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TRINITY COLLEGE

A COMPARATIVE ANALYSIS OF GUN POLICY
IN CANADA AND THE UNITED STATES

BY

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A THESIS SUBMITTED TO
THE FACULTY OF THE DEPARTMENT OF PUBLIC POLICY AND LAW
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Abstract

The shooting in Paradise, Nevada in 2017 was one of the worst mass murders in the United States but did not lead to any new gun control policies. In contrast, following a similar event in Nova Scotia in 2020, Canada's federal government banned over 1,500 models and variants of assault-style firearms. Such different outcomes are the focus of this thesis, which seeks to explore the gun policy making process in Canada and the United States. It explores several factors that lead to remarkably different reactions of the federal governments in each country in the aftermath of a mass shooting. To do so, it examines institutional elements of the policy making process, the significance of the structures of government, the history and evolution of gun laws in either country, and the impact of the Second Amendment and the role of interest groups in the policy making arena.

Introduction

Gun violence is a contemporary human rights and public health problem that threatens the safety, security, and welfare of people across the globe. In the form of homicides, mass shootings, suicides, assaults, etc., gun violence takes a toll on communities across North America daily, and the severity of these effects is too often hidden from view. The rate of gun violence and ownership in the United States substantially exceeds that of any other developed country. A 2018 Small Arms Survey reported that United States civilians alone accounted for approximately 46% of the *worldwide* total of civilian-held firearms.¹ The national ownership rates vary from about 120.5 firearms per every 100 residents in the United States, to less than 1 firearm per every 100 residents in countries like Indonesia, Japan, Malawi, and several Pacific island states.² As a result of the soaring rates of gun ownership, the United States has faced terrible consequences. Mass shootings, which were once a rare event, now occur with shocking frequency effecting the public, even those that were not in immediate proximity to the event. Additionally, the media reifies the effects of mass violent incidents which can create high levels of fear and anxiety. It is clear that this level of gun violence is a uniquely American problem among the developed world, and although it is talked about after mass shootings, the issue is much more complicated than those debates allow. According to data from the Gun Violence Archive, there were 417 mass shootings in the United States by the end of 2019, some of these shootings happening within 24 hours of each other.³ Before 2011, public mass shootings happened 6 months apart on average.

¹ Karp, Aaron. "Estimating Global Civilian-Held Firearms Numbers." *Small Arms Survey*, 2018, www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf.

² Ibid.

³ Lopez, German. "America's Unique Gun Violence Problem, Explained in 16 Maps and Charts." *Vox*, Vox, 2 Oct. 2017, www.vox.com/policy-and-politics/2017/10/2/16399418/fedex-indianapolis-mass-shooting-gun-violence-statistics-charts.

The extent to which gun violence can be prevented by reducing or controlling access to firearms is highly contested and an extremely polarized topic in the policy arena. The large gun stockpiles and loose restrictions have forced the United States into a pattern of gun violence, mass shootings, complacency, and complicity that has no parallel anywhere else in the world. The rates of gun violence and ownership in other developed nations clearly display a relationship between gun violence and weak regulations in the United States. Some argue that the United States is a uniquely developed country and therefore international comparisons to gun policy are invalid.⁴ However, Canada shares numerous resemblances in gun laws and culture with the United States but has had much more success in gun control policy and legislation. Moreover, the rates of gun ownership are much lower in Canada and thus gun violence is less of a problem.⁵ The Canadian gun control system could be especially relevant for the United States' efforts to reform both its gun policies and the legislative process. It is important to conduct international comparisons for the purpose of theory building, systematic comparison, causal relationships, etc. in the field of political science. The level of gun violence and ownership in the United States compared to that of other countries is vast, terrifying, and unacceptable. Therefore, the United States should use Canadian gun policy and legislation as a navigation tool for their own, much needed reform.

Although there cannot be a single cause of the gun violence problem in the United States, some scholars have argued that the reason for the higher volume of guns and gun violence is the difference between the parliamentary and presidential government systems. In the United States,

⁴ Imbergamo, Amy, "The Achievement of the 1996 National Firearms Agreement in Australia: Lessons for Federal Gun Control Reform in the United States". Senior Thesis, Trinity College, Hartford, CT 2013.

⁵ Government of Canada, Department of Justice. "Firearms, Accidental Deaths, Suicides and Violent Crime: An Updated Review of the Literature with Special Reference to the Canadian Situation." 5. *Firearms and Violent Crime*, 7 Jan. 2015, www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/wd98_4-dt98_4/p5.html.

state and local governments are the primary regulators of gun control, and federal laws establish a minimum level of restrictions. Each state itself is a sovereign entity, which has created an inconsistent patchwork of gun laws.⁶ Additionally, given the need for bipartisan support to pass bills, the polarized Congress makes it very difficult for the federal government to pass any new legislation at all. For example, the U.S. federal government has received backlash for its lack of response to mass shootings in the past decade. High-profile shootings should prompt several legislative developments in gun laws; however, the United States has consistently failed at responding to such events.⁷

In sharp contrast, Canada has been able to act quickly and efficiently in response to tragedies. In Canada, firearms are regulated generally at the federal level, and provincial governments may add additional restrictions that are applicable to their jurisdiction. The Liberal Party possesses the majority of the Canadian government, making it much less polarized than that of the United States. This allows bills to be passed faster and more easily. For example, in May 2020, two weeks after a mass shooting in Nova Scotia, the federal government was able to implement an immediate ban on military-style assault weapons. The structural differences, coupled with British-style parliamentary government, have allowed Canada to pass stricter firearm legislation that applies across the entire nation.⁸ The lower rates of gun ownership and therefore gun violence in Canada clearly displays the success of the system.

In addition to the polarized Congress, a key contributor to the United States' difficulties in passing gun legislation is the role of interest groups. Interest groups in the legislative process

⁶ Gevertz, David. "Gun Laws Create Patchwork of Competing Legal Considerations." *American Bar Association*, 9 Jan. 2017, www.americanbar.org/groups/litigation/committees/civil-rights/practice/2017/gun-laws-create-patchwork-of-competing-legal-considerations/.

⁷ Luca, Michael, et al. "The Impact of Mass Shootings on Gun Policy." 2019, doi:10.3386/w26187.

⁸ Mauser, Gary & Margolis, M. (1992). *The Politics of Gun Control: Comparing Canadian and American Patterns*. *Environment and Planning C: Government and Policy*. 10. 189-209. 10.1068/c100189

play a very different role than such groups do in Canada. These groups are significant inhibitors of the American government's ability to pass gun legislation. The presidential system of government provides numerous windows into the legislative process where interest groups can interfere. The most powerful interest group in the United States, the National Rifle Association (NRA), has a significant influence on gun policy because it has a plethora of members and millions of dollars. The NRA can influence gun policy directly by using its money to influence members of Congress. Additionally, the NRA spent approximately 30 million dollars on advertisement to help Donald Trump win the 2016 presidential election. Senators' power and party position are considerably dependent on the NRA's financial support. Interest groups in Canada are not nearly as powerful or influential in the legislative process. Additionally, there are more lobbying groups in support of stricter gun control legislation, like the Coalition for Gun Control, than in the United States. The centralized power of the parliament in Canada makes it more difficult for interest groups to be part of the decision-making process.⁹ So long as the government can keep the support of a majority in the House of Commons, it can pass any legislation it sees fit unless an adverse majority in the Senate refuses to pass the bill (which rarely happens in contemporary politics).

Another issue faced by the United States when passing gun legislation is the power of constitutional interpretation. The Second Amendment grants American citizens the fundamental, inalienable right to keep and bear arms. Exactly how the founders wanted citizens to exercise this right has been contested for years. Effective gun policy in the United States faces the obstacle of balancing this constitutional right in addition to the public interest in gun ownership and public

⁹ Forsey , Eugene A. "Canadian and American Government." *How Canadians Govern Themselves*, lop.parl.ca/about/parliament/senatoreugeneforsey/book/chapter_4-e.html.

health and safety.¹⁰ Canada can develop more effective gun policy easier than the United States because Canadians are not given the same right to own a gun. The Second Amendment plays an outsized role in the development of gun control policy in the U.S. Modern debates about the Second Amendment focus on whether the Constitution protects the private right of individuals to keep and bear arms, or whether it is a right that can be exercised only through militia organizations. In 2008 Justice Scalia delivered an opinion in the United States Supreme Court case, *District of Columbia, et al., v. Dick Anthony Heller*. This case was significant because it was one of the first shifts in the narrative of “self-defense” in the United States in terms of what it meant for an individual’s right to own a gun¹¹. The Second Amendment is a necessary part of the gun policy debate and *District of Columbia v. Heller* confirmed that the right to keep and bear arms for self-defense purposes is unconnected with service in a militia, and gun ownership should not be limited to those in a governed military force. The court’s interpretation of the constitution in this case remains controversial today.

Another difference that is often brought to light in the gun debate is that of culture and public opinion. The right to bear arms was written into the social fabric of the American nation from the beginning of the country’s independence. American citizens have always felt the need to protect themselves from the government and their neighbors, which led to the large circulation of guns. Canadian gun culture emphasizes recreational uses of guns rather than the need to use guns for self-defense purposes. In Canada, there has never been a distrust in the abilities of the government like there has been in the United States. The checks and balances in the United States system were created because even the founders distrusted the power of a presidential

¹⁰ Fleming, Anthony K. *Gun Policy in the United States and Canada the Impact of Mass Murders and Assassinations on Gun Control*. London: Bloomsbury Academic, 2014.

¹¹ “District of Columbia v. Heller.” *Oyez.com*, www.oyez.org/cases/2007/07-290.

system of government.¹² Further, the Canadian public has historically trusted the government to protect its constituents. Unlike many American citizens, public opinion polls have revealed that Canadians have felt less inclined to protect themselves from the government in the post-confederation era.¹³ There cannot be one single cause of the large influx of gun violence in the United States or its lack of response to mass shootings and other focusing events. This thesis aims to explore the main contributing factors that have allowed Canada to further succeed in gun legislation and responding to gun violence, and why the United States has failed in the same areas.

Chapter 1 of this thesis will set the stage by providing the data needed to fully understand the scope of the gun violence issue in the United States in comparison to Canada and other developed countries. Data on gun ownership, gun deaths, mass shootings, types of guns used and the deadliness of each one is important for urging the government to ban certain guns. The data shows that there is in fact a serious problem with guns in the United States and there are several factors in the way of developing successful gun control policies at the federal level.

Chapter 2 of this thesis will discuss the structural differences between the forms of government in both Canada and the United States, the differences in the policy making and legislative processes, and how each system of government directly impacts gun laws. Additionally, the polarization or lack thereof in either country is directly related to the outcome of policy development. Chapter 1 aims to display how an effective response to mass shootings and gun violence is much easier to accomplish in a parliamentary system of government. This is a contributing factor to Canada's better responses to mass shootings than the United States.

¹² Ibid.

¹³ Brown, R. Blake. *Arming and Disarming: a History of Gun Control in Canada*. University of Toronto Press, 2013.

Chapter 2 will provide a brief overview of the history of gun legislation in both Canada and the United States. It aims to evaluate the successes and failures of specific gun laws in either country. There have been numerous laws, regulations, and Supreme Court cases that have shaped current gun laws and the policy development process. A timeline of firearms laws from the nineteenth, twentieth, and twenty-first centuries in North America will aid in illustrating advancements in gun control.

Chapter 3 of the thesis will discuss the role of interest groups in each country and the impacts they have on legislation and public opinion. This chapter will also focus on the role of the Second Amendment in the policy making process. As previously noted, the NRA has a significant influence on gun legislation in the United States, much more than that of any interest groups in Canada. The main interest group that is pro-firearm in the U.S. is the NRA, and on the opposite side of the debate is the Brady Campaign. Up north, Canada has the National Firearms Association (NFA) as its main pro-firearms group and the Coalition for Gun Control takes the other side of the debate. This chapter aims to display how the Second Amendment and the NRA are significant contributors to the failure of gun legislation in the United States.

