

“IF I HAD A BILLION DOLLARS”

**CIVILIAN NON-COMPLIANCE WITH THE
LICENSING AND REGISTRATION PROVISIONS
OF THE *FIREARMS ACT* (BILL C-68)**



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Leading The Way...

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Executive Summary

- Surveys of the Canadian population suggest that gun ownership ranges between 17 per cent and 34 per cent of all households¹. It is recognised, however, that telephone surveys of gun ownership are not particularly reliable and that, for a variety of reasons, these surveys measure only the number of people who are willing to *admit* to gun ownership, not the actual number of guns or gun owners².
- Academic research indicates that underreporting of civilian gun ownership escalates as the legislative climate becomes more prohibitive and firearm owners become increasingly unsure of their legal status with respect to existing and proposed legislation³. In 1976, before the introduction of restrictive Canadian firearm laws, government surveys estimated that there were approximately 10-11 million firearms in Canada, and that 35 per cent of Canadian households admitted to owning firearms⁴. But by 1991, surveys suggested that gun ownership had declined to 23 per cent of households, and by 2000, to just 17 per cent⁵. It does not appear coincidental that this dramatic “decline” in gun ownership occurred at the same time that the government tightened its gun laws (Bills C-17 and C-68), banning many types of firearms and prohibiting the ownership of rifles and shotguns. Respondents would have had good reasons not to acknowledge owning guns.
- Survey respondents who are willing to acknowledge gun ownership appear to significantly underreport the number of guns that they own. The CFC’s 2001 survey estimated that there are just 490,000 civilian-owned handguns in Canada; however, there are approximately 850,000 civilian-owned handguns that are registered with both the Canadian Firearms Registry (CFR) and the RCMP⁶. If underreporting by rifle and shotgun owners is equally as prevalent, then those Canadians who are willing to admit to gun ownership collectively own at least 11 million guns, some 40 per cent more firearms than the 2001 survey estimated.
- The Department of Justice reports that while 430,000 owners of registered handguns were required to be licensed as of 1 January 2001, by May 2002, only 29 per cent had valid firearm licenses allowing them to legally own the handguns registered to them.⁷
- According to the CFC’s 2000 gun ownership survey, the number of households owning guns has declined by at least 6 per cent from the figure recorded by the Justice Department’s 1991 Angus Reid Group Inc. survey, which estimated that there were approximately 6 million civilian-owned firearms in 23 per cent of Canadian households. Surveys conducted for the CFC in 2000 and 2001 suggest that 17 per cent of all Canadian households and 2.46 million individual gun owners currently possess an estimated 7.9 million firearms. These survey results, however, are inadequate, inconsistent and contradictory. No explanation has ever been given as to why civilian gun ownership apparently declined between 1991 and 2001 while the number of civilian-owned firearms increased by nearly two million! In contrast, Statistics Canada gun import/export⁸ figures show that during this period the net increase (imports less exports) in Canada’s civilian gun stock amounted to just 326,890 firearms.
- Comparing historical survey and import/export data provides compelling evidence that while *reporting* of civilian firearm ownership has declined substantially as more restrictive Cana

dian gun laws were passed, the actual level of gun ownership has remained stable since 1976. *At present, approximately five million Canadians continue to own between 11 million to 13 million firearms.* More than one-half of Canadian gun owners have refused to comply with the licensing and registration requirements of the *Firearms Act*, nullifying any benefits that the legislation may have.

- Non-compliance ranges from a high of 70 per cent in the Prairie Provinces, to a low of 52 per cent in British Columbia and the Maritimes.
- The Auditor General of Canada describes the CFC's administration of the *Firearms Act* as "excessively regulatory," and that the CFC bureaucracy considers civilian gun ownership a "questionable activity."⁹ In view of the CFC's hostility towards gun owners and gun ownership, it should come as no great surprise that the majority of Canadian firearm owners have not complied with the legislation.
- The CFC's mandate is to convince Canadians that licensing and registration is "... *seen to be beneficial (emphasis)* to all Canadians"¹⁰; consequently, an accurate, unbiased accounting from the CFC and the Department of Justice as to the true costs of the *Firearms Act*, the extent of non-compliance, or the legislation's effectiveness, is unlikely.

"IF I HAD A BILLION DOLLARS": CIVILIAN NON-COMPLIANCE WITH THE LICENSING AND REGISTRATION PROVISIONS OF THE FIREARMS ACT (BILL C-68)

*"Whenever governments attempt the impossible their officials are required to lie."*¹¹

Introduction

Since the passage of Bill C-68 in 1995, the 'gun control' issue had simmered in the background of Dominion politics for more than seven years. But that all changed on 3 December 2002, when the Auditor General of Canada released a scathing report describing financial mismanagement, bureaucratic and political bungling that had driven the cost of Ottawa's firearm legislation to figures beyond comprehension¹².

