The Not-So-Slippery Slope: Canada Abandons the Long-Gun Registry

INTRODUCTION

In March of this year, Canada deliberately stepped back from the slippery slope by scrapping its infamous long-gun registry. This historic reversal honored a longstanding campaign promise. The Conservative victory in 2010 ended decades of Liberal rule and promises to reshape Canada. Prime Minister Harper vowed to change the gun laws to focus more on criminals than hunters and farmers.

By ending its long-gun registry, Canada shocked anti-gun organizations and undermined claims about the inevitability of ever increasing restrictions on civilian guns. Canada’s first truly Conservative government has also scandalized so-called “progressives” by expanding individual rights to defend oneself and one’s property, cracking down on violent crime with tough new laws, and casting cold water on feel-good initiatives such as the Arms Trade Treaty and the UN’s Programme of Action on Small Arms and Light Weapons (SALW).

Canada joins New Zealand as one of the few countries that have rolled back civilian gun laws, and in so doing defying strong and pervasive international anti-gun forces. In the past decades law-abiding citizens in Australia, England, and continental Europe have been subjected to ever more onerous restrictions. The pattern is well known and repetitive: a multiple-person shooting dominates the media for a few weeks or months and resulted in yet another reduction in civilian gun rights. Outside of the United States, there is little public debate since virtually no reputable organization will speak up to defend gun owners. The free world slides ever closer to disarming law-abiding civilians in an attempt to protect them from violence.

In this article I review the recent changes in Canada’s gun laws and place them in historical context. Radical feminism played a dominant role in shaping Canada’s contemporary gun laws, but other forces, including antipathy to the United States, were behind earlier restrictions on firearms. In the second section, I review the
empirical evidence supporting (or undermining) the leading claims made about the long-gun registry in the recent debates.

In conclusion, I argue that Canada demonstrates how it is possible to oppose socialist or statist policies that have progressively reduced responsible citizens to supplicants. Perhaps it is possible to defy the ever-slippery slope (Kopel and Olson1999)?

HISTORY OF CANADIAN GUN LAWS

Canada has long been counted among the countries that have been gradually tightening the noose on civilian gun owners. As is typical for countries in the British Commonwealth, the Canadian Charter of Rights and Freedoms provides less protection for individual rights than the American Bill of Rights (Kopel 1992). Despite abandoning the long-gun registry, Canada still retains stricter controls on firearms than would be generally acceptable in the United States.

The current Canadian firearms law is the 1995 Firearms Act (Bill C-68), which mandates universal firearm registration and owner licensing1. Prior to this legislation, the provinces had long controlled the safe handling of long guns (rifles and shotguns) through provincial hunting regulations, and, since 1934, the RCMP handled the registration of handguns. In 1977, police scrutiny was mandated for all purchasers of firearms. Prospective gun purchasers who were cleared by the police received a Firearms Acquisition Certificate (FAC). In 1991, in response to a multiple-victim shooting in 1989 by Gamil Gharbi, large-capacity magazines and a large number of semiautomatic rifles were prohibited or restricted and regulations on FACs tightened up.

The 1995 Firearms Act was the second gun law instigated by Gharbi’s murders. Gharbi (who had changed his name to Marc Lépine) was the son of a wife-beating Algerian immigrant to Canada who, after his father abandoned his mother, knew whom to blame for his personal problems: liberated women. In 1989, he took a Ruger Mini-14 rifle to the Ecole Polytechnique in Montreal and murdered 14 female engineering students. Police incompetence allowed Gharbi the time to kill at leisure. At the university, Gharbi ordered the males to leave the room, and, after they meekly complied, he
shot the remaining women. Despite his stopping to change magazines during the carnage nobody attempted to intervene. The police arrived long after Gharbi had committed suicide. The Montreal coroner strongly criticized the police handling of the matter, but Canadian feminists blamed all men for this attack. Their strident calls for disarming “male oppressors” dominated the media, and unsurprisingly, the political response.

Immediately after the Gharbi shootings, he government of the day, Brian Mulroney’s Progressive-Conservatives, introduced tighter controls on gun owners (Bill C-17), including safe-storage regulations and stricter screening of prospective firearms purchasers, as well as prohibiting a large number of semiautomatic military-style rifles (but not the Mini-14). During this same time period (the late 1980s and early 1990s), the P-Cs were crumbling. In the 1993 election, the P-Cs splintered into three antagonistic factions, the Reform Party in the west, the Bloc Québécois (the Quebec Party), and a minuscule rump retaining the P-C name. As a result, the Liberals handily won a majority in Parliament, and, in thrall to the feminist lobby, promptly introduced radical changes to Canada’s already strict gun laws.