Chapter 4 will discuss the differences in gun culture and public opinion across Canada and the United States. The two countries have viewed gun control in very different ways from the start, and the culture surrounding guns has been shaped by everything mentioned thus far and more. The individualistic ideals of the American Constitution play an important role in discussing the public opinion surrounding gun control. In Canada, owning a gun is a privilege that is well-regulated and requires training and licensing. Strict gun regulation does not make Canadians feel as though their liberty has been taken away. The cultural differences between

Canada and the United States are essential for understanding this comparative political investigation.

Chapter 1: The Current Issue Explained in Numbers

How do two neighboring, wealthy democracies have such different experiences with firearms? Statistics prove that there are several factors that contribute to the gun violence problem in the United States including gun ownership rates and different types of guns and their deadliness. We will begin by analyzing data surrounding mass shootings and gun violence deaths in the United States versus Canada and other developed countries. The Gun Violence Archive is an online database of gun violence incidents collected from over 7,500 law enforcement, media, government, and commercial sources in the United States in an effort to provide public data about the results of gun violence.¹⁴ As of April 15, 2021 the gun violence archive holds 12,300 total deaths caused by guns in a number of different scenarios over just three and a half months. This level of gun violence is consistent with the total number of deaths caused by guns in twelve months in 2014. Figure 1 is a six-year review of data collected by the Gun Violence Archive. The numbers clearly display a pattern of increased gun violence – whether it is willful, malicious, or accidental – in the United States since 2013. The gun violence database that tracks mass shootings uses a fairly broad definition of “mass shooting”. It includes not just shootings in which four or more people were murdered, but shootings in which four or more people were shot at all excluding the shooter.¹⁵ People often attribute the large number of gun deaths in the United States to mass shootings because they receive so much public attention. However, more than two thirds of gun deaths are suicide.¹⁶ Though homicides make up 37 percent of gun deaths, the prevalence of suicide in firearm deaths, makes suicide prevention and gun control two connected

¹⁴ *Gun Violence Archive*, www.gunviolencearchive.org/query/0484b316-f676-44bc-97ed-ecefeabae077.

¹⁵ *Ibid.*

¹⁶ *Gun Deaths by Country 2021*, worldpopulationreview.com/country-rankings/gun-deaths-by-country.

issues. Many suicides involving a firearm occur in states with fractured or minimal gun regulations.

GVA - SIX YEAR REVIEW	2014	2015	2016	2017	2018	2019
Deaths - Willful, Malicious, Accidental	12,418	13,537	15,112	15,679	14,789	15,208
Suicides by Gun	21,386	22,018	22,938	23,854	24,432	PENDING
Injuries - Willful, Malicious, Accidental	22,779	27,033	30,666	31,265	28,233	29,501
Children [age 0-11] Killed or Injured	603	695	671	733	670	692
Teens [aged 12-17] Killed or Injured	2,318	2,695	3,140	3,256	2869	3,068
Mass Shooting	269	335	382	346	337	417
Murder-Suicides	624	530	549	608	621	614
Defensive Use [DGU]	1,531	1,393	2,001	2,107	1888	1,547
Unintentional Shootings	1,605	1,969	2,202	2,039	1662	1,837

Figure 1

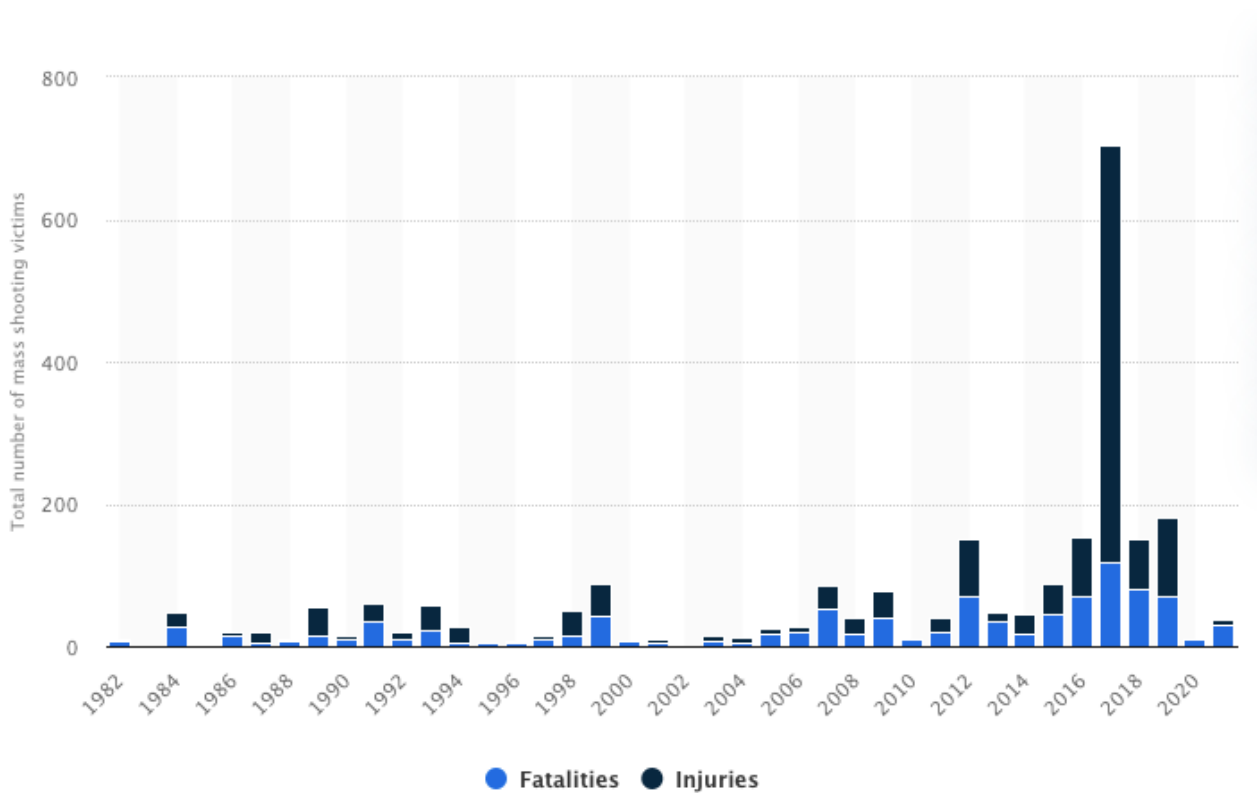


Figure 2

Figure 2 displays the pattern of United States mass shooting victims by fatalities and injuries between 1982 and 2021.¹⁷ As of April 15, 30 people were killed in mass shootings in the United States in 2021. A total 987 victims were fatally injured during mass shootings alone in the United States between 1982 and April 15, 2021. Between the same period of time in Canada, there were approximately 113 victims who either died or were injured during a mass shooting. The number of casualties in mass shootings is a clear representation of why the United States could learn from Canada's restricted weapon system.

Despite this increase in mass shootings and number of deaths caused by guns, the United States government has done little to prevent future mass shootings from occurring. There is a trend among mass shootings that they are far deadlier when they involve assault weapons and high-capacity magazines.¹⁸ Research provided by a gun control lobbying group, Everytown, shows that between 2009 and 2018, the five deadliest mass shooting incidents in the U.S. all involved the use of assault weapons and high-capacity magazines: Las Vegas, Orlando, Newtown, Sutherland Springs, and Parkland. Mass shootings involving assault weapons resulted in an average of 11.6 people killed and 25.1 people wounded per shooting, compared to 5 people killed and 1.2 people wounded when other guns were used.¹⁹ There is strong evidence suggesting that states can reduce gun violence by banning assault weapons like Canada has. Some states, including California, Connecticut, Washington DC, and Massachusetts, have taken steps to regulate or ban assault weapons, however a federal ban would be more effective. Researchers estimate a federal Assault Weapon Ban (AWB) would have prevented 314 of 448 mass shooting

¹⁷ Department, Published by Statista Research, and Apr 19. "Mass Shooting Victims in the United States by Fatalities and Injuries 1982-2021." *Statista*, 19 Apr. 2021, www.statista.com/statistics/811504/mass-shooting-victims-in-the-united-states-by-fatalities-and-injuries/.

¹⁸ "Mass Shootings in America." *Everytown Research & Policy*, 8 Apr. 2021, everytownresearch.org/maps/mass-shootings-in-america-2009-2019/.

¹⁹ *Ibid.*

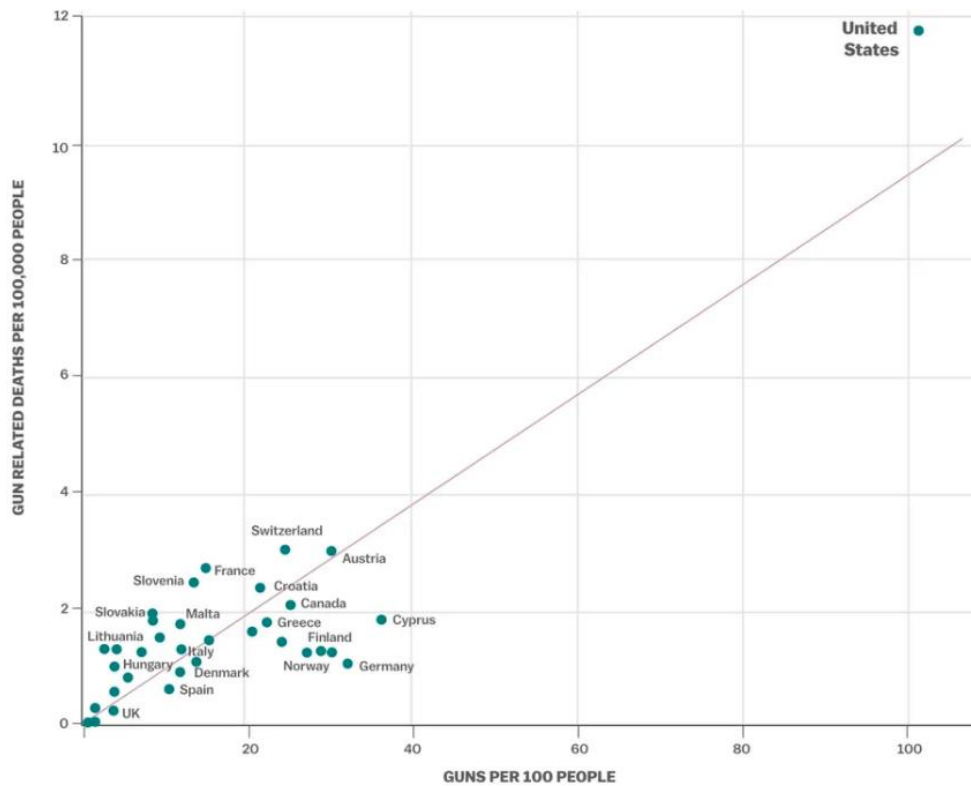
deaths that occurred during the studied periods where the AWB was not in effect.²⁰ To add perspective, the deadliest mass shootings in Canada have resulted in significantly less casualties. One of the deadliest mass shootings in history occurred when a man used a “Colt Law Enforcement Carbine,” a Sturm Ruger Mini-14 and two handguns, which were all illegally obtained and in three cases smuggled into Canada from the U.S. to murder 22 people.²¹

One of the most significant factors that contributes to the gun violence problem in the United States is gun ownership. It is clear that the rates of gun ownership in the United States are far greater than any other developed country. Research shows that there is a significant correlation between gun ownership and gun deaths. On the following page, Figure 3 shows that in the United States the number of gun deaths is greater in the states where gun ownership tends to be more prevalent.²² The correlation between gun ownership and gun deaths in other developed countries is consistent with that of the United States. This correlation supports the argument that guns need to be regulated at the federal level because gun ownership is extremely inconsistent across the country. It is crucial to conduct international comparisons to highlight the severity of this problem. Figure 4 displays the pattern between gun ownership and gun deaths in other countries. The gun ownership rates in the United States are almost incomparable to that of any other country included in the graph. The U.S. also has over five times the total number of firearms than the second-highest country, India, which has a population of 1.36 billion but only an estimated 71 million firearms. Additionally, a Pew Research Center study in 2017 showed

²⁰ “Assault Weapons and High-Capacity Magazines.” *Everytown Research & Policy*, 5 Apr. 2021, everytownresearch.org/report/assault-weapons-and-high-capacity-magazines/.

