

## Opening Statement

Senate Standing Committee on Legal and Constitutional Affairs

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Good morning Honourable Senators.

My name is Solomon Friedman. I am a criminal defence lawyer in private practice in Ottawa. In the course of my practice, I regularly represent gun owners before all levels of court in Ontario. It is fair to say that I have a prime vantage point to observe the effect and ineffectiveness of both the gun registry and the broader gun control scheme.

I will begin today by venturing somewhat farther afield than simply addressing the long gun registry and Bill C-19. By doing so, I hope to explain to you why the gun registry in particular has so rankled law-abiding gun owners and ordinary Canadians equally.

Why have MP's been inundated with correspondence from their constituents on this bill? Why was the *issue* of the long-gun registry one upon which the current government campaigned – front and centre – and was in part, responsible for propelling them to majority status?

It is essential that you understand why the issue of finally abolishing the long-gun registry has galvanized the Canadian public – both gun owners and non-gun owners alike.

This question is particularly compounded when one examines the gun registry in light of the history of Canada's criminal gun control scheme.

Throughout the 90's countless firearms were arbitrarily re-classified as prohibited, and in some cases, confiscated from law-abiding citizens. In almost every case, they were classified not based on function but on aesthetic appearance alone. If they were deemed to look "scary" or were made from black plastic instead of wood – they were declared "prohibited". Mere possession of these firearms became a criminal offence –punished in some of cases by a mandatory 3 year sentence of imprisonment. This seemed illogical and unnecessary – and yet it was passed into law.

"All in the name of public safety..." Canadians were told.

When section 102 of the Firearms Act was enacted, granting firearms officers the right to inspect the homes of law-abiding gun owners without warrant or suspicion of an offence, many questioned this seeming violation of privacy and fundamental rights. But Parliament passed it into law.

"If it saves one life..." Canadians were told.

Instead of legislating meaningful crime control measures, Parliament engaged in crime control theater. In so doing, they sacrificed true public safety for the appearance of public safety.

In the wake of tragedy and public outcry, Parliamentarians retreated to the refuge of lazy legislators. Instead of addressing the core causes of crime – poverty, mental illness, addiction – Parliament saddled law-abiding gun owners with the Firearms Act – a set of convoluted and complex provisions carrying criminal law penalties.

Gun control in Canada has been nothing more than a public policy pacifier. A distraction from actual crime prevention and public safety.

Unfortunately, the proponents of the Canadian gun control scheme couch their arguments in platitudes and emotional hysterics not fact or empirical evidence. They turn to isolated incidents and extreme anecdotes as support for their views.

You should find it telling that supporters of the gun registry rarely mention the findings of Auditor General Sheila Fraser regarding the state of gun control in Canada. In 2006, she wrote that there was no demonstration of how this legislation “help[s] minimize risks to public safety with evidence-based outcomes such as reduced deaths, injuries, and threats from firearms.”

Nor has mention been made of the recent peer-reviewed study out of McMaster University, published in the *Journal of Interpersonal Violence*. That study conclusively demonstrated that “Canadian firearms legislation has had no significant beneficial association in regards to firearm homicide and spousal homicide by firearm.”

They say that when all you have is a hammer – everything looks like a nail. For the past 40 years, the only tool Parliament has used to regulate law-abiding citizens and their use of firearms is the sledgehammer of the criminal law power.

In passing those unnecessary and harsh provisions, members of your Chamber – the reputed home of “sober second thought” – succumbed to an appeal to emotion, abandoned common sense and ultimately, failed Canadians.

You see, the long-gun registry is hardly the most offensive or illogical portion of the *Firearms Act*. It is simply the straw that broke the camel’s back. The tipping point. Canadians finally stood up to the criminalization of law-abiding gun owners and the use of the criminal law to regulate the innocent activities of ordinary citizens.

I would therefore urge you to pass Bill C-19 swiftly and without amendment. Not as a final measure, but as the first step to restoring the faith of law-abiding citizens in the good sense and good judgement of their honourable Parliamentarians.