When the Liberals came to power, they immediately saw the political potential of cracking down on guns, and rammed Bill C-68 though Parliament. Despite their mutual antagonism, three of the four opposition parties (Reform, Progressive-Conservative and New Democrat) united against the legislation. The only opposition party to support the new gun law was the Bloc Québécois. In 2000, the Supreme Court of Canada rejected a constitutional challenge by six provincial governments (including Ontario) and ruled that the federal gun law was justified under the “peace, order and good government” clause of the constitution.

The keystone of the Liberal Firearms Act (Bill C-68) was licensing: henceforth, owning a firearm, even a normal rifle or shotgun, was a criminal offence without holding a valid licence. Additionally, for the first time, long guns (rifles and shotguns) now had to be registered. To coincides with the “National Day of Remembrance and Action on Violence against Women,” (a memorial to Gharbi’s victims), the Firearms Act (Bill C-68) became law on December 5, 1995, but, because of the complexity of the regulations, it took until
1998 for the Canadian Firearms Centre (established as a program within the Justice Department) to begin issuing firearms licences and requiring gun buyers to register long guns. On January 2001, all gun owners were required to have a licence by and by July 2004 to register all rifles and shotguns in their possession. Not everyone complied, as C-68 was not popular among those affected. Approximately 65% of firearms owners are estimated to have registered at least one rifle or shotgun, and no more than half of all long guns ended up in the registry (Mauser 2007).

The Firearms Centre quickly grew out of control. The fiasco was exposed when the Auditor General released a scathing report in December 2002 revealing the incompetence in the Department of Justice. Despite promising that the firearms program would not cost over C$2 million, the Auditor General estimated that expenditures would exceed C$1 billion by 2005. By 2012, the cumulative total had ballooned to more than C$2.7 billion (Lott and Mauser, 2012). Fiscal irregularities uncovered by the Auditor General (December 2002a, 2006) including mismanagement, corruption and misleading parliament, stimulated a parliamentary revolt. In 2003, Parliament established the Firearms Centre as a freestanding agency and imposed an annual spending cap. In 2006, responsibility for the Firearms Centre was transferred to the Royal Canadian Mounted Police.

Thanks to the fractured opposition, Jean Chrétien led the Liberals to victory in the two subsequent elections (1997 and 2000). However, the tide was running out on the Liberals. Fundamental changes were taking place in the opposition ranks. Not only was the Reform Party growing stronger while the P-Cs continued to deteriorate, but in a palace coup, Paul Martin overthrew Chrétien to become the new Liberal leader late in 2003. In the 2004 election, the Liberals barely squeaked back in with a minority government. Opposition to the Liberals continued to firm up. In 2003, the Reform Party (now christened the Canadian Alliance) merged with the Progressive-Conservatives to create the Conservative Party of Canada. The Auditor General’s reports led to RCMP investigations of Liberal insiders. Arrests and convictions followed, and ultimately the Liberal government fell in 2006.

Under Stephen Harper, the CPC went on to win two minority governments (in 2006 and 2008), before finally winning a majority
in 2011. Thanks to retirements, Harper had managed to appoint a majority of Senators by 2012, and so controlled both branches of the Canadian government. The Liberals had been banished to the opposition benches, and the Harper Conservatives had managed finally to win control of the Canadian ship of state.

Unfortunately, the Gharbi-inspired gun laws of the 1990s are not unique in Canadian history. Canada has long regulated firearms more severely than the United States. In fact, this history demonstrates the slippery slope of gun control. Gun laws are passed during periods of fear or political instability. Despite the demonstrated inability of gun laws to reduce violent crime, politicians have periodically called for still more gun laws and the bureaucracy surrounding them continues to grow.

During the 1930s the Canadian government feared labor unrest as well as American rumrunners. As a result, in 1934 it passed firearm legislation that mandated handgun registration. There were separate permits for British subjects and for aliens. Before 1947, few orientals or blacks qualified as British subjects even if born in Canada. World War II introduced additional gun control laws, including general registration of long guns. In 1941, concern about possible Japanese sabotage, the government prohibited all orientals (including Chinese) from owning firearms and confiscated their firearms. This is difficult to understand because China was a wartime ally of the British Commonwealth.

Terrorism in Quebec dominated Canadian concerns during the late 1960s and the early 1970s. In 1969, another firearm law was introduced that created the categories of “restricted weapons” and “prohibited weapons” for the first time. The RCMP was given the authority to attach any “reasonable conditions” to the “use, carriage or possession of the [restricted] weapon … or ammunition, as [deemed] desirable in the interests of the safety of other persons.”