²¹ Russell, Andrew. “Colt Carbine, Ruger Mini-14 among Illegally Obtained Firearms Used by Nova Scotia Shooter, Docs Show.” *Global News*, Global News, 20 Nov. 2020, globalnews.ca/news/7474635/nova-scotia-shooting-illegal-firearms-colt-carbine-ruger-mini-14/.

²² Lopez, German. “America's Unique Gun Violence Problem, Explained in 16 Maps and Charts.” *Vox*, Vox, 2 Oct. 2017, www.vox.com/policy-and-politics/2017/10/2/16399418/fedex-indianapolis-mass-shooting-gun-violence-statistics-charts.



SOURCE: Gunpolicy.org , United Nations Development Programme



Figure 4

In Canada there is much less recent research or data collection surrounding gun deaths and ownership; however, Figure 5 (on the following page) shows the number of individual firearm licenses owned by Province in Canada in 2019. These numbers are significantly less than the over seventy-million people who own guns in the United States. Moreover, the firearm related death rate per 100,000 people per year in the United States is 12.21, whereas in Canada it is 2.05.²⁴ Many have argued that the lower death rate in Canada is a result of the lower rates of firearm ownership, which is directly related to Canada’s gun control laws. The licensing process in Canada makes it more difficult to access guns, therefore there are less guns circulating in

²⁴ *Gun Deaths by Country 2021*, worldpopulationreview.com/country-rankings/gun-deaths-by-country.

general. These statistics also support the argument that gun laws should be created and regulated by the federal government in the United States because it would be a more efficient way to keep track of the guns being circulated.

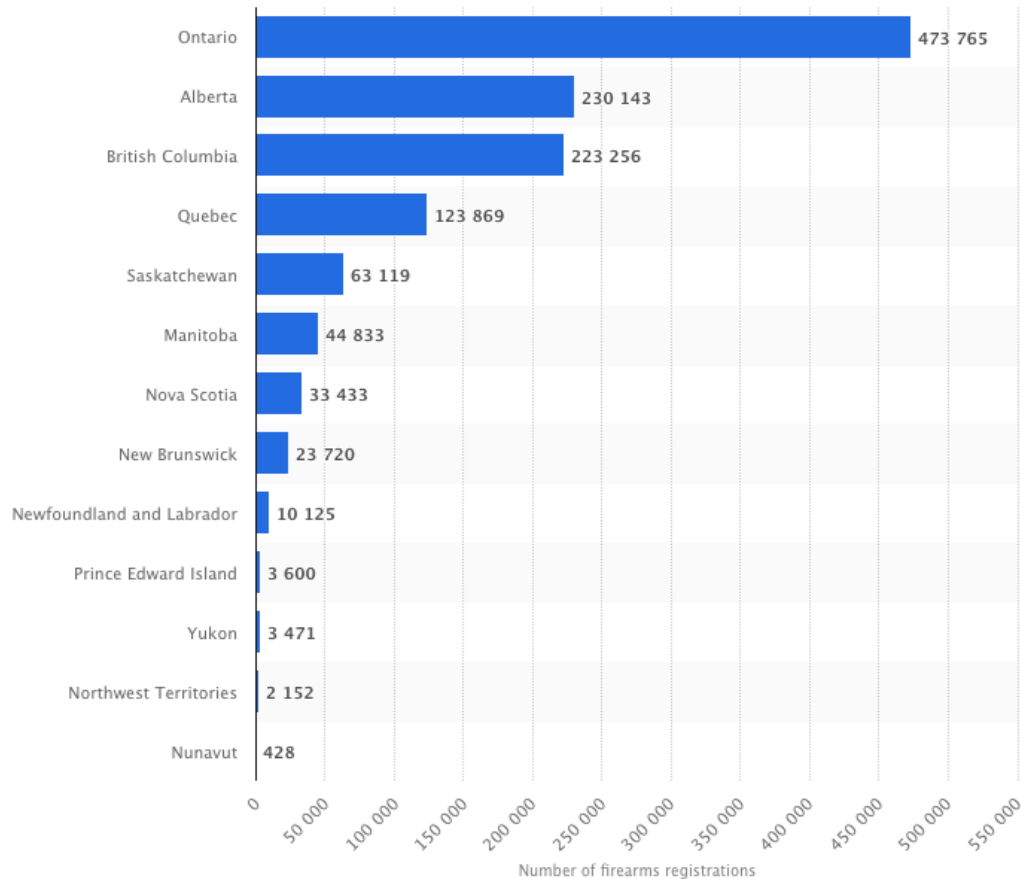


Figure 5

Figure 6 (on the following page) is a graph of the number of homicides by shooting in Canada between the years of 2004 to 2019.²⁵ In 2018 a total of 251 victims died from a shooting. In the same year in the United States, there were 39,740.²⁶ The smaller number of casualties in mass

²⁵ Department, Published by Statista Research, and Mar 9. “Number of Homicides by Shooting in Canada 2019.” *Statista*, 9 Mar. 2021, www.statista.com/statistics/433713/number-of-homicides-by-shooting-in-canada/.

²⁶ Follman, Mark, et al. “US Mass Shootings, 1982–2021: Data from Mother Jones' Investigation.” *Mother Jones*, 28 Dec. 2012, www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/.

shootings in Canada is due to the fact that assault weapons and guns that can fire several rounds at a time are banned throughout the entire country. The federal government recognizes that military grade assault weapons are of no use to Canadian civilians.

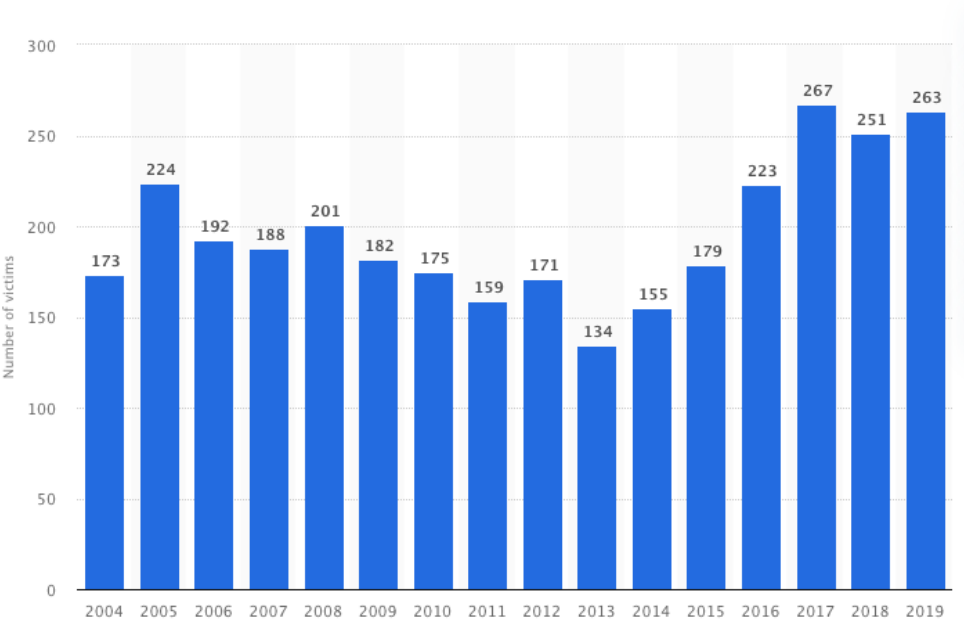


Figure 6

Chapter 2: Structural Differences & The Legislative Process

Public policy is a course of action that governments follow when dealing with a problem in their country. It generally indicates the reason for government action, and the preferred means of acting on the problem at hand. A “policy” can refer to how something is done (rules or procedures) or to what is being done (substantive programs, for example). Policies are frequently controversial because they involve a sort of coercion or threat of penalty if not followed.²⁷ A look at the basic structural differences between the governments of Canada and the United States can help to explain why the legislative processes are different in either country or why policies like gun control may be more difficult to pass in the United States than in Canada. Whether or not a bill is passed or considered and how long it takes, depends on the processes in government. The structure of government is of particular importance in determining the response to focusing events such as mass shootings or global pandemics. It is also important to note that in both countries, right-of-center political parties support lenient gun controls whereas left-of-center parties strongly favor more restrictive gun control. There are more left-leaning political parties in Canada, which has had significant impacts on gun control. It is important to understand the political leanings of parties and the influence they have when in control of the government. The policy process begins with the emergence of a problem which leads to agenda setting, consideration of policy options, decision making, and finally implementation.

²⁷ “Cabinet.” *The Canadian Encyclopedia*, [thecanadianencyclopedia.ca/en/article/cabinet](https://www.thecanadianencyclopedia.ca/en/article/cabinet).

Part I: The Canadian Government

Canada is a federal state, a constitutional monarchy and a parliamentary democracy founded on the rule of law and respect for rights and freedoms. The government acts in the name of the Crown but derives its authority from the Canadian people. Canada's parliamentary system stems from the British, or "Westminster" tradition.²⁸ This means that the Queen or King (currently Queen Elizabeth II) is the head of state, and the prime minister (currently Justin Trudeau) is the head of government. Upon establishment by the Kings of France in the sixteenth century, Canada has evolved from a French colony to an independent nation. Technically, Her Majesty Queen Elizabeth II holds the power to govern when she is in Canada, but the government has been assigned responsibility to exercise power on behalf and in the interest of the people of Canada. Her Majesty Queen Elizabeth II no longer "rules" the country, but she remains an important, foundational part of Canada's system of government and sense of identity.²⁹ The Queen is represented in Canada by the Governor General and the subsequent ten Lieutenant Governors that are distributed across the provinces and territories. "Letters Patent Constituting the Office of the Governor General of Canada" (under King George VI) authorized the Governor General to exercise most of the Crown's powers on behalf of the Queen or King.³⁰ The Governor General is chosen by the Queen with guidance from the Prime Minister. Although the Governor General does not make specific policy decisions, she does fulfill important parliamentary and ceremonial duties. The Governor General acts on the advice of the Prime Minister and Cabinet fulfilling duties such as summoning, opening and ending sessions of

²⁸ Secretariat, Treasury Board of Canada. "Government of Canada." *Canada.ca*, / Gouvernement Du Canada, 10 Nov. 2020, www.canada.ca/en/government/system/how-government-works/structure.html.

²⁹ Heritage, Canadian. "Government of Canada." *Canada.ca*, / Gouvernement Du Canada, 18 Dec. 2020, www.canada.ca/en/canadian-heritage/services/royal-family/queen.html.

³⁰ *Ibid.*

Parliament; reading the Speech from the Throne; giving Royal Assent to bills; signing state documents; and dissolving Parliament for an election.³¹ Canada's politics were modelled after Britain's parliamentary system which meant that two more broadly based political parties would compete for office. As Canada became more independent and opinions evolved, new political parties began to form. The current five major political parties are the Liberal Party, the Conservative Party of Canada, the New Democratic Party (NDP), the Bloc Québécois and the Green Party of Canada. The Conservative and Liberal parties are the only ones to have held office. Upon election, the leader of the political party with the most seats in the House of Commons is invited by the Governor General to form the government. This person becomes the Prime Minister and chooses his/her ministers of the crown, known as the Cabinet. The Cabinet works alongside the Prime Minister to make important decisions about how the country is governed, and their decisions can be questioned by any members in the House of Commons.

