

ATA Article for April 2016

Greetings from Ontario, Canada

Congratulations to two of our Ontario shooters Keith Saunders who made the All-American Sr. Vet 2nd Team and Terry Jordan who made the All-American Vet 2nd Team.

Shortly before I wrote this article U.S. Supreme Court Justice Antonin Scalia was laid to rest. He was a fierce defender of the Constitution and of the 2nd Amendment.

For years I have observed trap shooters who think our sport is immune from the firearm debate. Let others fight it. We'll just mind our own business and the fray will pass us by. That is the mistake long gun owners made in England who chose not to speak up for handgun owners, expecting that the antigun lobby would leave them alone to enjoy their firearm sports. And, of course, we all know what happened in England because the loss of handgun ownership was only the beginning. We, in Canada, don't have the protection of the (U.S.) 2nd Amendment. And even the 2nd Amendment is vulnerable depending on how the highest court in the land chooses to interpret gun laws. Generally speaking "conservatives" on the U.S. Bench tend to be supporters of the 2nd Amendment and "liberals" tend to be on the other side of the issue. With the loss of Justice Scalia there are now four of each persuasion sitting and the next appointment will tip the balance. Who is appointed matters. The President recommends and the Senate approves or disapproves.

In Canada, who sits on our Supreme Court also matters. Constitutional (Charter) issues can be referred by a Province, for instance, to the highest Court in that Province. That is exactly what the Province of Alberta did a few years ago in relation to Bill C-68 (The Firearms Act). The then Liberal government enacted the Firearms Act which had extremely onerous provisions for firearm owners one of which was the registration of every firearm in the country. Once all firearm owners were licensed to own a firearm, and every firearm was registered to firearm owners, the snare was set. All that was needed was an excuse (like a mass shooting) and the inner circle of the Canadian Government (Cabinet) had powers within the Criminal Code and Firearms Act to put any and all firearms they chose on the prohibited list. Letters would go out to the owners of those guns and a time period would be given for them to surrender these guns without compensation. Failure to comply held criminal sanctions and the long arm of the law would come knocking at doors. Of course, anyone failing to register a firearm was automatically a criminal.

The Province of Alberta challenged the Firearms Act alleging the Federal Government was attempting to enact laws outside its jurisdiction. Alberta argued that only the Provinces could licence and register people and guns under their property and civil rights powers. The Feds argued that it had authority under its criminal law powers as well as its "peace, order and good government" power. Because this constitutional challenge was considered so important, other Provinces were given status to file materials and make submissions. So too were stakeholders on each side of the dispute invited to seek intervenor status and many were granted that status. The Shooting Federation of Canada was at the time and still is the National Sport Organization (NSO) for all the shooting sports in Canada. We were granted status and filed substantial briefs that showed the negative impact that this law would have on our recreational and competitive shooting sports.

I was co-counsel for the S.F.C. I know the firearm laws in and out. My co-counsel Brian Crane from Ottawa was one of the top constitutional experts in the country. In Alberta we lost by 3 judges to 2. This gave us an automatic appeal to the Supreme Court of Canada. We got blown out 9-0 at that level. I cannot

criticize the constitution of our Supreme Court. We just didn't have the ammunition (so to speak) like a "second amendment". In the end result there were some exemptions given to firearms that were approved for use in I.S.S.F. competitions (International Shooting Sports Federation). At the time the S.F.C. was entitled to issue tax receipts as a tax exempt entity. It still can and does. A political or activist organization will likely not have preferred taxation status and the ability like a charity to issue tax receipts. A sport governing organization like the S.F.C. does have the right, and in the eyes of many also the responsibility, to protect our sport and on occasion that can mean siding with and supporting organizations that have our back. The S.F.C. spoke up when sport shooters (including trap shooters) needed an advocate. With the Federal Liberals back in power, the S.F.C. may need to speak up again.

The NRA is a tireless advocate of the 2nd Amendment. For those of us who cherish our firearms heritage being a member of the NRA helps put our money where our mouth is. There is often strength in numbers. Should the ATA permit its name and the strength of its numbers to be added to NRA initiatives? We don't want to get in the way, but sometimes even an endorsement, at no financial cost, may help.

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