Restrictions were increased for what was now defined as “restricted weapons” (mostly handguns), including requiring a specific purpose for use and at this point they were subjected to stricter conditions, including the requirement that separate permits must be obtained each time handguns were taken to gunsmiths, gun shows or target ranges. Permits for “protection” were limited to a handful of people, such as retired police, judges, geologists, and prospectors.
Citizens were only allowed to purchase a restricted weapon if the police judged them to be suitable owners.

The new category, “prohibited weapons,” which included fully automatic firearms, silencers, switchblades, nunchakus, and rifles and shotguns shorter than 66 cm or 26 inches, were made subject to more stringent conditions than restricted weapons. It became illegal to purchase or sell a prohibited weapon, though people who happened to own them before the introduction of the legislation could keep them and sell them amongst themselves but not take them to a shooting range. The government also gave itself the authority to restrict or prohibit, through Order-in-Council, any firearm “not commonly used in Canada for hunting or sporting purposes.” (Orders-in-Council are decisions made at the cabinet level and therefore undergo no parliamentary review.)

In 1977 firearm legislation was amended again. A permit was now required to obtain ordinary rifles and shotguns (the Firearms Acquisition Certificate, or FAC). A new crime was introduced regarding “unsafe storage of firearms,” although no definition of safe storage was provided. Fully-automatic firearms were prohibited (although present owners were “grandfathered”). The protection of property was eliminated as a suitable reason for acquiring a restricted firearm, and owners could no longer register handguns at their business address. The police began to refuse an FAC to anyone who indicated she or he desired to acquire a firearm for self-protection. This is shocking since in a typical year tens of thousands of Canadians claim to use firearms to protect themselves or their families from violence (Mauser, 1996).

In 1991, the Progressive Conservative government decided there should be new firearm legislation in response to the horrific multiple-victim shooting in Montreal by Gharbi in 1989. After a lengthy investigation, the Quebec coroner concluded that poor police response time rather than the particular weapon used was primarily responsible for the high number of deaths. The 1991 legislation (Bill C-17) expanded the list of prohibited weapons to include converted full-automatics and a large number of semiautomatic military-style rifles and shotguns. A semiautomatic firearm requires a separate press of the trigger for each shot, although it automatically readies itself for the next. No empirical studies had
been conducted to determine which, if any, types of firearms posed a threat to public security. Military-style firearms were restricted primarily because of their cosmetic differences from other firearms. This legislation changed the FAC system so that it now required applicants to provide a photograph and two references and imposed a mandatory twenty-eight-day waiting period and safety training before obtaining an FAC. At the same time, the application form was expanded to include thirty-five questions. If the applicant was married or divorced, one of their references was required to be a spouse or former spouse.

Applicants were now more thoroughly screened by police. The screening often involved telephone checks with neighbors and spouses, even ex-spouses. Other major changes included new Criminal Code offences, an expanded list of prohibited and restricted weapons, new regulations for firearm dealers, and explicit regulations for the safe storage, handling, and transportation of firearms.

Thanks to Gharbi’s choice of the Mini-14, a major focus of the new legislation was semiautomatic military-style guns. The class of prohibited weapons was expanded to include semiautomatic firearms that had been converted from fully automatic. Ironically, the Mini-14 was not prohibited because of its popularity in Western Canada. Owners of the newly prohibited firearms were faced with eventual confiscation without compensation. The legislation also prohibited high-capacity cartridge magazines for automatic and semiautomatic firearms. A series of Orders-in-Council prohibited or restricted many semiautomatic rifles and some types of nonsporiting ammunition.

Bill C-17’s requirement for FAC applicants to show knowledge of the safe handling of firearms came into effect in 1994. To demonstrate such knowledge, applicants had to pass a test or a firearm safety course approved by a provincial attorney general, or a firearm officer had to certify that the applicant was competent in handling firearms safely. The mandated safety courses had to cover firearm laws as well as firearm safety.

Upon being elected in 1993, the Liberals brought in new gun legislation (Bill C-68). The government prohibited over half of all registered handguns in Canada (smaller handguns that could be carried concealed) and initiated plans to confiscate them. There was
no evidence provided that these handguns had been misused. The Auditor General of Canada found that no evaluation of the effectiveness of the 1991 firearm legislation had ever been undertaken (Auditor General, 1993, pp. 647 - 655). Bill C-68 became law on December 5, 1995; the main provisions began to be phased in when owner licensing and long-gun registration began in 1998; licensing became mandatory in 2001, and all long guns were required to be registered by 2003. Any person who allows his/her licence to expire is subject to arrest and their firearms confiscated.