In both Canada and the United States there are three branches of government that are "independent" of one another; the legislative, executive, and judicial branches. The legislative branch in Canada (better known as the Parliament) consists of the Senate and the House of Commons, the executive branch consists of the Governor General along with the Prime Minister and his cabinet members. The judicial branch is comprised of the supreme court of Canada and all lower courts that interpret and apply the laws of the country. The federal government appoints the judges of the Supreme Court of Canada, the Federal Court, the Federal Court of Appeal, and the federal Tax Court of Canada.³² The Senate consists of 105 members appointed by the

³¹Heritage, Canadian. "Government of Canada." *Canada.ca*, / Gouvernement Du Canada, 18 Dec. 2020, www.canada.ca/en/canadian-heritage/services/royal-family/queen.html.

³² "Judiciary in Canada." *Judiciary in Canada | The Canadian Encyclopedia*, www.thecanadianencyclopedia.ca/en/article/judiciary#:~:text=The%20federal%20government%20appoints%20the,court%20of%20appeal%20since%201949.

Governor General and the Prime Minister, who hold office until the age of 75.³³ The Senate was created to counterbalance representation by population in the House of Commons. Seats in the Senate are distributed to give each major region of the country equal representation in the government. Ontario and Quebec each have 24 seats in the Senate. The Maritime provinces (Nova Scotia, New Brunswick, and Prince Edward Island) together have 24 seats and the Western provinces (Manitoba, British Columbia, Saskatchewan, and Alberta) have 24 as well. Newfoundland and Labrador, the Northwest Territories, Yukon, and Nunavut have a combined 9 seats in the senate.³⁴ The House of Commons is made up of representatives called “Members of Parliament” (MPs) who are elected by the Canadian people. The number of seats in the House of Commons is dependent upon the population size in each province, so the larger the population, the more seats in the House a province will get. Every province or territory must have at least as many MPs in the House of Commons as it has in the Senate.³⁵ There are currently 338 seats in the House of Commons. Both the Senate and the House of Commons consider and review bills, and no bill can become a law until it has approval from both chambers in addition to royal assent, which is granted by the Governor General. The House of Commons is considered the “Lower House” and the Senate is considered the “Upper House” of the parliament, but they both yield the same amount of power.

Typically, laws in Canada originate as bills in one of the Parliament’s two chambers. If the bill originates in the House of Commons, then it is assigned a “C” following a number. If it originates in the Senate, the bill gets an “S” followed by a number. In the first stage of the

³³ “About the House.” *About the House - House of Commons of Canada*, www.ourcommons.ca/en/about-the-house.

³⁴ Senate of Canada. “Oversight.” *Senate of Canada*, sencanada.ca/en/about/transparency-accountability/Oversight.

³⁵ Ibid.

legislative process, a bill is introduced to the Senate for a first reading. This gives senators the opportunity to familiarize themselves with the content of the proposal. There is a second reading after the senators have been able to explore the scope and principle of the bill further. The second reading gives Senators a chance to discuss the bill and any questions that have arisen.³⁶ The bill is then sent to a Senate Committee of fewer people for further study. Senate committees call in relevant experts, study bills in detail, and suggest amendments where needed. When a committee has concluded their study, they produce a report explaining the amendments which are then debated among the entire chamber at the third reading. Senators can speak about the bill and suggest any alterations or oppositions. After the third reading, the bill is voted on by senators. If it is passed, it is sent to the House of Commons where a similar process occurs.³⁷ The House can propose amendments, study, and discuss the bill and send it back to the Senate. The House and the Senate send the bill back and forth and exchange messages until both chambers agree on the content of the bill. When the bill is passed in the House and the Senate, it is sent to receive royal assent from the Governor General, and then becomes law.

³⁶ Senate of Canada. "How a Bill Becomes a Law." *Senate of Canada*, sencanada.ca/en/about/publications/how-a-bill-becomes-law/.

³⁷ *Ibid.*

Part II: The American Government

The United States is a federal, constitutional republic in which three independent sections of government share powers reserved to govern the American people and each other. Like Canada, the United States has three independent branches of government: the legislative, executive, and judicial branches. The legislative branch is made up the Senate and the House of Representatives, better known as the Congress. The House of Representatives has 435 members that serve a 2-year term and are considered for re-election every even year. The Senate is made up of 2 elected officials from each state, totalling 100 senators who serve a 6-year term. Elections to the Senate are staggered over even years so that only about 1/3 of the Senate is up for re-election during an election. The executive branch consists of the President, the Vice President, and the Cabinet. The American people vote for a group of electors from the Electoral College. In the Electoral College system, each state gets a certain number of electors based on its total number of representatives in Congress. Each elector casts one electoral vote following the general election; there are a total of 538 electoral votes. The candidate that gets more than half (270) wins the presidential election.³⁸ The judicial branch is the Supreme Court of the United States and other lower federal courts. Supreme Court Justices are appointed by the President and confirmed by the Senate for a lifetime appointment, so long as justices “hold their Offices during good Behaviour”.³⁹

In 1787 at the Constitutional Convention, the framers of the United States Constitution separated the powers of each branch of government so that each branch must cooperate with one another in order to achieve policy making goals. For example, the executive branch commands

³⁸ “Presidential Election Process.” *USAGov*, www.usa.gov/election.

³⁹ “Frequently Asked Questions.” *Home - Supreme Court of the United States*, www.supremecourt.gov/about/faq_general.aspx.

the military, but only the legislative branch can declare war and fund the army. Therefore, both the legislative branch (Congress) and the executive branch (the president) must agree to send the military to war⁴⁰. Accordingly, each branch of government fulfills corresponding duties and exercises power in different ways. Congress can pass laws, declare war, impeach a president or judge, regulate jurisdiction in the Supreme Court, levy taxes, and more. The President has the ability to veto legislation, is the commander of the armed forces, can grant pardons, appoint judges, conduct foreign affairs, etc. The Judicial Branch can declare whether a law is constitutional, hear cases on federal law, declare presidential acts unconstitutional, and overlook the lower courts.⁴¹ The separation of powers allows each branch of government to “check” the actions of each other to prevent the federal government from becoming too powerful.

The policymaking process in the United States is a longer, more complex process than in Canada because the framers of the United States Constitution intended to make it difficult for the government to act. There are more opportunities for interference during the policy making process in the U.S.⁴² For example, citizens can work to persuade a president to veto a bill that has been passed in congress and they do not necessarily agree with. The policymaking process begins when a representative or a senator sponsors a bill. The bill is sent to a small group of representatives or senators known as a committee. Committees research the bill, make changes, and vote to accept or reject it.⁴³ The bill is then sent to the House or Senate for debate, or to a committee for further research. Like the legislative process in Canada, the Senate and the House exchange messages and send the bill back and forth. If the bill passes by simple majority (218 of

⁴⁰ “The Presidential Election Process: Elections: Classroom Materials at the Library of Congress: Library of Congress.” *The Library of Congress*, www.loc.gov/classroom-materials/elections/presidential-election-process/.

⁴¹ *Ibid.*

⁴² “The Legislative Process: Overview (Video).” *Congress.gov*, www.congress.gov/legislative-process.

⁴³ “The Legislative Process: Introduction and Referral of Bills (Video).” *Congress.gov*, www.congress.gov/legislative-process/introduction-and-referral-of-bills.

435) of the House of Representative, the bill moves to the other chamber of Congress. The bill is assigned to another committee and, if released, debated, and voted on. Again, a simple majority (51 of 100) in the Senate passes the bill⁴⁴. Finally, a conference committee made of House and Senate members works out any differences between the House and Senate versions of the bill. The resulting bill returns to the House and Senate for final approval. The bill is then sent to the President who has 10 days act. When the bill reaches the president, he can approve and pass the law, or he can veto it and send it back to Congress with his reasoning. Congress can only override the President's veto if 2/3 of the Senate and House of Representatives vote to do so. With a 2/3 vote, the bill becomes a law.⁴⁵

A significant difference between the systems of government in Canada and the United States is that custom, usage, practice, and convention play a far larger part in the Canadian Constitution than in the U.S. constitution⁴⁶. For example, the president, his or her qualifications for the position, the method of election, the method of removal — all the essential powers of office, are set out in the American Constitution. The Prime Minister did not arise in the Canadian Constitution until the 1980's and still, the Charter of Rights and Freedoms does not set out the Prime Minister's qualifications, the method of election or removal, or the prime minister's powers. There is nothing on any of these matters for any act of Parliament except for provision of a salary, pension and residence for the person holding the recognized position of first minister. There is more of an emphasis on customary laws and the usage of convention than the written constitution in Canada. What is written in the constitution, as interpreted by the United States Supreme Court, is the law of the land and as originally set forth in the Constitution, the

⁴⁴ Ibid.

⁴⁵ Echoes of History. "The Process of a Bill Becoming a Law." *Echoes of History*, 5 Feb. 2021, echoesofhistory.org/the-process-of-a-bill-becoming-a-law/.

⁴⁶ "Canada vs United States." *Diffen*, www.diffen.com/difference/Canada_vs_United_States.

American system was highly decentralized. Congress was given a list of specific powers and duties, and whatever was not mentioned on that list belonged to the individual states and was not within the power of congress or any state legislature. “States’ rights” are a fundamental part of the United States system. In Canada there was an emphasis put on central authority from the start. The first Prime Minister of Canada, Sir. John A. Macdonald, said:

Here, we have adopted a different system. We have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and legislatures shall be conferred upon the general government and legislature. We have thus avoided that great source of weakness that has been the disruption of the United States. We hereby strengthen the central Parliament, and make the Confederation one people and one government, instead of five peoples and five governments, with merely a point of authority connecting us to a limited and insufficient extent.⁴⁷

Individual states have been given the power to regulate firearms and gun control policy which therefore depends on whether the state is right or left leaning. The constitution gave each individual state the power to regulate firearms. Because the gun regulations are different in every state, there are large amounts of guns in circulation in the United States, which makes it easier to access these deadly weapons, thus increasing the chances of mass shootings. For example, if a person wanted to purchase a gun but it was not legal in their home state, they could travel to a neighboring state to get a gun and bring it across state lines. This is how some of America’s deadliest mass shootings were able to transpire.

⁴⁷ McClure Kennedy, William Paul. *Documents of the Canadian Constitution, 1759-1915*. Oxford University Press, 1918.

Differing political views among U.S. Founding Fathers eventually led to the forming of two political parties. George Washington, Alexander Hamilton, and John Adams formed the Federalists; they sought to ensure a strong government and central banking system with a national bank. Thomas Jefferson and James Madison instead advocated for a smaller and more decentralized government and formed the Democratic-Republicans.⁴⁸ Both the Democratic and the Republican parties we see today are rooted in these early factions. Divided party control in the United States government has been a significant inhibitor to the legislative process because the time that it takes to create and enact policies is dramatically increased in a divided government. Not only are the Democratic and Republican parties divided politically, but the polarization is entrenched in ideological principles and has thus created an “us vs. them” mentality in everyday life and the political arena. In contemporary American politics, one party controls the presidency, and the opposition party maintains a majority in at least one chamber of Congress. The divisions in the government and in the ideological/partisan views of the general public have increased steadily over the years which has created a difficult environment for policymaking in Washington. Partisan antipathy has also increased substantially. A Pew Research study shows that in each party, the share with a highly negative view of the opposing party has more than doubled since 1994.⁴⁹ Most of these intense partisans believe the opposing party’s policies “are so misguided that they threaten the nation’s well-being.”⁵⁰ This is partially why the United States has done such a poor job of responding to mass shootings.

