.

Whatever the future may hold for the federal firearms program, the evolution of the gun control policy will remain an interesting case study that illuminates many aspects the political process in Canada. The politics of gun control demonstrate the power institutional arrangements to shape political outcomes. It also underscores how unpredictable the impact of institutional change can be. Nobody could have suspected that the election of 1993 would have had such a profound affect on federal firearms policy. Barring another unexpected institutional change, once the improvements to the administration are completed and the cost of the program is brought down, the current gun control debate will slowly move from the front pages to the history books.

CHRONOLOGY

1867: First federal firearms legislation passed, entitled *An Act to Prevent the Unlawful Training of Persons in the Use of Arms*.

1869: Parliament passes *An Act to Prevent Offences Against the Person*, which creates the legal category of 'offensive weapons.'

1877: *An Act to Make Provisions Against the Improper Use of Firearms* becomes the first Canadian law passed that explicitly recognizes handguns as 'offensive weapons.'

1878: Parliament enacts *An Act for the better prevention of crimes of Violence in certain parts of Canada until the next session of Parliament*. The *Act* empowers the federal government to take strict measures to counter disturbances in the peace including the licencing of firearms owners.

1892: Firearms regulations are included in the first *Criminal Code*. A permit system is introduced for handguns.

1913: The *Criminal Code* is amended to required a permit to carry any handgun or small arm, regardless of any probable threat to the gun owner or their property

1919: The *Criminal Code* is amended to require all non-British 'aliens' to have a permit to possess any type of firearm, including long guns.

1934: All handguns in Canada are required to be registered.

1940: All guns in Canada are to be registered during World War II for national security purposes. The registration program is only a temporary measure and lasts only for the duration of the War.

1951: The RCMP establishes a central handgun registry. The legal category of 'restricted weapon' is introduced. All restricted weapons must have a valid serial number.

1967: The first major national poll is taken on the subject of gun control. Eighty-six percent of Canadians support the idea of a permit system for all gun owners.

1969: A number of significant changes to the *Criminal Code* firearms provisions are made as part of the 'Omnibus Bill.'

1975: The Liberal government announces that it will toughen federal gun control significantly

24 February 1976: Bill C-83 is introduced in Parliament. The bill would have been Canada's first comprehensive gun control law. However, it was withdrawn by the government after facing intense opposition and replaced by the much less stringent Bill C-51.

20 April 1977: Bill C-51 is introduced in the House of Commons. The main provision of the Bill is the creation of a Firearms Acquisition Certificate (FAC) for new gun owners.

18 July 1977: Bill C-51 passes third reading in the House of Commons by a margin of 95 to 40.

5 August 1977: Bill C-51 receives Royal Assent.

6 December 1989: 14 female students at L'École Polytechnique are murdered by a man with a legally obtained semi-automatic firearm. This incident, known as the Montreal Massacre, has a profound and lasting impact on the politics of gun control.

January 1990: In response to the Massacre, Wendy Cukier and Heidi Rathjen begin working together to establish Canada's first gun control movement. Soon after the Massacre, the two women create Canadians for Gun Control, later to become the Coalition for Gun Control. Since then, the Coalition has been the leading champion of tougher gun controls.

26 June 1990: Bill C-80 introduced.

12 May 1991: Bill C-80 dies on the order paper. The bill had been abandoned by the government months earlier.

30 May 1991: Bill C-17 introduced.

7 November 1991: Bill C-17 passes in the House of Commons by a vote of 189-14.

5 December 1991: Bill C-17 receives Royal Assent on the eve of the second anniversary of the Montreal Massacre.

25 October 1993: The election of 1993. Reduced to only two parliamentary seats, the Conservative government suffers the worse electoral defeat in Canadian history. The Liberals become the government. Among their campaign promises was a very vague commitment to gun control. Two new parties, the Bloc Québécois and the Reform Party, become important Parliamentary entities. The Reform Party would become a vocal opponent of gun control, while the Bloc would strongly support the government's tougher gun laws.

24 March 1994: Justice Minister Allan Rock announces that he favours much tougher gun laws, including a possible ban on handguns.

15 May 1994: At its national convention, the Liberal Party overwhelmingly endorses the justice minister's calls for tougher gun controls proposals.

22 September 1994: More than 10,000 angry gun owners march on Parliament to protest against plans for tougher gun control in a rally called "Fed Up."

30 November 1994: Justice Minister Allan Rock formally announces the government's gun control proposals.

14 February 1995: Bill C-68, which would later become the *Firearms Act*, is introduced in the House of Commons.

5 April 1995: Bill C-68 passes second reading in the House of Commons by a margin of 173-53.

13 June 1995: Bill C-68 passes third reading in the House by a margin of 192-63.

22 November 1995: A significant amendment package to Bill C-68 (which would have effectively killed it) is narrowly defeated in the Senate with 53 senators voting against the amendments and 46 voting in favour. Immediately after that vote, Bill C-68 passes in the Senate by a margin of 64 to 28 with 11 abstentions.

23 November 1995: The Province of Alberta announces that it will challenge the constitutionality of Bill C-68. It is supported by Saskatchewan, Manitoba, and Ontario, the Yukon, and the NWT.