Originally projected to cost Canadian taxpayers just \$2 million, program costs had ballooned to more than \$1 billion, with no end in sight¹³. To compound matters, the Auditor General reported that the Department of Justice and the Canadian Firearms Centre misled Parliament about the real costs of the Liberal government's program to license gun owners and register rifles and shotguns¹⁴.

Until now, most Canadians, especially non-gun owners, had treated the 'gun control' issue as a sideshow. It did not appear to affect them, and while they knew virtually nothing about the new law, most indicated their support for it as long as it did not cost too much¹⁵. Now they were forced to confront the unpleasant truth that the financial resources spent on gun licensing and registration is money that cannot be spent on more important social programs, such as health care, that has a direct impact on them. The reality began to take hold that at more than \$1 billion, Canada's new gun laws have cost more lives than they have saved.

Despite spending \$1 billion dollars and waiving firearm registration fees in an attempt to encourage compliance with the legislation, by the end of December 2002 the CFC had licensed just 1.9 million gun owners and registered 5.8 million firearms¹⁶. Of this amount, approximately 68,000 'licenses' are valid Firearm Acquisition Certificates (FAC) issued under the Dominion government's 1991 legislation (Bill C-17). Of the 5.8 million registered guns, twenty-one per cent (1.2 million) are restricted and prohibited firearms that were registered in the RCMP's Restricted Weapon Registration System (RWRS) before passage of the *Firearms Act*.

According to estimates previously posted on the CFC's website, in 1998 there were 7.4 million firearms and 3.3 million gun owners in Canada¹⁷. Comparing these 1998 government estimates to the number of firearm licenses and registered guns recorded by December 2002 suggests that there are at least 1.4 million unauthorised gun owners and 1.6 million unregistered firearms in Canada.

The CFC was well aware that their own surveys showed that at least 30 per cent of Canadian gun owners admitted that they would not comply with licensing and registration¹⁸. Realising that non-compliance nullifies any benefits that licensing/registration may have, and anticipating these embarrassing statistics as the licensing and registration deadlines approached, they acted quickly to manufacture the appearance of consent for the Liberal government's legislation. In January 2001, the CFC released the results of its Fall 2000 survey claiming that gun ownership in Canada has declined substantially since 1998, and that there are just 2.46 million gun owners in 17 per cent of Canadian households¹⁹. This was followed by a 2001 CFC survey claiming that there are 7.9 million civilian-owned firearms in Canada²⁰.

Whether 3.3 million, 2.46 million or 7.9 million, all of these estimates are probably too low. Let's look at them in more detail.

Surveys of Canadian Gun Ownership

Telephone surveys conducted by polling firms are the most common method of estimating the number of firearms and civilian gun owners in Canada. The fact that telephone surveys underestimate civilian gun ownership (by at least 5 per cent to 10 per cent) is well known, and is one of the most serious problems with this type of study²¹.

But low estimates mean that more restrictive firearm laws appear to affect a relatively small number of people. This makes it much easier for pro-control advocates to dismiss the issue of non-compliance and to promote increasingly restrictive gun laws; consequently, most researchers, especially those employed by the Dominion government, are motivated to underestimate it.

In general, some of the flaws with telephone survey research on gun ownership are:

1. Respondents have good reasons to deny gun ownership if they are unsure of the legal status of either themselves or their guns vis-à-vis existing or proposed legislation. This is certainly the case in Canada, where surveys show that the overwhelming majority of Canadians have no significant knowledge of Canada's firearm laws²².
2. Survey respondents may be suspicious of strangers who telephone asking for information on how many firearms they own²³. They may feel that responding affirmatively is an invitation to criminals. The Canadian government's firearms safety course emphasises that gun owners "... Avoid telling others about the firearms in your home. You may be inviting theft²⁴." Many no doubt feel that it is simply none of the interviewer's business²⁵.
3. Households may have more than one gun owner. The survey respondent may not be a gun owner, may be unaware that there are actually firearms in the home, or hesitant to admit household gun ownership to strangers. This appears common among married women, who should report household gun ownership at the same percentage as married men; however, surveys consistently show that married women underreport household gun ownership. In Canada, underreporting by married women is especially prevalent in Ontario, British Columbia and Quebec²⁶. This bias alone results in household gun ownership levels that are *at least* four percentage points too low²⁷.
4. Respondents may not include firearms that they keep in the garage, at the cottage or place of business.
5. Neither the survey interviewer nor the respondent may be clear as to what actually constitutes the legal definition of a "firearm"; e.g., replicas, antiques, pellet/BB guns, paintball guns, etc., can often be mistaken as firearms.