⁴⁸ Hughes, Tyler, and Deven Carlson. “How Party Polarization Makes the Legislative Process Even Slower When Government Is Divided.” *USAPP*, 21 May 2015, blogs.lse.ac.uk/usappblog/2015/05/19/how-party-polarization-makes-the-legislative-process-even-slower-when-government-is-divided/.

⁴⁹ “Political Polarization in the American Public.” *Pew Research Center - U.S. Politics & Policy*, Pew Research Center, 28 Aug. 2020, www.pewresearch.org/politics/2014/06/12/political-polarization-in-the-american-public/.

⁵⁰ *Ibid.*

In modern day Canada, the liberal party, a left-of-center leaning party, has dominated the government which has made the legislative process much quicker and more efficient. Within the Canadian democratic system, and among the public, there is much less polarization than in the United States. One way to look at polarization is the distribution of public opinion such that there are more people on the ends of the ideological spectrum and fewer in the middle. In the United States, the left has moved farther to the left and the right farther to the right, which has escalated the political rhetoric to a toxic level that Canadians are afraid of. Social identities of Canadians such as race, gender and religion are not nearly as aligned with political identity as they are for Americans. Philip Carl Salzman puts it perfectly:

American opponents of the progressive left view it as consisting of traitors of America, betrayers of Western civilization, haters of Christianity and apologists for Islam, violators of the Constitution, advocates of open borders who wish to bring a flood of Third World immigrants, even those dedicated to destroying the West, enemies of capitalism who openly revere socialism, and champions of a dominant state apparatus that aims at suppressing freedom.⁵¹

The structure of government in Canada and the cooperation among the political parties allows Canada to respond to gun violence and focusing events like mass shootings in more effective ways than the United States. Accordingly, the polarization and institutional structure of the legislative branch are variables that have prevented change in gun policy in the U.S.

⁵¹ cite

Chapter 3: The Evolution of Gun Laws and Legislation

Now that we have a better understanding of how the Canadian and American systems of government and their legislative processes work, and the ideologies on which each was built, we must explore the history of gun laws in either country. Gun laws have evolved significantly throughout the course of North American history and in order to fully understand the current differences in gun culture and legislation in Canada and the U.S., we must feature the evolution of these laws in a timeline. By highlighting the most important legislative expansions in either country, a timeline enables us to see historic trends and also provides a basis for evaluating each country's response to gun violence and focusing events such as mass shootings. Thinking logically, as mass shootings occur and deaths by gun increase, government restrictions should be made tighter, but that has not always been the case. This historical examination is relevant to the contemporary gun debate because courts have referred to gun laws that had existed earlier in history as a justification for allowing similar contemporary law. Gun laws and gun rights went hand-in-hand for the first centuries of North America. However, the debate has been re-framed as a zero-sum situation by the ideological competition between supporters of stronger gun laws versus supporters of gun rights. The following chapter will aid in exploring the overarching question of why two very culturally similar nations have had vastly different experiences with gun violence.

Part I: History of Guns in Canada

Before Canada's confederation the country was part of what was once known as British North America. In the early stages of settlement, Europeans had brought over a substantial number of guns to hunt for food and protect themselves from aboriginal peoples. As different locales became more established, fear of aboriginal people subsided, and successful farming techniques were developed; thus, decreasing the need for firearms.⁵² French and British colonials fought to control North America while militiamen, authorities, and Aboriginal Peoples were the only ones that possessed guns. Gun ownership was never thought to be universal in the pre-confederation era. As more European settlers migrated to North America, the Aboriginal and Native groups became less powerful and more outnumbered, so the Europeans did not feel as inclined to own a gun for protection. The shift to agriculture from subsistence hunting also influenced a decrease in gun ownership. Additionally, colonial militias that were formed in the established territories of British North America evolved into local police forces to aid in protection of citizens.⁵³ Overall, there was a limited number of guns in circulation among the citizenry in the established parts of British North America, which meant that under normal circumstances, firearms did not pose a significant threat to the average person. This deterred legislators from putting strict regulations on guns in place. In the early 1860s however, new firearm technology began to emerge through the breech-loading rifle and British North Americans, especially those who were anticipating an invasion by the Americans, became more interested in firearms. In 1864, a contingent of Confederate soldiers used Canada as a base to raid St. Albans, Vermont. This led to the 1865 legislation that allowed for the seizure of weapons

⁵² BROWN, R. BLAKE. *Arming and Disarming: A History of Gun Control in Canada*. University of Toronto Press, 2012. *JSTOR*, www.jstor.org/stable/10.3138/9781442665590.

⁵³ *Ibid.*

of war held for dangerous purposes. The government sought to control weapons that could be used in cross-border raids.⁵⁴ The United States became a major military power during the American Civil War and the years following, when gun manufacturing progressed to the industrial realm. The United States and other foreign nations were able to mass produce firearms and make them accessible to people in British North America. The United States had placed temporary restrictions, that did not successfully prevent gun violence in their country.

When the British Parliament passed the British North America Act (BNA Act) in March of 1867, the dominion of Canada was created. The BNA Act is the foundational document of the Canadian Constitution known as the Charter of Rights and Freedoms. The Act outlines the structure of government in Canada and the distribution of powers between the central Parliament and the Provincial legislatures.⁵⁵ The BNA Act was renamed the Constitution Act of 1867 in 1982. The Criminal Code of Canada was enacted by Parliament in accordance with section 91(27) of the Constitution Act of 1867 and gives the Federal government power to legislate criminal offences. In Canada, the regulation of firearms falls under the “criminal law” power, which has been granted *exclusively* to the federal government.⁵⁶ This is a key difference between Canadian and American gun policy and is important to keep in mind going forward in this thesis. Upon Confederation, many Canadian men volunteered to be trained for a 40,000-person militia and subsequent participation in the reserves.⁵⁷ The government closely trained and armed their national militia, and those who sought to protect the nation encouraged the civilian use of rifles. Canada’s first Militia Act was passed in 1868 and allowed the government to sanction the

⁵⁴ BROWN, R. BLAKE. *Arming and Disarming: A History of Gun Control in Canada*. University of Toronto Press, 2012. *JSTOR*, www.jstor.org/stable/10.3138/9781442665590.

⁵⁵ McConnell, W.H. “Constitution Act, 1867.” *The Canadian Encyclopedia*, 6 Feb. 2006, www.thecanadianencyclopedia.ca/en/article/constitution-act-1867.

⁵⁶ *Ibid.*

⁵⁷ BROWN, R. BLAKE. *Arming and Disarming: A History of Gun Control in Canada*. University of Toronto Press, 2012. *JSTOR*, www.jstor.org/stable/10.3138/9781442665590.

organization of rifle associations and rifle shooting which was becoming more popular in Canada at the time. Target shooting gained support from the state which meant there was little effort to regulate ownership of rifles by Canada's loyal citizens.

As the state encouraged the ownership of modern rifles, they simultaneously restricted their use by people deemed dangerous or "suspicious groups". For a short period of time in the mid-late 1800's, the government tried to disarm Aboriginal and Native groups out of fear but failed in the end.⁵⁸ The national government promoted and encouraged gun ownership by trusted subjects, but also expressed willingness to limit firearm ownership and use if necessary. This policy was further motivated by the threat of the United States, as well as the manly character of a sport shooter. The country acted much more aggressively with the emergence of the modern revolver. Scholars have noted that Canadians in the 1870s and '80s experienced a large influx of cheap, mass-produced pistols from foreign nations. With this arrival came advertisements that aimed to convince Canadians that they would feel safer in possession of a handgun.⁵⁹ The government responded with what was the beginning of permanent regulation on handguns. This legislation was the cornerstone of a gun regulation framework that encouraged a lower number of pistol owners in Canada than in the United States and shaped the different attitudes towards handguns experienced in both countries. Gun control and regulation has become a means of distinguishing Canada from the United States. Amendments to the Criminal Code throughout the 19th, 20th, and 21st centuries introduced several minor controls on firearms and gun ownership.⁶⁰

⁵⁸ Ibid.

⁵⁹ Fleming, Anthony K. *Gun Policy in the United States and Canada the Impact of Mass Murders and Assassinations on Gun Control*. London: Bloomsbury Academic, 2014.

⁶⁰ Benthien, Samantha. "Understanding America's History Of Gun Control." *History News Network*, historynewsnetwork.org/article/173342.

The first criminal code was enacted in 1892 and required Canadians to have a basic permit to carry a pistol unless you had a “certificate of exemption” and had cause to fear assault or injury, in which permission is granted to carry a weapon. Prior to 1892, Canadians were not allowed to carry a handgun and could face a six-month jail term if caught carrying one without reasonable cause. When the permits were first introduced in **1892**, vendors had to record the purchaser’s name, the date of the sale and information that could be used to identify the gun being sold.⁶¹ Gun control remained largely the same for the remainder to the 19th century, until A Criminal Code amendment was adopted in **1919**. The amendment required citizens to obtain a permit for all newly acquired firearms, not just handguns. British subjects were not required to obtain a permit for shotguns or rifles they had already owned, only for newly acquired ones.⁶² The permit was valid for one year, and local authorities were responsible for maintaining records. The 1919 amendment was repealed in **1921** and stated that only non-Canadians were required to have a permit to own firearms (including British subjects). In **1932**, a new rule was adopted requiring Canadians to give a reason for wanting a handgun when purchasing. Prior to that, to obtain a permit you needed to be of “discretion and good character”. The new rule provided two justifications for wanting a handgun: protecting life or property and intending to use a firearm at an approved shooting range⁶³. Accordingly, the Canadian government set a mandatory minimum sentence of 2 years for possession of a handgun or concealable firearm while committing a criminal offence. There was also an increase in punishment for carrying a handgun outside the home or workplace; the punishment increased from 3 months to a maximum of 5 years.

⁶¹ Government of Canada, Royal Canadian Mounted Police. “History of Firearms in Canada.” *Royal Canadian Mounted Police*, 22 Apr. 2020, www.rcmp-grc.gc.ca/en/history-firearms-canada.

⁶² Ibid.

⁶³ Ibid.

The Canadian government created a registration requirement for handguns in **1934**. Upon receiving a certificate/permit to purchase a handgun, the new provision mandated that the dealer record the owner's name, address, and make/model of firearm⁶⁴. Before 1934, if a permit-holder purchased a gun, only the issuer of the permit was notified. These records were not centralized, however the Commissioners of the RCMP and police departments designated by provincial attorneys general kept this important information in a registry. Additionally, until 1938, gun certifications were valid indefinitely and the minimum age to own a firearm was 12 years old. A **1939** provision required Canadians to re-register handguns every 5 years, raised the minimum age of ownership to 14 years old, and extended the mandatory minimum sentence of 2 years for using a firearm in a crime to include all types of firearms, not just handguns. Shortly after the 1939 provision was enacted, the government postponed re-registration because of World War II. During the years of the war, Canadians had to register shotguns and rifles, but this requirement ended with the war. In **1947** the government expanded the definition of murder under the Criminal Code to include any case in which a death occurred from the possession or use of any weapon during the commission of an offence, even if the offender did not intend to kill.⁶⁵ This was deemed unconstitutional by the Supreme Court in 1987. By **1951**, the government had centralized the registry system for handguns under the RCMP. Canadians were then required to register automatic firearms and each weapon had to have a serial number.

In **1968-69**, the government created categories of specific types of weapons to prevent any confusion as to what types of guns were allowed. Categories titled "firearm", "restricted weapon" and "prohibited weapon" allowed the Order-in-Council to designate certain weapons as

⁶⁴ Government of Canada, Royal Canadian Mounted Police. "History of Firearms in Canada." *Royal Canadian Mounted Police*, 22 Apr. 2020, www.rcmp-grc.gc.ca/en/history-firearms-canada.

