

After the Gun Registry

by Gary Mauser

The gun registry is a failure and should be scrapped. But if it is scrapped, how will we be able to keep guns out of the hands of people who shouldn't have them?

I will argue here that it makes more sense to create a registry of people who *should not* have firearms, rather than a list of people who should, a “high-risk persons” registry, in other words. Given that our goal is to protect the public, it makes more sense to focus on the group that poses the greater risk. High-risk people are those who have proven themselves to be dangerous or violent. In contrast, gun owners merely have the potential to be dangerous.

There are many fewer high-risk people than there are guns or gun owners. There are between 2 and 7 million gun owners and between 12 and 15 million guns in Canada (Mauser, 2006). No one knows the exact number, but these are the best estimates available. In contrast, there are only an estimated 400,000 criminals and other high-risk individuals who should not be allowed to have firearms (Breitkreuz, 2004a).¹

First, let us review what we know: the gun registry is expensive and ineffective. At least \$2 billion has been wasted on it so far. It is error-ridden, ineffective,

and, most important, has not had any demonstrable effect on violent crime (Mauser, 2001, 2006). Specifically, the homicide rate has stayed the same since the registry was implemented in 1998 (see figure 1). As well, it is roundly hated, so hundreds of thousands of gun owners have refused to cooperate with it and register their guns.

The more that we learn about the gun registry, the more remarkable it seems that anyone could have ever thought such an unwieldy scheme would work. The gun registry has two parts to it. First, people who wish to own a gun are required to get a licence. Many people who had owned firearms for decades were required to get a licence just to keep them. Second, the firearm itself must be registered. This requires providing the government with a description of the firearm and a serial number. The vast majority of licensed owners (65%) or registered firearms (82%) have not been checked.² Thus, many errors have entered the system.³ Further, less than one-half of one percent of the guns in Canada are used for illegal purposes each year.⁴ Few of those misused firearms have ever been registered.

The problem isn't with firearms but with violent people. There is no more reason to fear hunters or target shooters just because they have guns than there is to fear cooks just because they have

sharp knives. Unfortunately, there are a lot of readily available ways to kill people, including knives, golf clubs, gasoline, bombs, and various poisons.⁵

For those with the intent to kill, guns are not even the most lethal option. Bombs are. The largest mass murders in North America have involved improvised bombs.⁶ Arson is as deadly as it is easy to do. In just one example, a jilted lover used a can of gasoline to kill 87 patrons in a Bronx dance hall in New York (Tomasson, 1991).⁷ If guns were somehow to disappear, violent people would still exist.

Table 1 shows the types of people who I believe should not have access to firearms. In principle, the government already keeps track of these people, or it should, because they have been judged to be dangerous to society. None of the people in these high-risk categories are

Table 1: An Illustrative List of People Who Should Not Have Guns in Canada

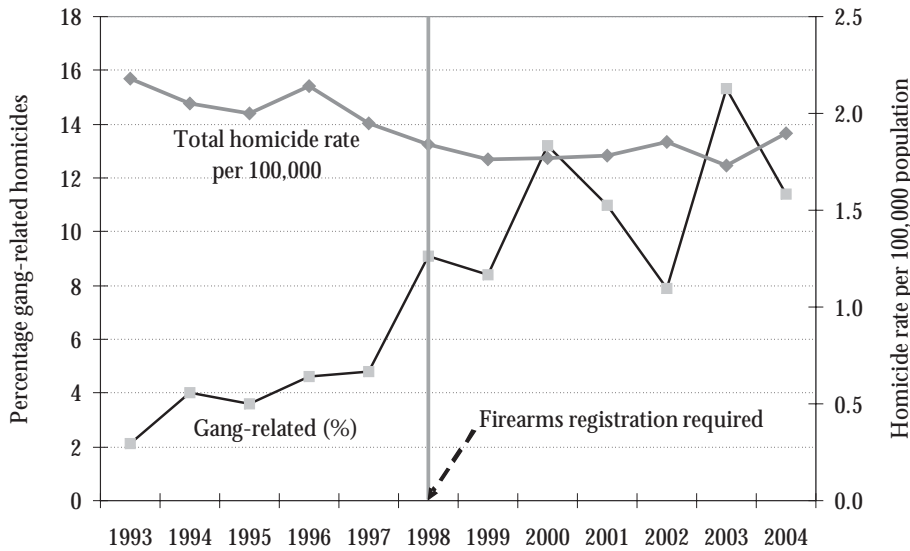
- Convicted violent criminals, prisoners, and parolees;
- Persons prohibited from owning guns by the courts;
- Persons with an outstanding criminal arrest warrant;
- Persons subject to restraining orders or bail conditions;
- Persons subject to a deportation order;
- Persons with refused or revoked firearm licences or certificates;
- Individuals who have threatened violence as identified in the Firearms Interest Police Database until cleared by a Chief Firearms Officer or the courts.