With the exception of the CFC's 2000/2001 surveys, most of the surveys measuring civilian gun ownership in Canada were done between 1991 and 1998. These surveys suggest that between 17 per cent and 34 per cent of all Canadian households own one or more firearms²⁸. The number of firearms per gun-owning Canadian household ranges from 2.67 to 3.21 (Mean = 2.94)²⁹.

While the surveys usually focused on household ownership, several of them asked if respondents *personally* owned firearms³⁰. Typically, between 13 per cent and 16 per cent of re

spondents replied affirmatively. Approximately 10 per cent to 12 per cent of gun owning households report multiple gun owners, providing additional evidence that the estimate of the number of gun owners in Canada is considerably larger than most of these surveys indicate³¹.

According to the information previously posted on the CFC's website, in 1998 there were firearms in at least 24 per cent of all Canadian households, with an average of 1.22 gun owners per gun owning household.

In contrast, the CFC's Fall 2000 survey claimed that while the number of gun owners per household has remained essentially unchanged, the number of Canadian households owning guns declined by 700,000 since the 1990s. Applying an average of 2.94 firearms per gun owning household suggests that, according to the CFC's 2000 survey, the number of civilian-owned firearms in Canada dropped by approximately 1.5 million since 1998, from 7.4 million to just 5.9 million.

In contrast, the CFC's 2001 survey estimated that there are 7.9 million firearms in Canada. This suggests a remarkable growth of two million guns in just one year!

Underreporting Civilian Gun Ownership

All of these surveys were done coincident with Parliament considering Bills C-17 (1991) and C-68 (1994); legislation that substantially increased restrictions on civilian gun ownership, as well as confiscating or prohibiting many types of previously legal firearms. Respondents would have had a valid excuse for concealing the fact that they own guns, significantly underestimating the actual level of civilian firearm ownership.

Gary Kleck, Professor of Criminology and Criminal Justice at Florida State University, observed a similar trend in the United States. According to Professor Kleck, underreporting of household gun ownership in the US increased as more restrictive gun laws were introduced after 1987, particularly the Brady Act and "assault weapon" bans³².

Underreporting of civilian gun ownership is not limited to Canada or the United States. Surveys of firearm ownership in Australia completed in the late 1970s and 1980s estimated that between 26 per cent and 30 per cent of Australian households owned firearms³³. That Australians were not complying with existing licensing and registration laws was documented in the late 1980s, when the Registrar of Firearms for the state of Victoria reported that more than 40 per cent of all the firearms in the state remained unregistered³⁴.

A 1992 government survey done for the United Nations found that 16.5 per cent of adult Australians, some 2.4 million people, admitted to owning guns³⁵. But just four years later, following the introduction of universal gun owner licensing/firearm registration, including a complete ban on the civilian possession of semiautomatic and pump/slide action firearms, an Australian government survey reported that just 1.2 million Australians reported owning guns³⁶. While the 1997 survey suggests an enormous drop in the number of civilian gun owners, even this figure does not match the current number of individual gun license holders. According to Australian government statistics, in July 2001 there were just 764,518 Australians who actually had valid firearm licenses, suggesting a non-compliance rate of 36 per cent from the 1997 gun ownership levels previously recorded by the Australian government³⁷.

It can be argued that this substantial drop in gun ownership resulted from a large number of Australian gun owners disposing of their prohibited semiautomatic and pump action firearms to the police (a total of 643,726 guns were handed in)³⁸. But unlike Canada, Australian gun owners were given compensation for their confiscated firearms (an average of five hundred Australian

dollars per firearm)³⁹, compensation that many gun owners no doubt applied to the purchase of legal guns, offsetting any serious decline in firearm ownership.

England's strict universal gun owner licensing/firearm registration laws, in place since 1920, and a complete ban on civilian handgun ownership introduced in 1997 appears to have resulted in a significant underreporting of civilian gun ownership. While government statistics show that there are 1.62 million registered firearms in just four per cent of English households⁴⁰, recent academic analysis strongly suggests that between 2.4 million to 4 million firearms in England and Wales are illegally owned⁴¹.

Since the CFC's national ad campaigns told Canadians that after 30 December 2000, legal gun possession requires either an FAC or license, gun owners who did not intend to get a license would be unlikely to identify themselves to pollsters calling to ask questions about individual or household firearm ownership. While the CFC claimed that its Fall 2000 survey was "proof" that more than 80 per cent of Canadian gun owners complied with the law⁴², this contradicts earlier research, including surveys completed for Canada's Mackenzie Institute and the CFC, showing that 26 per cent to 30 per cent of gun owners admit that they will not license themselves or register their guns⁴³.