⁶⁵ *Ibid.*

prohibited, and the creation of controls for each category. The government also increased the minimum age to obtain a permit to 16 years old and gave police more power.⁶⁶ If police officers had a warrant from a judge or “reasonable grounds to believe that possession endangered the safety of the owner or any other person, even though no offence had been committed”, they could seize firearms. 1969 was a pivotal year because the registration system requiring a separate registration certificate for each restricted weapon, took effect that year and still stands today, over 50 years later. **1976** introduced Bill C-83 which called for new offenses and harsher penalties for criminal misuse, the prohibition of fully automatic firearms, and a licensing system that required anyone of or over the age of 18 to get a license to possess firearms or ammunition (minors’ permits were required for people under the age of 18). Bill C-51 passed in the House of Commons and received senate approval and royal assent shortly after in August **1977**. The two biggest changes included requirements for Firearms Acquisition Certificates (FAC’s), and Firearms and Ammunition Business Permits; both involved the screening of applicants, and Provinces could require FAC applicants to take a firearms safety course.⁶⁷ The bill also introduced new “Chief Firearms Officer” positions throughout the country and banned fully automatic weapons. By **1979**, the provisions contained in Bill C-51 came into force.

In 1989, Canada experienced a mass shooting in Montreal at an engineering school known as the École Polytechnique, an affiliate of the University of Montreal. A Man named Marc Lépine shot and killed 14 women and injured numerous others before killing himself. What is now referred to as the “Montreal Massacre” led to a spur in the gun control movement in Canada where advocates worked to achieve stricter gun control regulations amidst the tragic event. The

⁶⁶ Government of Canada, Royal Canadian Mounted Police. “History of Firearms in Canada.” *Royal Canadian Mounted Police*, 22 Apr. 2020, www.rcmp-grc.gc.ca/en/history-firearms-canada.

⁶⁷ Ibid.

Massacre also encouraged police forces to focus more on their responses to gun violence and prepare for future events. Between **1990-1994**, the government enacted Bill C-17 which revised the Firearms Acquisition Certificate system, increased penalties for firearm-related crimes, created new Criminal Code offences, new definitions for prohibited and restricted weapons, and new regulations for firearms dealers. The bill also clearly defined regulations for the safe storage, handling, and transportation of firearms, and added a requirement that firearm regulations be drafted for review by a parliamentary committee before being made law by Governor-in-Council.⁶⁸ After the 1993 federal election, the government wanted to implement some sort of licensing and registration system that would record all firearms and their owners. The Firearms Act was created in **1995** to take the administrative and regulatory aspects of the licensing and registration system out of the *Criminal Code*. This allowed for a new licensing system and the appointment of Chief Firearm Officers in each province to monitor, issue, renew or revoke firearms licenses. It also banned short-barrelled handguns under 105 mm in length, in addition to banning .25 and .32-calibre handguns. The act was debated and amended several times among the public and government committees and was fully enacted in December of **1998**.⁶⁹

Shortly after, The RCMP created the National Weapons Enforcement Support Team in **2001** to support law enforcement in stopping the illegal movement of firearms. Provinces had the opportunity to opt out of administering these acts, and the RCMP oversaw the Chief Firearms Officers for these jurisdictions. In May of **2003**, Bill C-10A, *An Act to Amend the Criminal Code (Firearms) and the Firearms Act* received Royal Assent. The bill required the registration of all long guns and imposed criminal charges on those who failed to do so. The government had

⁶⁸ Government of Canada, Royal Canadian Mounted Police. "History of Firearms in Canada." *Royal Canadian Mounted Police*, 22 Apr. 2020, www.rcmp-grc.gc.ca/en/history-firearms-canada.

⁶⁹ Ibid.

consolidated the authority of all operations under a Commissioner of Firearms. The Commissioner of the RCMP assumed this role in **2006** when the Responsibility for the administration of the *Firearms Act* and the operation of the Canada Firearms Centre transferred to the RCMP. In **2008**, public agents began to see more firearms regulations. Police and other government agencies with firearms needed to report all firearms in their temporary or permanent possession. In **2012** Bill C-19, the Ending the Long-gun Registry Act, was enacted. The bill altered the Criminal Code and the Firearms Act to remove the requirement to register non-restricted firearms, ordered the destruction of existing registration records, and allowed the transferor of a non-restricted firearm to confirm the validity of a transferee's firearms acquisition license before finalizing the transfer.⁷⁰ The Quebec Government challenged Bill C-19 and the national government kept records of non-restricted weapons for Quebec, as their residents continued to register them. The Supreme Court of Canada later dismissed this challenge and ordered the destruction of all official records related to non-restricted firearms in Quebec. In **2015**, Bill C-42, the Commonsense Firearms Licensing Act, was enacted.⁷¹ The new act required first time licence applicants take part in classroom firearms safety courses, prohibited the possession of firearms when a person is convicted of an offence involving domestic violence, and gave the Governor in Council authority to determine whether a firearm was restricted or non-restricted. The bill also introduced a six-month "grace period" for firearms licence renewals to convert from Possession Only Licences to Possession and Acquisition Licences (PAL). **2019** brought Bill C-71, *An Act to amend certain Acts and Regulations in relation to firearms*, to strengthen federal firearm regulatory power, and provided law enforcement with better tools to

⁷⁰ Government of Canada, Royal Canadian Mounted Police. "History of Firearms in Canada." *Royal Canadian Mounted Police*, 22 Apr. 2020, www.rcmp-grc.gc.ca/en/history-firearms-canada.

⁷¹ Ibid.

help combat firearms-related crime.⁷² Following the **2020** mass shooting in Nova Scotia, Prime Minister Justin Trudeau announced that 1,500 models of "assault-style" weapons, largely semi-automatic guns, would be classified as prohibited effective immediately, giving a two-year amnesty period to allow current owners to dispose of them.

⁷² Government of Canada, Royal Canadian Mounted Police. "History of Firearms in Canada." *Royal Canadian Mounted Police*, 22 Apr. 2020, www.rcmp-grc.gc.ca/en/history-firearms-canada.

Part II: History of Guns in The United States

In the United States, guns have always been regulated much differently than in Canada, dating back to the ratification of the Constitution in 1789 and Bill of Right in 1791.

Constitutional law professor Adam Winkler argues that “despite the controversy over the meaning of the Second Amendment, Americans have always had the right to keep and bear arms as a matter of state constitutional law. Today, nearly every state has such a provision in its own constitution, clearly protecting an individual right unattached to militia service.”⁷³ Before ratification, guns were brought to the United States for protection, hunting, and demonstrating superiority over native groups. Guns, and their white, male owners controlled indigenous peoples who did not cooperate and enslaved people whose labor was essential for Southern plantations. During the period of American Revolution, men were legally required to carry guns because the country did not yet have a standing army. Instead, all the white men aged 16 to 60 were trained and prepared to fight against possible invasions by Europeans or Native Americans. The whereabouts of their weapons were monitored by the government; guns were routinely inspected at public gatherings and could be temporarily taken from their owners to be used for public safety purposes and returned after.⁷⁴ Many have argued that historically, state governments have prioritized public safety over the individual’s need to own a gun, which should be considered when interpreting the Second Amendment. Because of the importance of colonial militias to public safety, gun registration was mandatory, and the government provided specific guidelines to follow when possessing and storing a gun.

⁷³ Kakutani, Michiko. “Gun Control and Gun Rights Stay Fighting Words.” *The New York Times*, The New York Times, 9 Oct. 2011, www.nytimes.com/2011/10/10/books/in-gunfight-adam-winkler-traces-the-gun-control-battle.html.

⁷⁴ Imbergamo, Amy, "The Achievement of the 1996 National Firearms Agreement in Australia: Lessons for Federal Gun Control Reform in the United States". Senior Theses, Trinity College, Hartford, CT 2013.

The Bill of Rights which includes the Second Amendment, was ratified in **1791**. The Second Amendment reads: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed".⁷⁵ The original intent of this amendment has been a significant barrier to the gun control problem and will be discussed later in further detail. 18th century American firearms included long rifles and muskets which could fire around 3 bullets per minute.⁷⁶ During the civil war, soldiers used Spencer repeating carbines which could fire 7 shots in just 15 seconds. Many southerners were concerned about the threat of armed blacks and disarming all (even free) black men became an important objective in the years following the war. An 1844 North Carolina Supreme Court case stated that the "only object" of disarming blacks "is to preserve the peace and safety of the community from being disturbed by an indiscriminate use on ordinary occasions, by free men of color, of firearms and other arms of an offensive character".⁷⁷ Out of fear, the founding generations of the government kept guns out of the hands of slaves, free blacks, and loyalists who opposed the American Revolution.

In the decades following the civil war, gun technology began to advance rapidly. Winchester rifles were mass produced and easily accessible, Hiram Maxim created the first automatic machine gun, and firepower kept growing. In **1871** the National Rifle Association was organized around the common goal of improving marksmanship in preparation for war, because Americans were ill prepared and failed in the war of 1812. Guns had been controlled at state and local levels in the emerging United States, and it was not until the 20th century that the national

⁷⁵ Gray, Sarah. "A Timeline of Gun Control Laws in The U.S." *Time*, Time, 30 Apr. 2019, time.com/5169210/us-gun-control-laws-history-timeline/.

⁷⁶ Ibid.

⁷⁷ Imbergamo, Amy, "The Achievement of the 1996 National Firearms Agreement in Australia: Lessons for Federal Gun Control Reform in the United States". Senior Theses, Trinity College, Hartford, CT 2013.

government addressed the subject. **1934** marks the first piece of federal gun legislation: The National Firearms Act (NFA). During the Prohibition era, the government used the NFA to control crime more effectively, as state and local forces struggled to combat mob activity and gun usage.⁷⁸ Additionally, automobiles became more readily available which allowed criminals to begin transferring guns across state lines. Heavy taxes were placed on the manufacture, sale, or transfer of specific type of guns named in the act. Some of which include short-barrel shotguns and rifles, machine guns, firearm mufflers and silencers.⁷⁹ The NFA has been amended and modified several times, but the initial tax of \$200 was put in place to reduce the transfer of such weapons. Keep in mind that \$200 was a significant sum of money at the time. The first limitations placed on the people selling guns occurred in **1938**. The Federal Firearms Act of 1938 (FFA) required persons selling guns to obtain a Federal Firearms License and maintain records of sales, including the buyers name and address. The FFA also prohibited convicted felons from buying guns⁸⁰.

United States v. Miller is a landmark Supreme Court case that was heard in **1939**. The court ruled that that the Second Amendment did not guarantee an individual the right to keep and bear a sawed-off double-barrel shotgun.⁸¹ This decision gave Congress the power to regulate the interstate selling of shotguns. Justice James Clark McReynolds reasoned that there was no evidence that a sawed-off shotgun “has some reasonable relationship to the preservation or efficiency of a well-regulated militia,” and therefore “we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.” Justice McReynolds further noted that

⁷⁸ Imbergamo, Amy, "The Achievement of the 1996 National Firearms Agreement in Australia: Lessons for Federal Gun Control Reform in the United States". Senior Theses, Trinity College, Hartford, CT 2013.

⁷⁹ Sabbatini, Whitten, et al. “Automatic for the People.” *Topic*, Topic, 6 May 2019, www.topic.com/automatic-for-the-people.

⁸⁰ Ibid.

⁸¹ “United States v. Miller, 307 U.S. 174 (1939).” *Justia Law*, supreme.justia.com/cases/federal/us/307/174/.

this type of weapon was not part of ordinary military equipment.⁸² This case is often cited by both sides in current and ongoing gun control debates and was the only Supreme Court case that directly addressed the Second Amendment until 2008.

