

Canadian Right to Arms

Part One

The Evils of Licencing

Ed Hudson

Bill C-68 the Firearms Act 1995

Bill C-68 - the 1995 Firearms Act - is a most misunderstood piece of legislation.

Just a few weeks ago I attended the Saskatchewan Wildlife Federation annual convention in Regina.

This is one of the largest groups of hunters and fishers that you will find in Saskatchewan.

At the end of the afternoon session a gentleman and I began talking about Bill C-68, the Firearms Act.

After about two sentences, he said

"I thought the Conservatives had done away with that law."

I said no, that Mr. Harper had only repealed gun registration, that the gun licensing scheme is still in place.

And he replied,

"Oh, that is OK. Just as long as the Government cannot keep track of my guns."

I then began to explain why licencing is detrimental; that the Government now keeps track of the firearms owners, that the law destroys our Right to own firearms.

And he immediately said,

"But you are an American."

And he added,

"In Canada we do not have the Right to Bear Arms."

I responded that I am a proud Canadian
and have been a Canadian for forty years.
And as Canadians we have the same Right to have arms for self-defense as Americans.

At that, he just looked at me like I had arrived from Mars and quickly excused himself.

That gentleman represents a problem that we have.

That is,

Bill C-68, the Firearms Act of 1995

Many firearms owners do not understand how the Firearms Act
is specially intended to change Canada.

Many people do not remember

What Canada was like before 1995

My buddy Jack Wilson grew up in the 1950's in Weyburn, Saskatchewan.

That is W.O. Mitchell "Who Has Seen the Wind" country.

When Jack was a kid he would ride bike with a 22 rifle over the handlebars to an empty
field and shoot tin cans.

To own, possess, and use his rifle,
the only authority that Jack had to answer to was his Dad.

It was Jack's Dad - not the Government - who taught Jack to handle firearms in a
responsible manner.

Many firearms owners my age tell stories like Jack's experience.

Life was not too much different when I moved to Saskatoon in July 1977.

I came with my wife, my two young kids, a beagle dog,
a cut-down 1920 Spanish-made Mauser rifle,
and a lightweight, Stevens 12-gauge double barrel shotgun.

At that time: No registration - No licence.

That September a veterinary colleague introduced me to duck hunting.

With my California hunting licence as proof that
I had passed a hunter safety course,
I purchased a Saskatchewan hunting licence and the Federal Duck stamp.

On that first wet, cold morning when his big black Lab brought me my first duck,
I fell deeply in love with Saskatchewan.

In March 1978 my wife and I bought a black, female Labrador puppy,
The kids promptly named this jet-black dog, "Sunshine".

In June I purchased a smoother shooting twelve-gauge Browning double barrel shotgun
with the new three -inch chambers.

Before I made that firearm purchase,
the federal Government introduced the FAC.

FAC

Firearms Acquisition Certificate

The Firearms Acquisition Certificate - the FAC - was a police security check
to see if the applicant had a criminal record for violent behavior.

To obtain the FAC, I went to the Saskatoon police station, completed a one-quarter-page
form, and paid the clerk ten dollars.
and in two weeks I received my FAC.

Now, fast forward a mere ten years to:

06 December 1989

Oh, how drastically the times have changed !!

On 06 December 1989

A young man shoots and kills 14 women at École Polytechnique in Montreal.

In response to that tragic event, in 1991 Kim Campbell, the Progressive Conservative Minister of Justice, introduced and Parliament passed Bill C-17. That bill imposed a severely altered version of the old FAC.

In the federal election of November 1993 Jean Chrétien and the Liberals nearly annihilated the PCs.

Taking their own political advantage of that senseless shooting in Montreal, in April 1994 the new Liberal Minister of Justice Allan Rock declared:

"I came to Ottawa ... with the firm belief that
the only people in this country
who should have guns are police officers and soldiers."

In their first step towards that goal,
on 05 December 1995 the Liberal Government proclaimed as law

Bill C-68
The Firearms Act
05 December 1995

With that Act, the Liberal Government radically changed Canadian law.

By a vote,
Parliament presumes to change our Right to own firearms into a mere privilege. They bluntly claim:

"Firearm possession/ownership is now,
clearly a privilege, not a right."

The Firearms Act presumes to make it illegal to own any type of firearm.

Through licencing,
the Government grants individuals the privilege to possess their firearms.

Note Well:

A privilege is not a Right.

The federal licensing scheme is formalized in the Possession Acquisition Licence - the PAL.

PAL
Possession Acquisition Licence
1995

Unfortunately, many sports hunters and shooters do not understand the differences in the 1995 PAL and the 1977 FAC.

I realize that I sometimes become quite apoplectic in discussing this topic.

I will try to remain composed.