The fact is that the CFC's 2000 survey did not actually ask respondents if they possessed, had applied for, or intended to obtain, a firearm license. The only question in the survey related to licensing asked if gun owners were aware that they needed a firearm license. The reason 98 per cent of gun owners indicated that they needed to have a firearm license by 1 January 2001 was because the interviewer told them⁴⁴!

There is nothing in the CFC's Fall 2000 survey suggesting that any of the gun owners interviewed actually had a license (or valid FAC), or that they even intended to apply for a license.

Additional evidence that Canadians are concealing gun ownership is provided by the Fall 2001 survey. This survey reported that civilian gun owners in Canada own a total of 490,000 handguns.

The Department of Justice reports that as of May 2002, there were 429,316 Canadian civilians who legally own restricted/prohibited firearms⁴⁵. Handguns represent 95 per cent of all registered restricted/prohibited firearms⁴⁶; consequently, the overwhelming majority of authorised Canadians own handguns. The CFC's registration data shows that, excluding handguns owned by agencies, dealers and museums, there are approximately 850,000 civilian handguns that are registered with either the new Canadian Firearms Registry or the RCMP's Restricted Weapons Registration System (RWRS)⁴⁷. The Department of Justice also reported that while all registered handgun owners were required to be licensed as of 1 January 2001, as of May 2002, only 124,941 had valid firearm licenses!⁴⁸

In other words, the Fall 2001 survey *underestimated* civilian handgun ownership in Canada by 43 per cent. Furthermore, seventy-one per cent of civilian handgun owners have not complied with the licensing provisions of the *Firearms Act*.

If survey respondents who *admit* to gun ownership are concealing long gun ownership at the same rate as handgun owners, then those Canadians who are willing to acknowledge gun ownership to surveyors collectively own at least 11 million firearms.

What is evident from surveys on civilian gun ownership is that they do not provide a particularly reliable estimate of either the actual number of gun owners, or the number of firearms that they own. The surveys are simply measuring the number of people who *admit* to gun ownership, not the actual number of firearms or gun owners.

Historical Comparisons

An interesting comparison involves reviewing recent estimates of civilian gun ownership with surveys done before the government introduced restrictive Canadian 'gun controls.'

It is easily forgotten that before the Dominion government's 1977 firearm legislation (Bill C-51), anyone except certified lunatics could buy as many rifles or shotguns as they desired. There was no requirement for gun licenses, no registration of "legal length" rifles or shotguns, and no restrictions on "military style" semiautomatic rifles or "high capacity" magazines. More importantly, the government had not embarked on its policy of prohibiting firearms either by outright confiscation or through "grandfathering," otherwise known as delayed confiscation without compensation. The stigma currently associated with civilian gun ownership, especially noticeable in the media-generated antigun hysteria that followed the 1989 mass shootings at the University of Montreal, was certainly not as prevalent. In 1976, survey respondents would have had less reason to deny owning firearms.

In 1977, the Dominion government released the results of a national poll on Canadian attitudes towards crime and 'gun control' done by Goldfarb Consulting Limited⁴⁹. Goldfarb conducted the survey in September of 1976. They asked 1,586 Canadians over 18 years of age:

1. Do you personally own a gun?
2. Does anyone in your house own a gun?

Twenty-one per cent of respondents indicated that they *personally* owned a gun. Twenty-eight per cent indicated that someone in their home owned a gun. Given the wording of the question, it is possible that respondents who owned a gun also included themselves when answering affirmatively to the second question.

Applying these percentages, respectively, to the Canadian population over 18 years old (16.3 million) indicates that in 1976, there were between 3.43 million and 4.57 million gun owning Canadians. Overall, Goldfarb reported that 35 per cent of Canadian households, some 2.51 million homes, possessed firearms⁵⁰. Making a reasonable assumption that the average number of guns per household (2.94) has remained relatively constant means that in 1976, these 2.51 million households owned a total of 7.4 million firearms.

To accept the CFC's estimate of gun ownership in 1998; i.e., twenty-four per cent of all households and 3.3 million owners, one must accept that the number of gun owning households in Canada increased by just 8 per cent between 1976 and 1998 (from 2.51 million to 2.7 million), while the number of gun owners declined from at least 3.43 million to just 3.3 million!

Believing the CFC's 2000 estimates requires that we accept a premise that, for some unknown reason, the number of gun owners and gun owning households in Canada declined by more than 20 per cent between 1976 and 2000. There appears to be little evidence that supports either view.

Surveys consistently show that firearm ownership is predominantly a rural activity; e.g., more than one-third of rural Canadian households acknowledges gun ownership, compared to less than 5 per cent of urban households⁵¹. This reality suggests that rural to urban population shifts significantly decrease levels of civilian firearm ownership, and that the estimated decline in Canada's gun ownership levels is, in large part, attributed to the fact that the proportion of Canada's population living in rural and small town areas declined from 34 per cent in 1976 to 22 per cent in 1996⁵².