In addition to licensing owners and registering firearms, Bill C-68 (formally known as the Firearms Act of 1995) broadened police powers of search and seizure and expanded the types of officials who could make use of such powers; it weakened constitutionally protected rights against self-incrimination, and it imposed stricter requirements for obtaining a firearm licence (the application retained the personal questions required by the previous legislation and now required two personal references plus endorsements from current or former “conjugal partners”).

Opposition to Bill C-68 was intense from the beginning and has not abated. Grassroots anger helped to fuel the rise of the Reform Party and contributed to the virtual elimination of the Liberals in the West. Reform Party stalwart Garry Breitkreuz, MP (Yorkton-Melville, Saskatchewan) led the fight in parliament by vociferously criticizing the failings of gun licensing and registration. Scrapping Bill C-68 was a staple campaign promise for Reform while in opposition. Once Stephen Harper became Prime Minister, the Conservatives immediately moved to end the long-gun registry. The first effort, a private member’s bill (Bill C-391) introduced by Candice Hoeppner, MP (Portage-Lisgar, Manitoba), was narrowly defeated (153 - 151) in 2010 in the House of Commons. The Conservatives had to wait until they had a majority to finally eliminate the long-gun registry on an intensely partisan vote in the House. In 2012, only two NDP MPs broke ranks to vote for Bill C-19, virtually identical to the earlier Bill C-391, and were promptly disciplined by their party leader. The bill was duly passed by the Senate and immediately proclaimed into law by the Governor General.

The long-gun registry refuses to die. Immediately following the passage of Bill C-19, a cabal of Chief Provincial Firearms Officers
mandated that retailers must continue to maintain the same information as had been required by the long-gun registry\(^3\). This was widely viewed as a backdoor approach to setting up provincial long-gun registries. The Federal Government quickly scotched this bureaucratic rebellion by introducing new regulations carefully tailored to close this loophole. At the same time, the Quebec government launched a legal challenge to halt the destruction of the data in the long-gun registry so they could set up their own provincial registry. Not to be outdone, a women’s group in Ontario is also attempting to block the law’s demise. These court challenges will ultimately be settled in the Supreme Court of Canada.

### THE LONG-GUN REGISTRY AND PUBLIC SAFETY

This section examines the arguments most often made in support of the long-gun registry. The long-gun registry has been fiercely debated in the past two years, most recently with the parliamentary battle over Bill C-19 that ended the long-gun registry. The long-gun registry was part of Bill C-68, passed in 1995 along with licensing, although it took until 2001 to require purchasers of rifles and shotguns to register them, and until 2003 to compel all owners of previously purchased long guns to register them. This lag was due to the prodigious challenge of implementing licensing and registration; ultimately, the Justice Department proved unable to manage the process with anything approaching competency (Auditor General 2002a).

The first assertion about the value of the long-gun registry is that registering rifles and shotguns plays an important role in reducing criminal violence or murder.

Even though Canadian homicide rates have been declining since the 1970s, no solid evidence can be found linking any of Canadian gun laws to a decline in either violent crime rates or suicide rates (Dandurand, 1998; Langmann 2011; Mauser 2007). Langmann’s work masterfully confirmed earlier academic findings: “This study failed to demonstrate a beneficial association between legislation and firearm homicide rates between 1974 and 2008.” There is not a single refereed academic study by criminologists or economists that has found a significant benefit from the gun laws.
More specifically, there is no empirical support for believing that registering firearms has been effective in reducing either homicide rates overall, or spousal abuse in particular, either in Canada, the United States or internationally. In general, laws that restrict access to particular instruments such as firearms do not influence the murder rate (See Kates and Mauser, 2007; Kleck, 1991, 1997; Mauser, 2008). Canadian criminologists typically argue that demographics, not firearms laws, better explain the decline in homicides involving long guns (e.g., Abma, 2011).

The multiple-victim shootings (e.g., Kimver Gill at Dawson College in Montreal and by Roszko at Mayerthorp, Alberta) that have occurred since the registry was put in place demonstrate the ineffectiveness of the gun laws. Statistically, the rate of multiple murders has not changed since the long-gun registry began (Mauser 2012a).

The ineffectiveness of the long-gun registry to reduce homicide rates can be immediately seen by comparing homicide rates before and after the implementation of the long-gun registry in 2003. The homicide rate fell faster before all long guns were required to be registered in 2003 than it did afterwards. Between 1991 and 2002, the homicide rate fell 31% but just 7% from 2003 to 2010.