The FAC:

FAC
Firearms Acquisition Certificate
Acquisition - required only for Acquisition
NOT necessary for possession
Certificate - NOT a licence.
Certified that we were not violent criminals
We could tear up our FAC after acquiring a firearm
Fee - \$10.00
Waiting time - two (2) weeks

The PAL is an entirely different breed of cat.

PAL
Possession Acquisition Licence

Acquisition AND Possession
- required for BOTH Acquisition AND Possession
Illegal to own/possess a firearm without the licence
guilty of a crime if you possess a firearm without a PAL
Application - greatly expanded required information
Spouse or sexual partners must cosign
Test - a mandatory firearms course and test

Fee - \$50.00

Renewal - required every five years

Waiting time up to six months

These are major differences from a police record check for violent criminal activity.

What we all need to understand:

Our Government does not want us to own firearms.

What we are up against.

In passing the Firearms Act the Liberal Government also made several major changes to the Criminal Code.

Most notably they added:

Criminal Code, Section 117

This section states:

"The Governor in Council may make regulations ...

regarding the issuance of licenses"

and

prescribing the circumstances in which an individual

does or does not need firearms ...

to protect the life of that individual,

With this law the Government gives the authority to some civil bureaucrat to decide whether you or I "does or does not need firearms" ... to protect our lives

With that section of that law - the Government of Canada presumes the authority to tell us how we can defend our families and ourselves in our homes.

Please note that I intentionally used the verb "presumes".

"Presumes" means:

to undertake without leave or clear justification.

The government did not seek - and the Government did not obtain our leave - to tell us - in our own homes - how we may defend our families, our property, and our lives.

As former Minister of Justice Pierre Elliott Trudeau said:
"There's no place for the state in the bedrooms of the nation."

Likewise I sincerely believe there is no place for the state
to presume the authority
to look under my bed for my means of self-protection.

Another item of the Firearms Act is likewise exceedingly terrible:

Criminal Code of Canada Section 117.03

SEIZURE ON FAILURE TO PRODUCE AUTHORIZATION

This section states:

... a peace officer who finds
a person in possession of a firearm who fails,
on demand, to produce, for inspection a licence... .
may seize the firearm,

And:

the peace officer shall forthwith take the thing before a provincial court judge,
who may, declare it to be forfeited to Her Majesty,
to be disposed of

Thus this section allows for confiscation and destruction of our property:

Without Charge

Without Trial

Without Conviction

In the course of our demonstrations against the Firearms Act,
Joe, Jack, and I have had eight firearms seized, confiscated, and destroyed, all without a
conviction of violating any law.

At the time when the Firearms Act was passed,

University of Calgary Constitutional expert Dr. Ted Morton wrote a legal brief that shows:

The Firearms Act

"Bill C-68 contains as many as twenty-eight
distinct Charter violations."

Dr. Morton wrote:

If the Supreme Court applies the same Charter rules to law-abiding firearm owners as it has to drunk-drivers, drug dealers, prostitutes, pimps, single parent welfare recipients, abortion providers, murderers ...

that is—

if it applies the law of the land with an even hand—
then it will be forced by its own precedents to declare
Bill-68 unconstitutional and thus of no force or effect."

As we are all too painfully aware, the Supreme Court did not apply the law of the land with an even hand.

{{Summary handouts of Dr. Morton's brief are available.}}

Another prominent person who has forcefully condemned the violations of our Right to possess firearms is former Saskatchewan Member of Parliament and Conservative Firearms Critic, Garry Breitkreuz.

Mr. Breitkreuz demonstrated that this law:

“gives the government such sweeping power

that they could ban

any or all firearms in Canada

and not even the Supreme Court of Canada could overturn it.”

We now turn to one of the first articles that our special guest, Simon Fraser University Professor Garry Mauser wrote about our situation here in Canada.

Dr. Gary Mauser describes our situation as appalling.
We are like "Frogs being slowly boiled in hot water"

"We are in hot water and our traditional culture is being slowly killed by the gradual tightening up of the firearms laws."

Dr. Mauser states the objective of the Government is:

"to reduce the numbers of gun owners,
and eventually eliminate
all private ownership of firearms by citizens."

These concerns forcefully expressed by Dr. Morton, Garry Breitkreuz, and Dr. Mauser are not -
as American Revolutionary War patriot James Otis once said -

"a chimerical suggestion of a heated brain."

Gun Control in Great Britain

Professor Joyce Lee Malcolm

I would like to introduce you to a favorite author of mine:

Professor Joyce Lee Malcolm.

Dr. Malcolm is Professor of Constitutional Law and the Second Amendment at George Mason University School of Law in Arlington, Virginia.

Professor Malcolm has shown us
the methods used to disarm the British.'

In 1870 the British Parliament passed the:
Gun Licence Act.