It must be remembered, however, that while the share of Canada's population residing in rural areas has changed, so has the definition of "rural." Statistics Canada acknowledges that this decline was due, in part, to revisions made to the 1981 census boundaries to reclassify previously rural and small town areas as "urban" because they were considered to be in the "commuting zone" of larger urban centres⁵³. In actual fact, Statistics Canada reports that Canada's rural and small town population *increased* in every intercensal period since 1976⁵⁴. As a result, claiming that gun ownership in Canada declined due to a decrease in rural population cannot be supported since the rural population did not decline.

It is also recognised that the best predictor of adult gun ownership is the presence of firearms in the childhood home⁵⁵. American data shows that 80 per cent of gun owners report that their parents kept a firearm in the home, and that individuals whose parents own guns are three times more likely to own one themselves⁵⁶. It must also be emphasised that the 1977 FAC system (which remained in effect until 1998) was far less restrictive than the regime introduced by Bill C-68. Unlike the *Firearms Act*, the 1977 legislation did not prohibit firearm ownership, particularly of rifles and shotguns.

In addition, the retail price of firearms, particularly rifles and shotguns, did not discourage ownership as the cost of a firearm does not appear to have increased relative to personal income. A typical bolt action rifle chambered for popular centrefire rifle cartridges such as the 30-'06 and 308 Winchester retailed for \$110.00 in 1968⁵⁷, representing less than 2.0 per cent of an average worker's annual earnings. The same type of firearm purchased from a licensed gun dealer in 1998 cost about \$700, still less than 2.0 per cent of a worker's annual earnings⁵⁸.

These factors suggest that there has been, historically, little disincentive against persons owning guns, acquiring guns, or adopting the same gun owning heritage that their parents enjoyed.

The Canadian population increased from 23 million to 30.3 million between 1976 and 1998, with the number of private households increasing by 54 per cent (from 7.17 million to 11.07 million)⁵⁹. Since it is not unreasonable to assume that the number of gun owning households increased proportionately as new generations of Canadian shooters began acquiring firearms (analyses of American gun ownership data reported a similar trend⁶⁰), then there would have been approximately 3.9 million gun owning households in Canada by 1998. If we multiply this figure by the 1.22 gun owners per gun owning household ratio calculated by the CFC, then in 1998 there were at least 4.7 million gun owners in Canada, and approximately 11.5 million firearms (based on 2.94 guns per 3.9 million gun owning households).

In contrast, if we apply the *individual* gun ownership figures reported by Goldfarb in 1976 to the 1998 population over nineteen years of age (23.1 million), between 4.8 million and 6.4 million Canadians owned guns in 1998.

Import/Export Data

There is substantial discrepancy between survey-based estimates of Canada's civilian gun stock and production-based estimates. The survey-estimated civilian gun stock does not correspond to gun stock estimates calculated from import/export data. This in itself is compelling evidence that survey respondents are concealing gun ownership⁶¹.

Statistics Canada data, illustrated in the following chart, shows us that between 1962 and 1994 Canada was a net importer of non-military firearms⁶². Firearm imports swelled Canada's civilian gun market by 3.54 million firearms during this thirty-two year period. Canada did not become a net exporter of firearms until after passage of the *Firearms Act*.

It is important to consider that Canada's domestic gun market had virtually disappeared by the late 1970s. But prior to this time there was a small number of domestic firearm manufacturers, notably the *H.W. Cooley Machine & Arms Co.* of Cobourg, Ontario⁶³, that added a significant number of long guns to the total inventory of civilian-owned firearms. Unfortunately, reliable production/sales data from former domestic manufacturers is not available to tell us just how many guns this industry added to Canada's gun stock. As a result, civilian gun stock estimates based solely on import/export data may underestimate the number of firearms.



Dominion Bureau of Statistics and Statistics Canada data shows that Canada imported at least 8.0 million non-military firearms since the end of World War II⁶⁴. Between 1975 and 1998 alone, a total of 3.98 million non-military firearms were legally imported into Canada, with 1.12 million exported⁶⁵. During this twenty-three year period, Canada's non-military gun stock increased by a total of 2.85 million firearms (imports less exports).

A 1976 Department of Justice Canada report stated that in 1974, there were between 10 million⁶⁶ and 11.2 million firearms in Canada⁶⁷. According to this estimate, rifles represented 60 per cent of the estimated Canadian firearm stock, followed by shotguns (34 per cent) and handguns (6 per cent)⁶⁸.