Another way to demonstrate the ineffectiveness of Canadian gun laws is to compare Canada with the United States. It is difficult to argue that Canadian gun laws are effective when homicide rates dropped faster in the United States than in Canada over same time period (1991 to 2010). Needless to say, the US did not share Canadian gun laws. The homicide rate plummeted 51% in the US from the peak in 1991 but dropped just 40% in Canada.

The second assertion is that public safety requires strict laws to monitor potentially dangerous gun owners.

Firearms certainly can be misused, but the vast majority of owners are responsible and do not pose a threat of violence. Available statistics suggest that law-abiding gun owners are less likely to be murderous than other Canadians. This should not surprise: firearms owners have been screened for criminal records since 1979, and it has been illegal since 1992 for people with a violent record to own a firearm.

Gun owners may be compared with other Canadians by calculating the homicide rate per 100,000. Statistics Canada reports that
151 licensed gun owners were accused of committing murder over the 13-year period (1997-2009), or an average of 11.6 owners per year. This means a homicide rate of 0.60 per 100,000 licensed gun owners. Over the same 13-year period, there were 7,620 homicides in total, or a national homicide rate of 1.85 per 100,000 people in the general population. In other words, almost two people out of every 100,000 Canadian residents are accused of murder. It follows that licensed Canadian firearms owners are less likely to commit murder than other Canadians. Or to put this another way, Canadians who do not have a firearms licence are three times more likely to commit murder than those who do. Despite these facts, the RCMP budgeted over $20 million annually for the long-gun registry (Mauser 2012a).

The third assertion is that long guns are the weapons of choice in domestic homicides.

One of the primary arguments used by the supporters of the registry is that since ordinary rifles and shotguns are often used in domestic homicides, they should be registered in order to aid police in identifying their owners. Registration, they say, would both encourage responsible use as well as facilitate pinpointing anyone who misused a firearm.

In fact, the long-gun registry and licensing are rarely needed by police to solve spousal homicides for two reasons: [1] in almost all cases the murderer is immediately identified, and [2] the firearms used by abusive spouses to kill their wives are almost all possessed illegally.

One study of long guns involved in homicide found that just 4% were registered and only 24% of homicide suspects who used a firearm had a valid FAC or licence (Mauser 2012a).

It has been illegal since 1992 for people with a violent record to own firearms. Unfortunately, Canada does not currently have in place a system that would track prohibited offenders but choose instead to track legal, law-abiding, licensed duck hunters, farmers and recreational sport shooters.

Most spouses (65%) accused of homicide had a history of violence involving the victim (Sinha 2012). Approximately two-thirds of those accused of homicide were known to have a Canadian criminal record; the majority of these were previously convicted of violent offences. Over one-half of the victims were also known to have

Spousal murderers are opportunistic in that they use whatever implements are available to them to kill. Every home has a variety of objects, such as baseball bats, hammers, or kitchen knives that can be used for assault or murder. Creating expensive bureaucracies to register one or more of these items does nothing to protect vulnerable women.

In a typical year there are almost 600 homicides and 60 female spousal murders in Canada, while long guns are involved in the deaths of 11 female spouses.

Knives, not long guns, are the weapons used more often to kill women than firearms. In the period 1995-2008, knives were used in 31% of the murders of female spouses (Casavant, 2009). Long guns were involved in only 18% of female spousal homicides. Firearms of any kind were used in 29% of homicides of female spouses. See Tables 1 and 2.

**Table 1.** Types of weapons used in female spousal homicide (Annual averages 1995 to 2008)

<table>
<thead>
<tr>
<th>Weapon Description</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firearms</td>
<td>18</td>
<td>27%</td>
</tr>
<tr>
<td>Knife or other cutting/piercing tool</td>
<td>19</td>
<td>31%</td>
</tr>
<tr>
<td>Other weapons</td>
<td>23</td>
<td>42%</td>
</tr>
<tr>
<td>Total (annual average number of female victims)</td>
<td>60</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Canadian Centre for Justice Statistics, (Casavant, 2009).

**Table 2.** Types of firearms used in female spousal homicide

<table>
<thead>
<tr>
<th>Weapon Description</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handgun</td>
<td>5</td>
<td>11%</td>
</tr>
<tr>
<td>Long gun (rifle or shotgun)</td>
<td>11</td>
<td>18%</td>
</tr>
<tr>
<td>Other type of firearm or unknown</td>
<td>2</td>
<td>3%</td>
</tr>
<tr>
<td>Total homicides involving firearms</td>
<td>18</td>
<td>27%</td>
</tr>
</tbody>
</table>

Source: Canadian Centre for Justice Statistics, (Casavant, 2009).