5 December 1995: Bill C-68 receives Royal Assent on the eve of the sixth anniversary of the Montreal Massacre and becomes law as the *Firearms Act*.

3 February 1997: The Assembly of First Nations threatens to challenge the constitutional validity of the *Firearms Act* on the grounds that it violates Aboriginal treaty rights.

2 June 1997: The election of 1997 returns the Liberals to power with a slim majority government. The issue of gun control was not an important election issue despite the controversy over the *Firearms Act* and the effort of many gun organizations to make gun control a prominent issue. During the campaign they wanted Canadians to "Remember C-68 when you vote." As part of their platforms, both the Conservatives and Reform endorse the repeal of the *Firearms Act*.

8 September 1997: The Alberta Court of Appeal begins hearing Alberta's challenge of the gun registry. *Reference re the Firearms Act* centres entirely on Alberta's contention that the *Act* violates provincial jurisdiction.

22 September 1998: Nine thousand angry gun owners protest the gun registry in an event called "Fed up II." Protestors are instructed to behave politely to help rehabilitate the image of gun owners.

29 September 1998: The Alberta Court of Appeal rejects Alberta's claim by a margin of 3-2. Shortly after, Alberta indicates that it will appeal its case to the Supreme Court.

1 October 1998: The *Firearms Act* is due to begin a process of gradual implementation on this date. However, due to logistical difficulties the date in was moved back until 1 December. This would be the first of many deadlines that the government was unable to meet regarding the implementation of the *Firearms Act*.

1 December 1998: The implementation of the *Firearms Act* begins. The Canadian Firearms Centre begins operating to administer and implement the *Firearms Act*. The agency is responsible to Parliament through the Justice Department.

15 June 2000: The Supreme Court upholds the constitutionality of the *Firearms Act*, unanimously ruling that the *Firearms Act* does indeed fall under federal jurisdiction according to the constitution.

27 November 2000: The federal election of 2000. Gun organizations target a number of MPs during the campaign because of their stand on gun control. Justice Minister Anne McLellan barely retains her Edmonton riding. Gun control is not an issue of significance during the nation election campaign.

1 January 2001: The deadline passes for gun owners to obtain a firearms licence.

9 October 2002: Bill C-10 *An Act to Amend the Criminal Code* (cruelty to animals and firearms) passes third reading in the House. The bill was designed to address the many logistical and administrative issues associated with the implementation of the *Firearms Act*.

28 November 2002: Using a rare procedure, the Senate splits Bill C-10 into two parts: C-10a dealing with firearms and C-10b dealing with cruelty to animals. Although the Senate did not amend the bill, the mere fact that the bill was altered meant that it must be sent back to the Commons for approval.

3 December 2002: The federal Auditor-General, Sheila Fraser, chastises the government for its mismanagement of the firearms registry. She confirms what has been long suspected: that the registry is more than \$1 billion over budget. Fraser is also extremely critical of the mismanagement of the registry and the degree to which Parliament has been misled on the issue.

1 January 2003: the “final” deadline to register firearms. Due to technical problems and logistical difficulties, it would later be announced that gun owners could register their firearms by 1 July 2003 without being prosecuted.

18 March 2003: Four Liberal MPs and two Liberal senators publicly denounce the rising costs associated with the administration of the *Firearms Act*.

25 March 2003: The firearms registry survives a crucial vote in the House regarding the funding of the program. Without an infusion of an additional \$59 million the registry would not have enough money to make it to the end of the fiscal year. With the support of the Bloc and the imposition of strict party discipline, the vote passed by a margin of 173-75.

1 April 2003: Responsibility for the firearms program is moved from the Justice portfolio to the solicitor-general’s office.

13 May 2003: Bill C-10a receives Royal Assent

3 June 2003: Ontario and Nova Scotia join Alberta, Saskatchewan, and Manitoba as provinces that refuse to prosecute offences relating to the firearms registry.

4 June 2003: The Solicitor-General announces that the firearms registry has been plagued by massive computer problems. As a result many people who registered before the January 1 deadline were not entered in the system.

18 June 2003: The Solicitor-General confirmed that anyone registering their guns or seeking to obtain a licence would not be prosecuted for missing earlier deadlines, despite the fact that gun owners had been required to obtain a licence by 2001.

1 July 2003: The “grace period” ends for those who have not yet registered their guns. More than 300,000 licenced gun owners still have not registered their guns.

October 2003: It is revealed that in response to the December 2002 report of the Auditor-General, the Canadian Firearms Centre tightened its budget significantly.

12 December 2003: Responsibility for the federal firearms program is moved to the Ministry of Public Safety and Emergency Preparedness. Anne McLellan once again becomes responsible for the gun registry in cabinet.

January, 2004: Under the direction of Prime Minister Martin, the government announces that the federal firearms program is under review and may undergo significant changes. The Prime Minister, however, indicates that the gun registry itself is not in jeopardy.

January, 2004: The annual cost of the federal firearms program is estimated to be \$113 millions. As of Jan. 1, 2004 only one person had been charged for violating the registry and it was estimated that over one million guns had not been registered.

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