In contrast, Angus Reid Group Inc.'s 1991 survey on Canadian civilian gun ownership, undertaken on behalf of Department of Justice Canada, estimated that the civilian gun stock increased by just 758,000 firearms between 1976 and 1991 (from 5.17 million to 5.93 million)⁶⁹. The CFC's 2001 survey concluded that there are 7.92 million firearms in Canada: fifty-three per cent are rifles; forty per cent are shotguns; six per cent are handguns; and, one per cent are classified as "other" firearms⁷⁰.

Both the 1991 Angus Reid Group Inc. and 2001 CFC data are completely inconsistent with earlier gun stock estimates and import/export data.

Comparing the CFC's 2001 survey with the 1974 gun stock estimate suggests a dramatic 40 per cent decline in the number of firearms in Canada. But according to the government's 1991

Angus Reid Group Inc. and 2001 CFC surveys, the civilian gun stock in Canada actually increased by 2.0 million firearms between 1991 and 2001 while, during the same period, the number of gun-owning households declined from 23 per cent to 17 per cent!

This is simply not possible: import/export data shows that 1,011,592 firearms were imported into Canada between 1991 and 2000, with 843,769 exported. Contrary to the 1991 and 2001 surveys, import/export data shows that there was a net increase in the civilian gun stock of just 326,890 firearms during this period, indicating:

- a) no significant drop in civilian gun ownership; and
- b) no significant increase in the civilian gun stock.

To accept the CFC's premise that civilian gun ownership declined substantially between 1976 and 2001, one must believe that for two decades, Canadian gun dealers imported millions of firearms, most of them rifles and shotguns, that they did not sell or export.

More Realistic Estimates

Combining the net import data with the government's 1974 minimum estimate of 10 million firearms suggests that by 1998, there were approximately 12.9 million non-military firearms in Canada.

This total must be adjusted to account for firearms removed from circulation through seizures or amnesties, and owned for employment purposes by police departments and security companies.

According to the CFC, approximately 178,000 restricted/prohibited firearms are registered to agencies, dealers and museums⁷¹. We can eliminate another 92,000 lost and stolen guns, and 15,737 firearms surrendered to police for destruction during the 1978/1992 national gun amnesties⁷².

It is extremely difficult to estimate the number of guns recovered, and subsequently destroyed, by police investigating criminal incidents. A 1995 Justice Department report suggests that police in major Canadian metropolitan areas recover about 7,000 firearms annually⁷³; however, a significant portion of these guns are undoubtedly weapons smuggled from the United States. A substantial number were probably returned to their rightful owners; regardless, to be conservative we estimate that the police recovered, and subsequently destroyed, about 170,000 firearms since 1974.

Based on these figures, approximately 455,000 firearms can be removed from this estimate, leaving 12.5 million guns in civilian hands at the end of 1998.

At an average of 2.94 firearms per gun owning household, this means that in 1998 approximately 4.3 million Canadian households owned guns; considerably higher than the estimate of 2.7 million gun owning households described in the CFC's website. Applying the CFC's 1.22 gun owners per gun owning household ratio provides an estimate of 5 million gun owners in Canada at the end of 1998.

As we have attempted to illustrate, comparing the 1976 estimates with production and telephone survey data provides a more congruent estimate of the number of firearms and gun owners in Canada. Based on these figures, it appears reasonable to conclude that civilian gun ownership in Canada ranges between:

- 4 million to 4.5 million gun owning households;

- 5 million to 5.3 million individual gun owners; and,
- 11 million to 13 million civilian-owned firearms.

It must also be emphasised that there was no corresponding consistent increase in gun violence at the same time that the number of guns and gun owners in Canada was increasing. In fact, gun-related injuries, fatalities (accidents, homicides and suicides) and gun-related violent crimes *decreased* significantly⁷⁴. A similar trend was reported in the United States⁷⁵. While the Dominion government and firearm prohibitionists suggest that this decline resulted from the 1977 and 1991 firearm laws, their supporting evidence is described as "... inadequate, methodologically questionable, inconclusive, and contradictory."⁷⁶

While the CFC will not publicly admit to underestimating the number of guns and gun owners, their own internal documents suggest that there are 3.8 million gun owners (residing in approximately 28 per cent of all 1998 Canadian households) and 11 million firearms⁷⁷, and that gun owner non-compliance with the *Firearms Act* may be as high as 70 per cent⁷⁸.

As we have seen with England and Australia, civilian non-compliance with licensing and gun registration is not uncommon⁷⁹. From a Canadian historical perspective, gun registration has never been popular with the gun-owning public; e.g., an Order-in-Council issued in August 1940 ordered the licensing of gun owners and the registration of all rifles and shotguns in Canada. This program, centrally administered by the RCMP, and with *no* licensing or registration fees, remained in effect until February 1945; however, there is compelling evidence suggesting that not more than 50 per cent of gun-owning Canadians actually complied with the legislation⁸⁰.