The fourth assertion is that spousal murders with guns have fallen since the law passed even though spousal murders without guns have remained the same.
Variants of this claim have been made by the Coalition for Gun Control (Cukier 2009) and Etienne Blais (Blais and Gagné 2011) and are easily shown to be false: spousal murders (both with and without guns) have slowly been declining since the mid-1970s (Sinha 2011). See Chart 1 and Chart 2 below.

Table 1.

Table 2.
The total female spousal murder rate fell by more than 50% from 1979 to 2000 (the year before the long-gun registry started); it has continued to slide 15% between 2001 and 2008. Over this same time frame, the percentage of homicides involving guns has declined at approximately the same rate. It is unknown why spousal murders have become less frequent over the past few decades but what is certain is that this decline is a long-term trend. It is logically incorrect to link it to legislation that came into force only in the last few years.

The version of this claim most often promulgated by the Coalition confuses the date the law passed (1995) with the year the long-gun registry came into effect (2003). The law setting up the current firearms system was passed in 1995, but the long-gun registry did not begin until 2001 and all guns were required to be registered by 2003.

Blais and Gagné’s claim made is undermined by serious methodological errors (Langmann 2012).

The fifth assertion is that the long-gun registry is an important tool for the police.

Proponents of the registry claim that the police use the long-gun registry 16,000 to 17,000 times daily and therefore it is valuable. Besides mistaking frequency of use with usefulness, this claim is disingenuous in that it confuses the long-gun registry with the Canadian Firearms Registry On-line (CFRO).

The RCMP’s website states that almost 98% of the queries to the CFRO concern licensing, not the long-gun registry. It is often overlooked that the firearms registry only contains gun-specific data, e.g., make, model, caliber, serial number and certificate number. Inquiries specific to the gun registry amount to only 2.4% of the approximately 3.5 million inquiries into the database in 2008, which has declined each year from 8.3% in 2003 as awareness has grown that actually looking for this data has limited usefulness.

Repealing the long-gun registry will not change the licensing system so virtually all of these inquiries will continue as before as they concern queries about licensing of people and not the registration of individual guns. Scrapping the long-gun registry would not “significantly compromise” law enforcement’s ability to trace firearms in Canada – for instance, linking a weapon left at a crime scene with an
individual owner. The statistics show that police recover registered long-guns in just one percent of all homicides.

The registry is not complete enough to help police or courts to determine whether a particular individual possesses firearms. The most dangerous criminals have not registered their firearms. When police approach a dangerous person or situation, they must assume there could be an illegal weapon. Serving police officers say the registry is not useful to them.

Estimates of how many firearms are held by individuals in Canada vary from 7.5 million to more than 20 million. My best estimate is that approximately 50% of firearms in Canada are registered (Mauser and Buckner, 1997).

The potential of the long-gun registry for solving a crime is, at best, quite restricted. For the registry to identify the perpetrator of a crime, all of the following conditions must exist:

(a) A rifle or a shotgun must have been used in the crime;

(b) The offender left the long gun behind at or near the scene of the crime;

(c) The police recovered the gun;

(d) The offender was not arrested at the scene of the crime nor on the basis of information unrelated to the gun (if he had been so arrested, the gun would be redundant in identifying the suspect), and

(e) The gun was registered by the offender, using his real name or enough other information to uniquely identify him, or the owner of the gun could provide information that would lead police to the offender.

If those conditions are not met, then the registry cannot help the police track firearms to solve crimes. The statistics bear out the improbability of these criteria being met.

During the eight years from 2003 to 2010, there were 4,811 homicides; 1,485 of those involved firearms. Statistics Canada reports that only 135 were registered. In just 73 cases – that is only 4.9 percent of all firearm homicides – was the gun registered to the accused, and some of those may be innocent. Only 45 of these 73
cases involved long-guns; thus, less than 1 percent of all homicides involve long-guns registered to the accused. (Mauser 2012a)

Even if all of these 62 cases involved long-guns, and they do not, eliminating the long-gun registry could not “significantly compromise” law enforcement’s ability to trace firearms in Canada, as registered firearms are involved in only 4.7% of firearm homicides and 1% of all homicides. Predictably, the police have not been able to say that the long-gun registry identified any murderer from tracing a firearm in these few cases.

Nor has the long-gun registry proved useful in solving police killings. Since 1961, 123 police have been shot and killed. Only one of these murders involved a registered long gun, and it did not belong to the murderer. Once again, the registry could not have been useful to the police in identifying the killer.