This Act contained a gun registration scheme that was designed

"to discourage the lower classes from carrying deadly weapons"

It was not vigorously enforced and up until 1920,
gun control remained at least as lenient in Great Britain as in the United States.

Then things began to change quickly in the post-World War I turmoil.

In 1920 the British Parliament, was gripped by hysteria and fear of:

"Red Revolution, Blood and War !!"

The fearful post-war Parliament changed dramatically from leniency into tighter gun controls and passed the Firearms Act, 1920.

With this new, severely restrictive Act
the "right" to "purchase, possess, use, or carry a firearm or ammunition"
was limited to persons who, in the opinion of a Chief Office of Police
may possess a firearm "Without danger to the public safety."

This Act is very germane to our topic.

At that time a Member of the British Parliament protested:

"It has been well-known:

"The object of the Central Government is
to deprive people of their weapons."

The Member continued,

"The very foundation of the liberty of the subject
is that he can, if driven to do so, resist."

Yet this law allowed the local chief of police to exclude anyone he considered

"for any reason to be unfitted to be trusted with a firearm."

More ominously,

in 1937 the British government began to slowly outlaw self-protection.

A Home Office Memorandum for the Guidance of the Police, stated:

"As a general rule applications to possess firearms for house or personal

protection should be discouraged on the grounds that firearms cannot be regarded as a suitable means for protection and may be a source of danger."

At the outbreak of World War II,
the "Government pleaded British subjects and foreigners for weapons to arm the volunteers of the Home Guard."

The American Committee for the Defense of British Homes and thousands of other Americans contributed sporting rifles, shotguns, pistols, and ammunition.

Yet after World War II, armed self-protection was even further discouraged.
The Government held a six-week amnesty for people to surrender their firearms.

In 1946 the Home Secretary informed Parliament:
"a revolver ... for the protection a of an applicant's person or property"
does not justify "the issue of a firearms certificate."

In 1964 that "Memorandum for the Guidance of the Police," was expanded from a "general rule" that applied only to "personal use", the British government expanded the prohibition:

"It should hardly ever be necessary to anyone to possess a firearm for the protection of his house or person ... only in very exceptional cases should a firearm be held for protection purposes."

In 1969 from a "general rule" to a general restriction,
the Memorandum then became an absolute prohibition:

"It should never be necessary for anyone to possess
a firearm for the protection of his house or person."

To quote Professor Malcolm,

"The fact that legally owned firearms were almost never used in serious crime did not
deter the English governments
from continuing to tighten gun controls."

From 1973 through 1978 the fees for firearms certificates increased 800 percent.

In 1987 two massacres occurred in Great Britain
- one involving a handgun and a rifle - and the second involved a shotgun.

In 1988 the Government responded with a new Firearms Act:

For registration and licencing.

Shotguns now in same category as rifles and handguns

The Government's logic:

There could be no absolute guarantee
to prevent criminals from getting guns.

But insisted;

"the only effective way to prevent criminals
from getting guns
is to reduce society's total gun inventory."

No Member of Parliament pointed out that Britain's firearms restrictions were already the strictest of any democratic country.

No tactic was suggested to reduce the criminal access to firearms.

While the public wanted action to prevent mass murder,
the Government gave them more restrictions and subjected them
to greater police power.

In 1996 another massacre occurred - Dunblane, Scotland - where a shooter killed sixteen children and a teacher, while wounding ten other students and three more teachers.

Without valid evidence the Home Office claimed a direct correlation between the number of guns owned and the rates of criminal violence.

In response to invalid data,

the British Government passed the Firearms Act 1997.

That law banned all handguns except .22 caliber and these had to be stored at shooting clubs.

Shortly thereafter a newly elected government quickly passed the Firearms Act (No. 2) 1997.

This law banned all handguns.

Firearms Act (No. 2) 1997

All Handguns banned

Owners of pistols were ordered to turn them in.

Professor Malcolm calls this

"a measure unprecedented in a democratic country."

She says the crime of one berserk individual led to the punishment of some 57,000 responsible gun owners.

The Home Office boasts:

"Britain now has some of the toughest gun laws in the world."

Yet the United Kingdom has become:

"a nation in which law-abiding citizens have been effectively
disarmed of all weapons,
their rights of self-defense severely circumscribed,
The result is a crime rate soaring to record levels"

Professor Malcolm concludes:

"In England
fewer guns have meant more crime."

And adds:

"The wisdom in the common law approach
to public safety and self-defense

has been ignored by modern governments
to the peril of the people they represent."

*** END PART ONE ***

Gun Control in Great Britain, notes taken from:

Joyce Lee Malcolm,
Guns and Violence The English Experience,
Harvard University Press, Cambridge, Massachusetts, 2002