

The Hill Times

A brief history of gun control in Canada

PART I - 1867 to 1945

The history of federal government's efforts to regulate ownership and use of guns

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The huge cost overrun on the Canadian Firearms Program and the deadline for registering all firearms (originally Jan. 1, 2003, then extended by six months) has reignited intense controversy over the rationale and efficacy of Canada's gun controls.

But conflict in Canada over regulating firearms is nothing new. It has occurred many times since Confederation. This is the first of two columns designed to sketch the history of the federal government's efforts to regulate ownership and use of guns, and to briefly outline the context in which new regulatory actions took place.

Social and political conflict has played an integral, but largely unacknowledged, role in the development of Canada's gun control laws. Like the United States, England, Australia and New Zealand, most of Canada's firearm legislation appeared during periods of turmoil. Motivated by perceived threats to the political and economic status quo, and combined with an exaggerated fear of crime and disorder from aboriginals, ethnic minorities, labour activists and the unemployed, gun control in Canada has always been used more for "citizen control" than "crime control."

Only six months after Confederation, the renewed threat of a Fenian-led invasion from the United States prompted the federal government to pass legislation on Dec. 21, 1867, prohibiting "unlawful training of persons to the use of arms," and authorizing the seizure of arms "collected or kept for purposes dangerous to the public peace." The legislation, originally introduced during the 1837 rebellions in Upper and Lower Canada, was applied almost exclusively against Irish-Canadians, many of whom were unjustly considered sympathetic to the Fenian cause.

In 1878, alarmed by violent Orange Day rioting in Montreal that was blamed on Irish-Canadians, the federal government eliminated an accused person's right to a trial by jury, and ordered the licensing of gun owners in proclaimed districts of Canada. The legislation was modelled on repressive statutes used against the Irish by the British government. Known as "The Blake Act" after its proponent, Liberal justice minister Edward Blake, the legislation was temporary in nature and was renewed annually by the federal government until 1883. During its brief existence, it was proclaimed in Montreal,

Quebec City and Winnipeg.

The first serious attempt at region-wide gun control in Canada occurred after the second Riel rebellion of 1885. The federal government banned aboriginals, Métis and "disloyal" white settlers in the Northwest Territories from possessing "improved arms" (firearms with rifled barrels) and cartridge ammunition. The legislation allowed them to possess only smooth bore firearms, such as muzzle loading muskets and shotguns. The government was well aware that smooth bore firearms have a maximum effective range of not more than 70 metres, compared to more than 300 metres for firearms with rifled barrels, and as a result, have limited utility as weapons in a military conflict.

The legislation was passed on July 20, 1885, the same day Louis Riel stood trial for high treason. Although afraid that disarming white settlers in the region would ". . . interfere with the protection of peaceable subjects," and provoke another rebellion that the authorities could not afford to suppress, the government never proclaimed it. Nevertheless, it remained on the statute books as late as 1950.

Xenophobia was a major characteristic of both politics and social science in the late 1800s and early 1900s. The "foreign-born," particularly non-whites and immigrants from southern and eastern Europe, were considered by Canada's Anglo-Saxon majority to be "feeble-minded," "prone to violent acquisitiveness" and criminal behaviour. With the large numbers of immigrants that entered Canada at the turn of the century came unorthodox philosophies such as socialism, anarchism, and communism.

The popular belief that "aliens" (non-British immigrants) were genetically inferior, inherently criminal and predisposed to 'radical', i.e. violent, politics was combined with an exaggerated perception of rising violent crime in Canada's "foreign settlements" (immigrant communities). (This has been documented in the book by Carolyn Strange & Tina Loo, *Making Good: Law and Moral Regulation in Canada, 1867-1939*.) This anti-immigrant hysteria became the justification for handgun licensing and registration laws passed by Ontario in 1911, Manitoba and Saskatchewan in 1912, and British Columbia in March of 1913. Similar to the provincial statutes, the federal government's first serious handgun legislation required that civilians obtain a police permit to acquire or carry a handgun. It was passed in June of 1913, the same year that Canada recorded its highest level of immigration.

Following the Winnipeg General Strike of May-June 1919, the federal government responded to the establishment's fears of Bolshevik revolution that were erroneously attributed to non-British "alien scum" by prohibiting non-British immigrants from owning firearms and ammunition. The government was convinced that non-British immigrants, with their ". . . bad habits, notions and vicious practices," were ". . . thoroughpaced Bolsheviks, disciples of the torch and bomb," who showed ". . . [a] greater readiness [to] resort to the use of weapons than do our own people" (Minister of Justice, Hansard, 1919, pp. 4359-4360). This prohibition remained in effect until 1950.

Official concern over a possible Bolshevik revolution peaked in July 1920. The federal

government ordered the licensing of gun owners and the registration of rifles. In the government's view, shotguns were ". . . not used in times of trouble as the rifle is," and British subjects who owned shotguns were exempt. (Recall that Canadians were British subjects until 1947 when passports began to identify them as citizens of Canada.) Widespread opposition from firearm owners and rural MPs forced the government to repeal the legislation in June of 1921.

National handgun registration was born in the context of social and political discord during the Great Depression. It was passed on July 3, 1934, having been rushed through the House of Commons in only ten days. The law appears to have been motivated by a fear of insurrections after Tim Buck, leader of Canada's Communist Party, was released from prison in June of 1934, and appeared to the applause of tens of thousands at rallies held in Montreal and Toronto.

The federal government placed handgun registration under the authority of the RCMP. This was done, not because the Mounties were more efficient than local police forces at processing applications (provincial and municipal police services had been registering handguns under authority of the 1913 legislation), but because the RCMP was, according to Lorne and Caroline Brown's *An Unauthorized History of the RCMP*, the federal government's first line of defence against internal disorder, and was considered ". . . the most reliable force in the country for breaking strikes, smashing the radical trade unions, controlling the unemployed and hounding political dissenters."

Confiscation of firearms from ethnic minorities, even those persons who emmigrated from nations with which Canada was not at war was common during the First and Second World Wars. For example, registered firearms were confiscated from Japanese-Canadians early in 1940, long before Canada was at war with Japan, and the Attorney General of British Columbia refused to register any firearms owned by "Orientals" (according to the RCMP's annual report, 1941, p. 59).

The Liberal government's fear of insurrection in Quebec over conscription, and of "fifth column" activity among Canada's "enemy ethnic" communities, resulted in the introduction of universal firearm registration in September of 1940 by order in council. Administered by the RCMP, who often complained about the workload, it remained in effect until February of 1945. No one in the RCMP seems to have been sorry to see it go, which is not surprising since it appears that less than one-half of Canadian gun owners complied with this first attempt at universal gun registration. This was hardly a good precedent considering the widespread support for the war effort. (In the second column on the history of gun control in Canada we cover the last half-century.)

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