The long-gun registry has reduced the effectiveness of the police by driving a wedge between them and responsible citizens who own firearms. Treating honest citizens as if they were criminals violates the basic principles of Sir Robert Peel, the father of modern policing.

The ability of the police to perform their duties is dependent upon the public approval of police actions. Police must secure the willing co-operation of the public in voluntary observation of the law to be able to secure and maintain the respect of the public.

The sixth assertion is that the registry is useful to police by letting them know who has firearms.

It would be particularly important to police when taking preventative action or when enforcing prohibition orders to know what weapons a suspect has. “Before a police officer knocks on a door, they want and need to know whether the person behind that door owns a gun,” (Ontario Attorney General, 2009).

However, the long-gun registry ipso facto contains no information about unregistered firearms, and less than half of all Canadian firearms have been registered (Mauser 2007). The most dangerous criminals have not registered their firearms. Clearly, the registry cannot inform police about the existence of unregistered guns. Trusting the registry can get police officers killed. The failure of the registry to signal a firearm owner at a residence does not rule out a firearm being there.
When police approach a dangerous person or situation, they must assume there could be an illegal weapon. Even when guns have been registered, the long-gun registry does not include information about a gun’s location. There is no requirement to store a long gun where the owner resides. The registry contains descriptive information about registered guns and only registered guns. The police need information they can trust. Experienced police officers who work on the front lines say they do not find the registry helpful (Grismer, 2011; Hansen, 2012).

Despite its irrelevance, some police associations have endorsed it. These endorsements may reflect where they receive funding and are currently under scrutiny. MPs who voted for Bill C-19 were right to ignore the disingenuous claims of these police associations.

Here is what one serving RCMP corporal (who requested anonymity) had to say:

“I certainly do not understand how the Canadian Association of Chiefs of Police can claim that the registry is a useful tool. I think their doing so is more a statement of how long it has been since any of them has been in touch with front line policing. I supervise 10 RCMP members on a daily basis and have done so for quite some time. I have never once in my career found the registry to be a useful tool in solving a single crime and can say without a doubt that I have never witnessed the long-gun registry prevent a crime.” Source: email to Candice Hoeppner, M.P. - October 2009

The registry is a shopping list for criminals. The RCMP has admitted to more than 300 breaches so far. Early in 2009, the RCMP handed over sensitive information to the polling firm Ekos Research Associates for a customer-satisfaction survey. Gun owners believe this was a serious breach of privacy. Scrapping the registry means eliminating a possible shopping list for computer-hacking criminals (Hoeppner, 2009).

In summary, almost all of the inquiries are routinely generated by traffic stops or firearm sales and are not specifically requested by police. More than 97% of these inquiries involve licensing, not the long-gun registry. Inquiries specific to the gun registry amount to only 2.4% of the approximately 3.5 million inquiries into the
database in 2008. The registry cannot inform police about the existence of unregistered guns. Since only half of Canada’s gun stock has been registered, the failure of the registry to signal a firearm owner at a residence does not rule out a firearm being there. Trusting the registry can get police officers killed.

The seventh assertion is that the data in the long-gun registry are too valuable to be destroyed.

The many errors and omissions in the long-gun registry vitiate its utility for police and courts. The Auditor General found that the RCMP could not rely upon the registry on account of the large number of errors and omissions (Office of the Auditor General, 2002b). This has not changed since that date. It is the nature of gun registries to have such errors and omissions, often on a staggering scale. Recent reports show that a large number errors continues to exist despite the best efforts of the Canadian Firearms Program (Cain 2012). Unsurprisingly, immense problems have been reported concerning the accuracy of the South African firearms registry (Cronje 2011). Gun registries are inherently inaccurate. This was the key reason why the New Zealand Police abandoned their long-gun registry (Thor, 1997).

The RCMP has reported error rates between 43% and 90% in firearms applications and registry information. A manual search, prompted by an MP’s ATI request, discovered that 4,438 stolen firearms had been successfully re-registered without alerting authorities. Apparently, the thieves had resold the firearms to new owners who (unsuspectingly) had subsequently registered them (Breitkreuz, 2003).

This is a classic database problem: garbage in, gospel out. Frontline police know better. In 2006, the Auditor General reported that, “(T)he (Canadian Firearms Program) did not establish targets for data accuracy or methods of measuring the accuracy of data in the CFIS,” and that only 27% of firearms had been verified (Auditor General, 2006). It should be understood that the irregularities in gun registration stem from multiple causes that remain inherent in a registration system. Even if the RCMP has improved data processing since 2006, these problems will persist.
It is ironic that progressives strongly support gun licensing and gun registries while loudly decrying the existence of other police databases of law-abiding civilians.