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Figure 1: Trend in Gang-related Homicide in Canada



Sources: Dauvergne, 2004; Dauvergne, 2005.

subject to the provisions of the Firearms Act. Unless ordered to do so by the court, they are not required to report changes of address the way all two million federally-licensed firearms owners are.

A registry of high-risk people is consistent with Canadian legal traditions. Courts are the preferred method of determining legal sanctions—not government bureaucrats. Denying firearms to an individual should be based on past behaviour, not the mere potential for causing harm. Instead of requiring individuals to prove they *can* be trusted, it is more compatible with individual liberty to put the burden of proof onto the authorities to prove any given individual should *not* be trusted. Criminals, by their actions, have shown that they are not to be trusted.

A list of high-risk individuals is useful. The best predictor of who should be allowed to have a gun is a person's criminal record, or lack of one. No test

has yet been developed by anyone—police, psychiatrist, or criminologist—that is better at predicting what an individual will do in the future than that individual's own records. Adults who have not yet committed a crime will

... put the burden of proof onto the authorities to prove an individual should not be trusted.

probably never do so. Of course predictions based on past behaviour are far from perfect, but they are still better than any other predictor.

Because there are fewer names on the list of high-risk people than on the list of gun owners, the former list should

cost less to assemble and to maintain. The criminal justice system already has lists of these people; all that needs to be done is to assemble the separate lists into one master list.

What would we do with a list of high-risk individuals? Not only would such a list help in deciding who should have a firearm, it would also protect the public by making it easier to keep track of dangerous people. For example, no national list now exists that can be used to monitor sex offenders, parolees with violent criminal records, people with court orders against them, or foreign nationals who have been ordered deported as dangerous to the public. As shocking as it may be, communication amongst the RCMP, provincial police forces, and Immigration Canada is woefully inadequate. The government should immediately create the proposed list of high-risk individuals and take steps to encourage both the RCMP and Immigration Canada to use it.

The new government has pledged to end the gun registry, but it cannot realistically do so without substituting for it some other method for keeping guns out of the hands of those who should not have them. The proposed list of high-risk individuals is both rational and cost-effective. Not only will society be safer if we keep track of high-risk individuals rather than guns and gun owners, but such a list will be less costly than the current gun registry.

Notes

¹This total was arrived at by adding the following estimates: a) approximately 200,000 convicted criminals who have been or should have been prohibited from owning firearms, b) 40,000 people with restraining orders or bail conditions, c) 30,000 illegal immigrants who have been ordered deported, d) 16,554 people whose firearms licences have been revoked or refused, and e) people for whom



33,742 armed and dangerous alerts have been issued by Canadian police agencies.

An unknown number of these individuals may occur in more than one category, so these estimates include double counting. However, this problem is at least partially offset by other categories of people where estimates are nonexistent, and the necessity of including approximately 20,000 net new violators each year. For more information see the *Report to the Solicitor General* (RCMP, 2003, figure 5, p. 26).

²1.3 million POL (Possession Only Licence) holders have not had criminal record checks out of the total 2 million licensed firearms owners, and 5.8 million of the 7.1 million registered firearms have not been verified (Breitkreuz, 2004b).

³Due to budget constraints, the government did not verify the information provided by many owners about themselves or the firearm they were registering. One imaginative Canadian even managed to register a soldering gun without the Canadian Firearms Centre knowing that it was not a "firearm" under the Canadian criminal code (Breitkreuz, 2002). If the owner claims his firearm does not have a permanent serial number, and many firearms do not, the government merely issues one in the form of a paper note that must be glued to the gun.

⁴Guns are involved in an estimated 40,000 crimes in Canada each year (Dauvergne, 2005; Sauvé, 2005).

⁵Anyone who thinks that bombs are not readily available has not taken chemistry or examined their surroundings with a murderous eye.

⁶The Oklahoma City federal building was destroyed by a bomb fashioned from fertilizer and fuel oil, while those who annihilated the Twin Towers in New York City used airplanes as if they were gasoline bombs.

⁷This case shocked the public with how easy it was for anyone to get gasoline. Nothing has changed since this tragedy.

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