Shortly after World War II, the Ontario Provincial Police embarked on a program to register handguns and automatic firearms, but was forced to admit that while the program had "... met with some success ... it would appear that there are still many unregistered weapons [handguns and automatic weapons] throughout the province"⁸¹. In 1950, the Minister of Justice reluctantly informed Parliament that one-quarter of the 180,000 civilian handguns ordered re-registered in 1939 had not been registered⁸². They were never found "... despite intensive efforts to trace them"⁸³.

Where Have The Guns Gone?

The CFC insists that the difference in the number of licensed owners and their 1998 estimate of 3.3 million owners results from approximately one million people having disposed of their firearms between 1998 and 30 December 2000. This argument is difficult to justify.

There must be some firearm owners who decided to give up their guns, but claiming such a radical decline requires that nearly one million Canadian households sold, traded, or otherwise disposed of nearly 2.0 million guns. There is no published evidence suggesting that such an enormous reduction in civilian gun ownership actually took place.

This massive gun disposal would have to have occurred at a time when the number of licensed Canadian gun dealers, who would have been able to accept their guns for export or sell them to other authorised owners, declined by one-third between 1995 and 1998 alone⁸⁴. Canadian gun exports surpassed imports after 1995 as frustrated dealers liquidated their stock; however, exports amounted to just 322,924 firearms between 1995 and 1998⁸⁵. Firearm imports amounted to 77,023 guns during the same period, resulting in a net reduction in the gun stock of just 245,901 firearms⁸⁶.

While 400,000 Canadians possessed valid FAC's at the end of 1998, retail imports dropped substantially after 1995, suggesting a significant drop in Canada's retail gun trade. It is possible

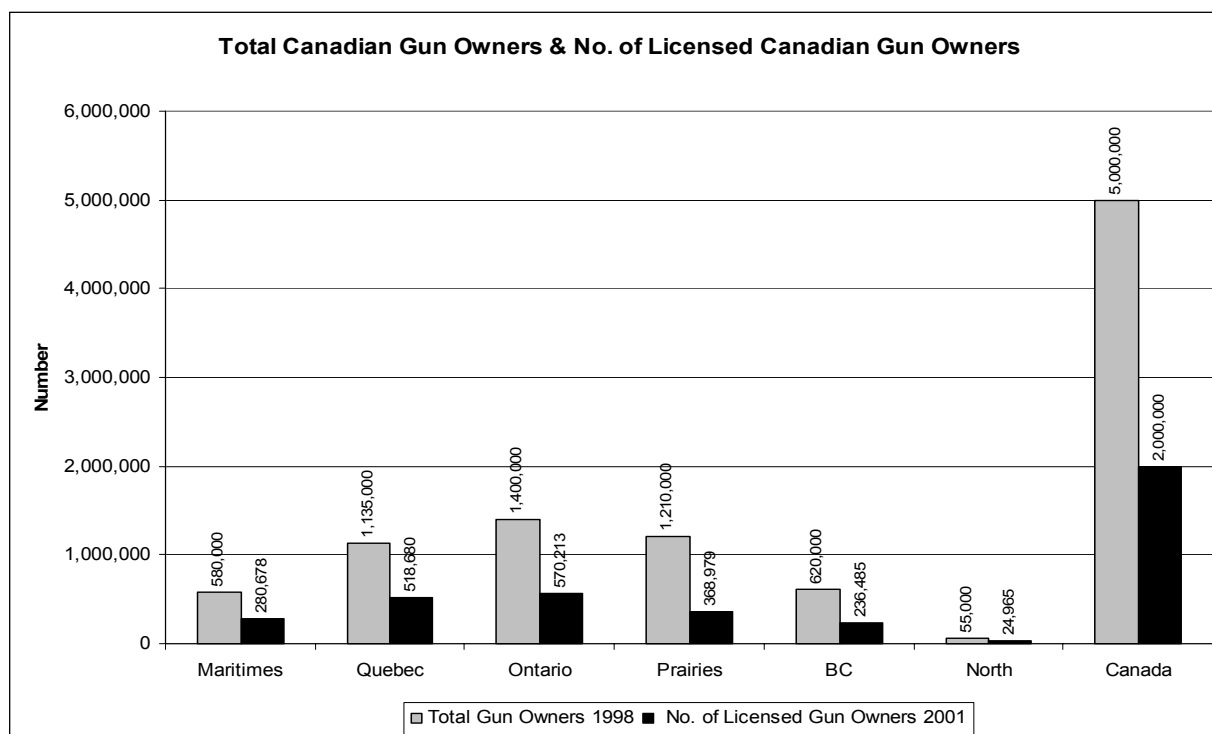
that owners who wished to give up their guns simply gave or sold their guns to other persons who did not have a license or FAC, resulting in no significant change in the number of firearms in civilian hands. The Fall 2000 survey showed that most Canadian gun owners are not prepared to surrender their guns. Eighty per cent indicated that they planned to keep their existing guns, or purchase new guns⁸⁷. Just 11 per cent of gun owners indicated that they would disable or dispose of their firearms.