**Conclusions**

Scrapping the notorious long-gun registry is an excellent first step towards dismantling the oppressive firearms legislation previously imposed by the Liberals. In the past, hysteria over guns created an oppressive regime for law-abiding gun owners; no Canadian political party remained untainted. Blaming guns allowed politicians to simultaneously be seen to do something while skating past cracking down on drug gangs that continue to thrive. Many needed changes remain to be made in policing and corrections.

Licensing, not the long-gun registry, is the key problem with the Firearms Act. Licensing unnecessarily stigmatizes law-abiding citizens who own firearms and misdirects the police. Police have scarce resources that are barely sufficient for fighting crime and violence, and they are acting hubristically by attempting to create and maintain databases on millions of law-abiding citizens. This must end. For the present, many Canadians trust Stephen Harper and the Conservatives to reshape Canada by abandoning much of former Prime Minister Trudeau’s legacy. It remains to be seen whether Prime Minister Harper will actually honour his promises to make the fundamental changes needed in the gun laws.

The Conservatives’ majority government represents a sea change in Canadian politics and has the potential to dramatically shift the national culture. Despite sharing much with its American cousin, Canada has long been more European, even socialist, thanks to the capture of the national government by left-leaning elites. The Liberal Party has dominated Canada virtually all of the 20th Century, but may now be in its death throes by ceding power to the Conservatives. Canadian Liberals appear destined to be replaced by a socialist party (The New Democrats), much like their cousins the British Liberals were supplanted by the Labour Party one hundred years ago.

The fusion of the Reform Party with the P-Cs under the leadership of Stephen Harper imbued the CPC with the libertarian and
conservative values that drove the Reform Party. Reform began and flourished in Western Canada, where people place a higher value on individual initiative and social conservatism, and oppose federal intervention in provincial responsibilities, than is popular in Central Canada. The result has been a CPC that differs fundamentally from the Progressive-Conservatives that acted as the pallid opposition to the Liberals for the past 60 years.

One of the keys to the political success of the Conservatives was the party’s decision to recruit new immigrants who form an important block of voters. Recognizing that many recent immigrants from Asia share the same basic values as other conservatives, e.g., the importance of family, small government and fiscal conservatism, the approach taken by the Conservative Party of Canada contrasts starkly with the traditional paternalistic strategy adopted by the Democratic Party in the US or the Canadian Liberal Party in appealing to minorities or new immigrants. By including immigrants as one of its core constituencies, the CPC easily distinguishes itself from the xenophobic right-of-center parties in Europe. Relying upon immigrants not only gave the Tories election victories but it also enabled them to make key changes in other central progressive legislation, i.e., abandoning section 12 of the Human Rights Act, reducing involvement in health care, and taking steps to enlarge self-defence rights.

2012 has not been a good year for the anti-gun forces. Not only has Canada stepped back from the slippery slope of gun control, but also the Arms Trade Treaty talks collapsed this summer at the UN. Despite these tactical successes, efforts must not slacken to halt the UN disarmament juggernaut. Canada’s rejection of firearm registration, like New Zealand’s decades ago will not halt the international push for further reduction of citizens’ firearm rights. The United Nations will continue to push the Program of Action, which has become a standing feature of UN disarmament efforts since 2001.

REFERENCES


Hanson, Rick, Chief, Calgary Police Service. Testimony to The Standing Senate Committee on Legal and Constitutional Affairs, re Bill C-19, An Act to amend the Criminal Code and the Firearms Act, Wednesday, March 28, 2012.


SUPPLEMENTARY READING:

http://www.gunownerssa.org
http://www.gunpolicy.org/firearms/region/south-africa
http://en.wikipedia.org/wiki/Politics_of_Canada
http://en.wikipedia.org/wiki/Marc_Lépine

ENDNOTES

1. For more detail about Canadian firearms legislation, see Mauser (2001 and 2012b,c).

2. This brief history is drawn from research by Allan Smithies and William Stanbury (Stanbury 2003; Stanbury and Smithies 2003).

3. The CPFOs argued that this power was pursuant to Section 58 of the Firearms Act, wherein a Chief Firearms Officer (CFO) who issues a business licence may attach any reasonable condition (including written records keeping) on a business licence in their jurisdiction establishing what activities a business can undertake, as well as conditions CFO considers desirable in the particular circumstances and in the interest of public safety.