The Gun Control Act of **1968** (GCA) repealed the FFA following the assassination of President John F. Kennedy. The Act served the purpose of “keeping firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetence.”⁸³ The stricter licensing and registration on the firearms industry also prevented felons, mentally and ill people, and others from possessing a gun. The GCA banned the importation of guns that had no “sporting use” and also imposed new age restrictions for the purchase of handguns. With individual gun ownership increasing guidelines began to emerge. The **1986** Firearm Owners Protection Act relaxed certain restrictions on selling guns and ammunition. Licensed dealers were now allowed to sell guns at gun shows in their home states, and the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF) reduced the frequency of firearm inspections.⁸⁴ The GCA was repealed in **1993** with The Brady Handgun Violence Prevention Act, named after previous White House press secretary James Brady, who was injured during an assassination attempt on Ronald Reagan. James Brady was permanently disabled from the event and later passed away in 2014. Former President Bill Clinton signed the Act, establishing the National Instant Criminal Background Check System (NICS), which has been maintained by the FBI. The law required all licensed dealers, manufacturers, or importers to pass a federal background check.⁸⁵ President Clinton signed the Violent Crime Control and Law

⁸² United States v. Miller, 307 U.S. 174 (1939).” *Justia Law*, supreme.justia.com/cases/federal/us/307/174/.

⁸³ Gray, Sarah. “A Timeline of Gun Control Laws in The U.S.” *Time*, Time, 30 Apr. 2019, time.com/5169210/us-gun-control-laws-history-timeline/.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

Enforcement Act a year later in **1994**. The subsection titled “Public Safety and Recreational Firearms Use Protection Act” prohibited the sale, manufacture, importation, or possession of several specific types of assault-type weapons including military-style or “copy-cat” assault weapons like AR-15s, TEC-9s, MAC-10s, etc. The act aimed to outlaw “manufacture, transfer, or possess a semiautomatic assault weapon,” unless it was “lawfully possessed under Federal law on the date of the enactment of this subsection.”⁸⁶ United States representative Todd Tiahrt (R-KS) sponsored amendments to the US Department of Justice appropriations bills beginning in **2003**. What are known as the Tiahrt Amendments are provisions that first prohibited the ATF from releasing firearm trace data and mandated that only law enforcement or prosecutors could access such information. The goal of this 2003 provision was to restrict law enforcement’s ability to investigate gun crimes and prosecute gun dealers. Another bill was enacted to protect gun manufacturers in **2005** known as the Protection of Lawful Commerce in Arms Act. President George W. Bush signed the bill “to prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products, and their trade associations, for the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products or both.” This prevented gun dealers from being subject to civil suits by those who were victims of gun violence involving guns manufactured by that company.

District of Columbia v. Heller was a landmark Supreme Court case that first interpreted the Second Amendment in terms of what it meant for an individual’s right to possess firearms for private uses like self-defense.⁸⁷ In **2008**, the court determined whether the provisions of the District of Columbia Code that restricted the licensing of handguns and required licensed

⁸⁶ Brooks, Jack B. “Text - H.R.3355 - 103rd Congress (1993-1994): Violent Crime Control and Law Enforcement Act of 1994.” *Congress.gov*, 13 Sept. 1994, www.congress.gov/bill/103rd-congress/house-bill/3355/text.

⁸⁷ “District of Columbia v. Heller, 554 U.S. 570 (2008).” *Justia Law*, supreme.justia.com/cases/federal/us/554/570/.

firearms kept in the home to be kept non-functional, violated the Second Amendment. In one of the most significant Second Amendment rulings in United States history, Justice Antonin Scalia delivered the majority opinion, concluding that “the handgun ban, and the trigger-lock requirement (as applied to self-defense) violates the Second Amendment.”⁸⁸ This was the first time the nation’s highest court provided a definitive answer on whether the Second Amendment protects an individual’s right to own a gun.

⁸⁸ Gray, Sarah. “A Timeline of Gun Control Laws in The U.S.” *Time*, Time, 30 Apr. 2019, time.com/5169210/us-gun-control-laws-history-timeline/.

Chapter 4: The Second Amendment and The Influence of Interest Groups

Elie Mystal is the justice correspondent at *The Nation*, and his message is too fitting to paraphrase: “The Second Amendment is why we can’t go to school, or work, or a house of worship, or a nightclub, or a movie theater, or a music festival, or pretty much any public gathering without fear of getting shot to death. The Second Amendment is why you can’t be immediately arrested for openly carrying around an assault rifle in a public place, and why you can’t be immediately arrested for smuggling a hand-cannon in your gym shorts. The Second Amendment is how law enforcement justifies the need for military-grade armaments—to match the ‘firepower’ they meet in the streets. The Second Amendment is why we have a generation of young people that is scarred or missing from gun violence.”⁸⁹ The Second Amendment, one of the ten amendments to the United States Constitution comprising the Bill of Rights, states: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”⁹⁰ The meaning of this sentence is far from self-evident and its varying interpretations have been the basis for the modern gun debate. There was a consensus among judges and scholars that the Second Amendment was guaranteed only to those participating in state militia, but the Revolutionary War displayed that the country could not rely on unregulated militia forces for defense, so authority was given to the federal government to establish and regulate militias.⁹¹ This shift in power gave rise to objections to the Constitution by states, claiming that the Constitution would take away states’ means of

⁸⁹ Mystal, Elie. “It’s Time to Repeal-and Replace-the Second Amendment.” *The Nation*, 7 Aug. 2019, www.thenation.com/article/archive/repeal-second-amendment-gun-control/.

⁹⁰ “The Constitution of the United States: A Transcription.” *National Archives and Records Administration*, National Archives and Records Administration, www.archives.gov/founding-docs/constitution-transcript.

⁹¹ Lund, Nelson, and Adam Winkler. “The Second Amendment.” *Interpretation: The Second Amendment | The National Constitution Center*, constitutioncenter.org/interactive-constitution/interpretation/amendment-ii/interps/99.

defending themselves from potential federal oppression. The amendment was accepted, and many things changed after 1791. State militias eventually entered the structure of the federal military which has always been enormously powerful compared to other eighteenth century militaries. They were equipped with significantly more powerful weapons. Despite the formation of a national military, many Americans continued to keep guns in their homes in case they were called to serve in a militia.

Contemporary gun control debates surround two different interpretations of the Second Amendment. Gun rights advocates interpret the Second Amendment as a guarantee to a personal right to keep and bear arms whereas gun control advocates believe the Second Amendment protects states' rights to arm their own militias and military forces. The right to bear arms as a collective right was consistently understood until the early 21st century. For example, in *United States v. Miller* (1939), the Supreme Court held that the Second Amendment did not guarantee to an individual the right to keep and bear a sawed-off double-barrel shotgun. There was no evidence that a sawed-off shotgun "has some reasonable relationship to the preservation or efficiency of a well-regulated militia," and thus "we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument."⁹² It wasn't until nearly seventy years later that the Supreme Court explicitly recognized an individual's right to keep and bear arms independent of militia services. The Court had never issued an authoritative interpretation of the Second Amendment, so there was precedent to apply to the question at hand. In *District of Columbia v. Heller* (2008), the Court ruled that the right to keep and bear arms for self-defense purposes is unconnected with service in a militia, which the Second Amendment did not traditionally support.⁹³ The Court's decision in *Heller* has been highly contested and criticized,

⁹² *United States v. Miller*, 307 U.S. 174 (1939)." *Justia Law*, supreme.justia.com/cases/federal/us/307/174/.

⁹³ "*District of Columbia v. Heller*, 554 U.S. 570 (2008)." *Justia Law*, supreme.justia.com/cases/federal/us/554/570/.

especially because the current Supreme Court has no intention of overturning it. Some view *Heller* as having established a very narrow constitutional right to keep and bear arms for self-defense, not to own a gun for any purpose. It is also important to remember that even this narrow right is subject to a broad range of reasonable regulations put in place by state governments. Moreover, it is the job of the legislature to address the gun violence problem in the United States, not the courts.

Any legislation concerning guns must consider the Second Amendment and the two legitimate interpretations of it. The Second Amendment has played an outsized role in the development of gun control policy or lack thereof and has influenced public opinion, creating a deep divide amongst Republicans and Democrats. Congress has the power to initiate amendments to the constitution, but it is extremely difficult to get a 2/3 majority vote from the House and Senate, along with 3/4 of states signing off. The process is outlined in Article V of the Constitution. Thousands of proposals have been submitted but only two in the past fifty years have made it into the constitution. The framers wanted there to be a very powerful national consensus, so it is unsurprising that they made it difficult to change the Constitution. Judgement of the Right to Bear Arms has placed the American people at opposing ends. The Republican interpretation of the Second Amendment has effectively prohibited the development of gun control policy because the deeply polarized Congress makes bi-partisan support nearly impossible.

Canadians have never been given the right to keep and bear arms, which has allowed the federal government to control gun ownership. In *R. v. Hasselwander* (1993), Justice Peter Cory wrote that “Canadians, unlike Americans, do not have a constitutional right to bear arms”.⁹⁴ The

⁹⁴ Canada, Supreme Court of. “SCC Case Information - Search.” *Supreme Court of Canada*, 3 Dec. 2012, scc-csc.lexum.com/scc-csc/scc-csc/en/item/1007/index.do.

Supreme Court of Canada reviewed the definition of the Criminal Code's provision banning automatic weapons. Firearms that were readily convertible from semi-automatic to fully automatic, were rendered "prohibited weapon" under the criminal code. Those who oppose gun control have tried to claim their right to bear arms on the basis of English constitutional traditions, but the Supreme Court of Canada has consistently ruled that there is no such right.

In addition to the Second Amendment, it is important to consider the importance of interest groups and the role they play in creating or dissuading gun policy. The National Rifle Association (NRA) is the most powerful interest group in the United States. James Madison defined interest groups in Federalist No. 10 as groups work together to protect their common political, social, or economic interests⁹⁵. The NRA was founded by two former Union soldiers in 1871 with the mission of training people (specifically those who lived in the North) to learn how to shoot more accurately in the event of another civil war.⁹⁶ The group now claims to promote and encourage rifle shooting on a scientific basis and has grown to over four million members.⁹⁷ Historically, the group has advocated against more comprehensive measures meant to target all gun owners based on its belief that only "bad guys" should be burdened by gun control.⁹⁸ Current executive vice president of the organization, Wayne LaPierre, argues that gun control will not prevent atrocities like mass shootings and he blames mass shootings on the failure of the system to enforce the gun control restrictions that are already in place. The organization describes itself as non-profit and non-partisan; however, it has more Republican members than Democrat members. It will endorse candidates from either party as long as the candidate

⁹⁵ "The Federalist Papers No. 10." *Avalon Project - Documents in Law, History and Diplomacy*, avalon.law.yale.edu/18th_century/fed10.asp.

⁹⁶ Association, National Rifle. "About the NRA." *NRA.ORG*, home.nra.org/about-the-nra/.

⁹⁷ "US Gun Control: What Is the NRA and Why Is It so Powerful?" *BBC News*, BBC, 6 Aug. 2020, www.bbc.com/news/world-us-canada-35261394.

⁹⁸ *Ibid.*

supports its pro-gun position. Its stated position is for the protection of the Second Amendment and the promotion of firearm ownership rights as well as marksmanship, firearm safety, and the protection of hunting and self-defence. The two major gun control acts that the NRA supports are the National Firearms Act of 1934 (NFA) and Gun Control Act of 1968 (GCA). The group became more politically active in the 1970s. The group was able to transform itself into a powerful political organization that now has several foundations within the organizations for varying reasons. For example, it has a political spending arm and a charitable foundation which are run by Wayne Lapiere.