Conclusions

The evidence presented in this paper strongly suggests that most Canadian firearm owners no longer acknowledge gun ownership to surveyors, and have not obtained firearm licenses or registered their guns. They simply "opted out" of the *Firearms Act*.

As illustrated in the following chart, comparing the number of firearm licenses and FAC's that the CFC issued or received between December 1998 and January 2001⁸⁸ to a minimal estimate of 5.0 million Canadian gun owners applied on a regional basis using the distribution described in the CFC's website⁸⁹, shows that non-compliance varies between:

- Fifty-two per cent in the Maritime provinces;
- Fifty-four per cent in Quebec;
- Fifty-nine per cent in Ontario;
- Seventy per cent in the Prairie provinces;
- Fifty-two per cent in British Columbia; and,
- Fifty-five per cent in the Yukon and Northwest Territories.



Overall, at least 60 per cent Canadian gun owners have not complied with the Act's licensing requirements. Since they do not have licenses, they cannot register their guns.

Without high levels of compliance, police cannot use the CFC's gun owner licensing and registration data with any certainty. They cannot inspect gun owners for compliance with storage regulations, or be notified of the theft of unregistered guns. This probably explains the CFC's unsubstantiated statements that the *Firearms Act* has resulted in a drop in Canadian gun thefts. In view of the substantial non-compliance, gun thefts have probably not declined, it is just the reporting that has gone down. A similar phenomenon appears to have occurred in Australia⁹⁰.

Current levels of non-compliance mean that the *Firearms Act* is unlikely to have any significant positive effect on public health or safety. At least 5 million firearms will continue to be bought, sold and traded on black and grey markets that the government itself created by passing legislation that many gun owners disagree with so strongly to disobey it.

Although unlicensed owners are subject to serious criminal penalties, the overwhelming majority of Canadian gun owners are non-violent people without criminal records who do not live a 'criminal' lifestyle. It is well known that the demographics of a 'typical' gun owner and a 'typical' criminal are completely dissimilar⁹¹; e.g., the Canadian Centre for Justice Statistics reports that two-thirds of persons accused of homicide, and one-half of their victims, are known to have criminal records⁹². This simple reality means that the chance of an otherwise law-abiding gun owner getting caught for unlicensed gun possession, or with unregistered firearms, is relatively remote.

Ironically, eighty per cent of all persons accused of gun homicide in Canada do not have a firearm license, and nearly three-quarters of all handguns used in homicide (handguns have been registered in Canada since 1913) are not registered⁹³.

But the implications of non-compliance on licensed gun owners are probably more severe than the criminal penalties that can be applied against unlicensed owners. There will be increasing demands for the CFC to be financially self-sustaining, meaning that licensing and registration fees must increase substantially. Any costs associated with running the system must inevitably be passed on to licensed owners. The bureaucracy will promote new permits and a new range of fees in an effort to make the system break even.

The Act is not the end of "restrictive" Canadian gun laws. Only the most hopelessly naïve gun owner can believe that they are not vulnerable to additional prohibitions now that the *Firearms Act* gives the Dominion government an absolute right to prohibit any gun not considered "reasonable" for hunting or sporting purposes. Furthermore, the Auditor General of Canada characterised the CFC's administration of the *Firearms Act* as "excessively regulatory," and that the CFC bureaucracy considers civilian gun ownership a "questionable activity."⁹⁴ In view of the international experience and the CFC's hostility towards gun owners and gun ownership, licensed Canadian gun owners should anticipate more onerous restrictions on gun ownership, including complete bans on handguns, semiautomatic and pump/slide action firearms.

In summary, there is no persuasive evidence supporting the CFC's claim that there are 7.9 million civilian-owned firearms in Canada, that gun ownership in Canada has declined substantially since the 1990s, or that most Canadian gun owners have complied with licensing and registration requirements. But the CFC must maintain this fiction if it is to preserve its mandate to "... create an environment in which firearm registration and licencing of users *are seen to be beneficial (emphasis)* to all Canadians⁹⁵." As we have seen from the Auditor General's report, the CFC's mandate is not to inform, but to mislead. They would rather extend an error than admit that they made a mistake.

While a number of gun owning Canadians seem prepared to trust the Dominion government and the CFC, it appears that for the millions who did not comply, the Act's costs outweigh its benefits.

In 1780, British Parliamentarian Edmund Burke wrote that: "Bad laws are the worst sort of tyranny." Current levels of non-compliance with the *Firearms Act* suggest that most Canadian gun owners agree with him.

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