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Brief history of Canada's gun laws

Part II: 1945-1995

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The Liberal government of William Lyon Mackenzie King abandoned the registration of rifles and shotguns in February, 1945, dismantling it before the June, 1945 federal election along with a number of other equally repressive and unpopular Orders-in-Council that had been introduced under the War Measures Act. But members of the Japanese 'race,' even native-born Japanese-Canadians, were still prohibited from owning firearms and ammunition. (Most Canadians fail to appreciate that "multiculturalism" is a late 20th century construct.)

But at the same time that the government repealed the registration of rifles and shotguns, it used the War Measures Act to order the registration of automatic firearms; firearms that can continue to load and fire as long as the trigger is depressed and there is ammunition available in the feed system.

Although the unrestricted civilian ownership of automatic firearms was subject to no more restrictions than "ordinary" long guns and were seldom used in crime, the Department of National Revenue had prohibited their importation since 1929. In 1945, justification for registering automatic firearms was the government's fear that large numbers of these guns would be imported as "war trophies" by returning military personnel.

But those law-abiding citizens who tried to comply with the government's registration order quickly discovered that registration was a fraud. It was really a prelude to confiscation. Even if the applicant was of demonstrated ". . . discretion and good character," the police seized their automatic firearm when it was presented for registration, refused to register it, and ordered it destroyed. Not surprisingly, police reported that few automatic firearms had been presented for "registration."

While the debacle of gun owner licensing and registration in WWII appears to have soured police and government officials on the subject of registering ordinary long guns, the post-war period saw the RCMP expand its handgun registration bureaucracy.

Recall that in 1933, the federal government had tightened the regulations under which a "permit to carry" a handgun could be issued to civilians, giving the police even more discretion over who could possess and carry handguns and other "offensive weapons."

Note that until 1969, a "permit to carry" allowed a person to carry a handgun upon the person elsewhere than in his or her home or place of business.

Increased police screening of applicants combined with the government's requirement that handgun owners belong to approved target shooting clubs -- an expensive proposition during the Great Depression -- ensured that handgun ownership was unaffordable for the unemployed and lower economic classes, which was precisely the government's intention. This framework of complete police discretion was expanded during and after WWII, and new regulations introducing an expanded range of permits for handguns and automatic firearms were introduced in 1951 and 1954.

While the federal government had estimated in 1933 that there were at least 250,000 civilian-owned handguns in Canada, by 1937 only 40 per cent had been registered. Similar to their current mishandling of universal gun registration, rather than admit that it had made a mistake the federal government ordered the re-registration of handguns in 1939 (and every five years thereafter). In 1950, then-justice minister Stuart Garson told Parliament that 45,000 handguns originally registered in 1939 could not be found ". . . despite intensive efforts to trace them." During the 1950s, the Ontario Provincial Police reported that its efforts to encourage compliance with registration were less than successful, and that there were many unregistered firearms (handguns and automatic firearms) in the province.

While the ownership of ordinary rifles and shotguns continued to remain completely unregulated following WWII, homicide and suicide rates in the 1940s, 1950s and early 1960s were considerably lower than they are today. But that all changed as the social upheaval of the 1960s was associated with dramatic increases in social and political violence in Canada and throughout the western world. In this context, the American government introduced the 1968 Gun Control Act, which one investigative journalist described was passed ". . . not to control guns, but to control blacks."

In Canada, the push for more restrictive gun laws had its genesis in the upheaval surrounding the growth of the separatist movement in Quebec and the violent politics of the FLQ. Alarmed by a perception of rising levels of violence, politicians and senior Canadian police officials vigorously pressed the government for "tougher" controls on guns and gun owners.

Just 15 months before the crisis in October, 1970, the federal government reacted to these demands by passing new gun laws that for the first time in Canadian history legally defined long guns as "firearms." It also eliminated handgun hunting and the carrying of handguns upon the person by authorized permit holders. Further, the legislation introduced the concept of "restricted" and "prohibited" firearms. It gave the government complete authority to restrict or prohibit, without consultation, any restricted or prohibited firearm not "commonly-used for hunting or sporting purposes"; authority that would be expanded in subsequent legislation to allow the government to prohibit any firearm.

While the 1969 legislation would be the basis for all future Canadian "gun control" laws, it was short-lived. In 1977, the federal government insisted that even tougher firearm laws were necessary. After more than a year of intense debate the government introduced Bill C-51, prohibiting automatic firearms and requiring civilians to obtain a police-issued permit before acquiring any firearm.

While it has always been maintained that the 1977 legislation was prompted solely by rising levels of gun-related crime and public safety concerns, historical analysis and recently-released Cabinet documents show that the Bill C-51 was passed not to control crime, but to distract public attention from, and to persuade MPs to support, the government's proposal to abolish capital punishment.

The murder of 14 young women at the University of Montreal in December, 1989, is often cited as the catalyst for additional "gun control" legislation passed in 1991 (Bill C-17). However, the federal government appears to have been alarmed more by the violent aboriginal protests occurring at Oka and Kahnawake that were galvanizing aboriginal dissent against the government's inaction on native land claims. The prospect of one hundred other Oka's involving aboriginals dressed in combat fatigues and armed with "military style" rifles frightened the government far more than the criminal actions of one deranged gunman. While, under C-17, the possession of handguns and "military style" semiautomatic firearms were subject to severe restrictions (legally registered "military style" firearms were ordered confiscated without compensation), Canadians retained their right to possess ordinary hunting rifles and shotguns without the government's permission

The 1995 Firearms Act (Bill C-68) was passed by the Liberal government during a period of declining gun violence. Less than five per cent of all violent crimes in Canada involve a firearm, and despite decades of tough laws regulating the civilian ownership of handguns, nearly three-quarters of all gun-related violent crimes involve handguns, most of them unregistered.

While previous administrations in the period following WWII had consistently rejected long gun registration as unworkable, impractical and expensive, the Liberals needed to live up to their pre-election commitments to once again "toughen" Canada's gun laws. The anti-subversive aspect of Bill C-68 was promoted by justice minister Allan Rock who claimed that gun registration will help the government ". . . track paramilitary groups," and find out who is ". . . stockpiling firearms." It is probably not coincidental that the House of Commons rushed through Bill C-68 as Quebecers were debating whether they should vote to remain part of Canada, just before the Oct. 30, 1995 referendum.

Like every other piece of Canadian "gun control" legislation, the real motivation for Bill C-68 was strategic political concerns, not anxieties over crime or violence. It is but another chapter in the "culture conflict." Firearms are symbolic of groups of people and cultures that are disliked, largely for reasons not directly related to gun ownership.

The 1995 Firearms Act, like every other piece of restrictive "gun control" legislation

introduced since Confederation, has certainly failed to stop armed crime or eliminate illegally owned weapons. But that is not really the point. The point is that successive Canadian governments, purportedly fearful of mayhem and social upheaval, gradually deprived the Canadian public of a right to be armed that had been a part of a common law heritage recognized in Britain's Bill of Rights of 1689. It states that "the Subjects which are Protestants may have arms for their defence suitable to their condition and as allowed by law."

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