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Martin's promise to confiscate all handguns opens up intriguing possibilities

The trouble with making policy predictions in Canada is that no matter how obvious the prediction is, a loud liberal chorus will shout it down as ridiculous.

And when the prediction comes true, all earlier denials are simply forgotten.

Last week, for example, all the much-derided predictions of gun owners over the past ten years came true.

We knew they would and they did, when Paul Martin promised to solve Toronto's "national" gun-crime crisis by confiscating virtually all half-million registered legal handguns across the country.

So it's true. The reason for gun registration from the start was future confiscation.

Repeated previous denials by the likes of then-Minister of Gun-nery Anne McLellan are now officially expunged.

The only fig leaf this leaves to cover the Liberals' shame (if they are still capable of feeling such a thing) is to insist that they will allow provinces to opt in or out of the confiscation as they wish.

Now this is an interesting idea.

When challenged in court by the provinces in 1996, Ottawa justified the registry by insisting it falls in the category of criminal legislation, which is federal.

If not, it would be a regulation of civil property -- a provincial jurisdiction.

That's what the provinces argued it was. But the judges (federally appointed) sided with Ottawa, as they usually do.

So to be absolutely clear, back in 1996 it was firmly established that regulating guns is a federal criminal law jurisdiction.

Are the Liberals now saying provinces may opt in and out of federal criminal laws? Apparently they are.

I have two questions.

What provision in our Constitution allows Ottawa to amend the Constitution at will by reassigning one of its "exclusive" powers to the provinces?

And does it work the other way around? Could a province, say, decide not to enforce the gun registry sections of the Criminal Code? Or is this power of unilateral, arbitrary amendment reserved to the federal government?

Martin's election promise emphasizes once again that Canadian gun control is entirely about politics, not law and order. This is a matter of record, not opinion.

The Liberal government was warned in 1993 by John Tait, chief Justice bureaucrat at the time, that a universal gun registry would be expensive, ineffective, and a source of political outrage.

That outcry from angry white males was exactly what the Liberals wanted, of course, and now they're doing it again. They probably have no intention of following through after the votes have been counted.

If I owned a pistol, I'd ignore this ban whether it passes or not.

As Alberta MLA Ted Morton has pointed out, the Supreme Court has consistently ruled against categorical government bans on anything -- as we saw with tobacco advertising, child pornography and private health care.

In fact this election promise opens up all kinds of potential litigation against the gun registry in general -- starting with Ottawa's novel idea that the criminal law can be different in one province than another.

The Klein government would be doing Harper and the national Conservative party a favor (for a nice change) if it announced immediately that it will challenge this law in court if it is ever passed in Parliament.

- Link Byfield

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