For years the NRA has tried to frame itself as a public interest group like the National Association for the Advancement of Colored People (NAACP) or the American Civil Liberties Union (ACLU), which is how they are able to insert themselves into every gun conversation that arises in an effort to hijack the debate. What the NRA is really doing, however, is representing the gun companies that give donations to their organization every year. Gun manufacturers donate millions of dollars through the NRA corporate partners program. Some sponsor specific NRA projects like “Empower the People” or “Love at First Shot”, while others donate directly to the organization.⁹⁹ Those that make significant contributions to the NRA’s defense of the Second Amendment get to be part of what is known as the NRA’s “Golden Ring of Freedom” where they are awarded with a yellow jacket. Members of the Golden Ring of Freedom include Beretta USA, Remington Outdoor Company, and Smith & Wesson, the company who manufactured the gun used in the mass shooting at a high school in Parkland, Florida. The NRA does not reveal how much money they receive each year in donations, but experts have estimated anywhere between twenty and sixty million dollars. Some gun manufacture companies even donate a

⁹⁹ Association, National Rifle. “About the NRA.” *NRA.ORG*, home.nra.org/about-the-nra/.

portion of every gun sale they make to the NRA, in addition to buying memberships for their customers.¹⁰⁰ The NRA also brings in revenue through offering advertisement space to gun companies in their various publications. The different sources of revenue and large sums of money obtained by the NRA makes them more of an industry lobbying group rather than a public interest group, which is an important distinction.

The members of the NRA first began to influence policy directly via their political action committee when they started channeling funds to legislators.¹⁰¹ It is now one of the most powerful special interest lobby groups in the United States, because they have such a large budget to influence Congress members and single-issue pro-gun voters. The association spends around 250 million dollars per year, and 3.3 million of that is spent on lobbying and influencing gun policy. They also publicly grade members of Congress from A to F on their perceived “friendliness to gun rights.” Those ratings can have a serious effect on poll numbers and even cost pro-gun control candidates a seat.¹⁰² The NRA is not as active at the local level but is strongly manned and funded at the national level and may be working to keep policy in their favor by heightening the debate around other issues that do not directly relate to gun legislation. The NRA can influence gun policy directly by using their money to pressure members of Congress. Senators’ power and party position are considerably dependent on this interest group’s financial backing.

The NRA has faced significant legal challenges over the past few years. They have been fighting against attorneys general in New York and Washington, DC, former advertising agencies, and spending millions of dollars on legal bills. In August 2020 the New York Attorney

¹⁰⁰ Musa, Sam. “The Impact of NRA on the American Policy.” *Journal of Political Sciences & Public Affairs*, vol. 04, no. 04, 2016, doi:10.4172/2332-0761.1000222.

¹⁰¹ Ibid.

¹⁰² Ibid.

General sued the NRA seeking millions of dollars of alleged misspent money amid mismanagement and corruption. In January 2021, Wayne LaPierre announced that the organization would be filing for bankruptcy protection and re-incorporating in Texas. The NRA has been chartered in New York for over a century and a half so red flags were raised when the group began to circumvent New York's jurisdiction.¹⁰³ The chief judge of Dallas's bankruptcy court ruled in May 2021 that the NRA's filing was made in bad faith, to try to avoid its legal obligations in New York, and dismissed the Chapter 11 case. The judge also threatened to assign an independent trustee to oversee the organization if it tried to file for bankruptcy again. Many are hoping to dissolve the organization which would significantly increase the chances of passing stricter gun control laws.

Interest groups in Canada are not nearly as powerful or influential, and there are more lobbying groups in support of gun control, like the Coalition for Gun Control. This organization was founded in direct response to the Montreal Massacre in 1989. The Coalition states that its goals are: possession permits for all gun owners, a cost effective way to register all guns, a total ban on assault weapons and large capacity magazines, regulation of ammunition, and stricter handgun control laws.¹⁰⁴ Statistics on the funding of the Coalition has been difficult to find, however, Canadian politicians and the media have made it evident that this group is the primary influencer of gun control legislation.¹⁰⁵ On the other side of the debate, the anti-gun legislation group that has not been as successful is the National Firearms Association. It was created in 1978

¹⁰³ Hakim, Danny, and Mary Williams Walsh. "Embattled N.R.A. Chief Kept Bankruptcy Filing Secret From Deputies." *The New York Times*, The New York Times, 7 Apr. 2021, www.nytimes.com/2021/04/07/us/nra-bankruptcy-wayne-lapierre.html.

¹⁰⁴ "About The Coalition." *Coalition for Gun Control*, guncontrol.ca/about/#:~:text=Founded%20in%20the%20wake%20of,gun%20death%2C%20injury%20and%20crime.

¹⁰⁵ Fleming, Anthony, "Institutions, interest groups, and gun control policy: A comparative study of focusing events" (2010). Graduate Theses, Dissertations, and Problem Reports. 3229.

and “quests for fair and practical firearm and property legislation as “Canada’s firearms voice in Ottawa”. Statistics on its membership and funding have also been hard to find. This trend of unavailable data shows that there is not nearly as much focus on gun control in Canada as there is in the United States.

Chapter 5: Culture, Public Opinion, and the Future

There are significant cultural differences between Canada and the United States that need to be discussed in order to grapple with the fact that gun control focusing events like mass shootings have very different responses from country to country. There are basic cultural differences between the two developed democratic nations, but the differing gun cultures are especially stark.

Americans have historically viewed government authority in a negative way because of the ideas implemented in their psyche after the American Revolution. The founders feared an authoritarian leader, so the system of checks and balances was found on the sole basis of distrust in the government. The Bill of Rights itself ensures liberty and undeniable individual rights hence the individualistic ideals that are consistently reinforced in the Constitution. This deep-rooted belief in civil liberties and individualism in the United States led to the inefficient presidential system and the polarized political culture that has evolved from it.¹⁰⁶ People do not always agree on liberties which has led to the formation of groups that seek to promote the liberties that they collectively agree with. For example, the NRA is a group that promotes gun rights whereas the Brady Campaign seeks to restrict gun ownership and deny this civil liberty. Americans have an illusion that they have control their fate because of the individual economic opportunities available, especially if one starts with middle class advantages.¹⁰⁷ Additionally, the political life is mostly free, yet powerful forces affecting all lives are not operating under democratic norms. In particular, the private governments of large corporations make decisions on

¹⁰⁶ Fleming, Anthony, "Institutions, interest groups, and gun control policy: A comparative study of focusing events" (2010). Graduate Theses, Dissertations, and Problem Reports. 3229.

¹⁰⁷ Andre, Claire, and Manuel Velasquez. "Creating the Good Society." *American Society and Individualism*, www.scu.edu/mcae/publications/iie/v5n1.1.html.

the basis of their own advantage, not considering the best interest of the public. The federal government has enormously increased its power, especially in the form of the military industrial complex, in ways that are almost invulnerable to citizen knowledge, much less control, on the grounds of national defense.¹⁰⁸ The individualistic ideals ingrained in the Constitution and the distrust in government are two significant reasons why Americans are so attached to their right to bear arms.

Canadian culture is much different than in the United States, and not just when it comes to gun control. Canadians have the mentality that the government is going to protect us, and therefore we are much less worried about self defense. Americans feel that they need to take care of their own security because they do not trust the government or military to do a sufficient job. Additionally, Canadians view owning a gun as a privilege, similar to driving a car, that requires licensing and training, and there is obviously nothing like the Second Amendment giving Canadians the right to bear arms. There is more of a focus on using guns for sport shooting and hunting than any other use. Additionally, Canadians view guns as serious instruments of violence, not as toys or symbols of manhood.

Public opinion has significant influence on public policy in democratic societies. Public opinion polls or similar, independent research reports the views of the mass public to government leaders who are making decisions that will affect society. They are essential to ensuring democratic governance and politicians often consider public opinion when debating policies. A Pew Research Center study looks at the relationship that Americans have with guns and concludes that relationship stems from the Second Amendment which also influences their

¹⁰⁸ Ibid.

policy views.¹⁰⁹ The Pew Research center found that a majority of Americans have been exposed to guns with or without owning one. Roughly seven in ten Americans say they have fired a gun, including the 55% of people who have never owned a gun. Experience with guns starts relatively early for Americans, especially ones that grew up in a gun-owning household. The access to guns in the United States is one of the most important factors that contributes to this policy stalemate. Because there is a right to bear arms, guns are very accessible and almost anyone who wants a gun, can purchase one with few restrictions. For example, there are dozens of gun stores that show every weekend in the United States and most Americans live somewhere near one.¹¹⁰ The legal criteria needed to purchase a gun in the United States is not as strict and enforced as it should be. For example, Dylan Roof, the killer of nine African Americans in a church in Charleston, South Carolina, purchased his .45-caliber Glock at a gun store in Charleston which required background checks. Roof had been arrested earlier that year. However, he was somehow able to pass the background check and purchase a gun.¹¹¹ Although the United States Constitution gives American citizens the right to own and bear arms, there are ways to regulate weapons in a way that gains bipartisan support and reduces gun violence in America. It has been made clear that United States gun laws are not working.

In the early 2000s, Gallup Polls that compared public attitudes in both countries found not only that a larger majority in Canada (61 percent) than the United States (51 percent) wanted “more strict” gun laws but that sixty-three percent of Canadians did not believe that the general public “should be allowed, by law, to own a gun” whereas sixty-five percent of Americans were

¹⁰⁹ Parker, Kim. “Guns in America: Attitudes and Experiences of Americans.” *Pew Research Center's Social & Demographic Trends Project*, Pew Research Center's Social & Demographic Trends Project, 18 Sept. 2018, www.pewsocialtrends.org/2017/06/22/americas-complex-relationship-with-guns/.

¹¹⁰ “Firearm Suicide in the United States.” *EverytownResearch.org*, 10 Sept. 2018, everytownresearch.org/firearm-suicide/.

¹¹¹ “Buying a Gun Is So Easy 'It Doesn't Make Sense'.” *NBCNews.com*, NBCUniversal News Group, www.nbcnews.com/news/us-news/doesn-t-make-sense-how-easy-it-buy-gun-n490756.

opposed when asked whether there “should or should not be a law that would ban the possession of handguns, except by the police and other authorized persons.”¹¹² Support for a complete ban on all guns in Canada varies considerably by city: those in Toronto proper (67%) are most supportive, followed by those in Montreal (57%), the 905 area surrounding Toronto (54%), Vancouver (53%), Winnipeg (48%), Halifax (42%), Regina, (37%), Calgary (34%), Edmonton (33%) and Saskatoon (30%). Women (58%) are more likely to agree with making all guns in Canada illegal than are men (44%). Further, those over the age of 55 are most likely to support a ban (59%), while those aged 35-54 (48%) and 18-34 (48%) are less likely. Interestingly, those with children (54%) are significantly more likely than those without (43%) to support a ban on all guns in Canada.¹¹³

Although Canadian gun control laws are not perfect, it is evident that they have been more effective than gun laws in the United States. Canada, for several reasons, has handled mass shootings and gun violence in general much more efficiently than the United States. The homicide rate in Canada in 2019 was less than a sixth of what it was in the United States, which displays that Canada has done a better job of keeping guns out of the hands of people with malicious intent. One of the more effective measures taken in Canada that the United States could learn from is the federal licensing system. Buying a gun in Canada is very much like getting a driver’s license in several ways. There are safety courses required in addition to a minimum 28-day waiting period after applying for a license. There are also background checks and personal references required to vouch for your character. Additionally, gun owners need to renew their license every five years which gives law enforcement the opportunity to re-evaluate a

¹¹² Fleming, Anthony, et al. “Debating Gun Control in Canada and the United States: Divergent Policy Frames and Political Cultures.” *World Affairs*, vol. 181, no. 4, Dec. 2018, pp. 348–371, doi:10.1177/0043820018812609.

¹¹³ *Ibid.*

person's intent. A person may experience trauma or mental illness at different points in their lives even after they purchase a gun for the first time. Therefore, it is essential to conduct a re-evaluation in order to keep guns out of the hands of people who want to use them for violent reasons. The United States background check system is more of a one-time snapshot of a person's life, which has failed the American people.¹¹⁴ Gun control policy must consider that people's lives change over time and their risks of committing violence ebb and flow with these changes.

Another key takeaway from the Canadian gun control system is the banning of military grade assault weapons. Canada has restricted nine types of firearms, by make and model, and their variants. Firearms with a bore of 20 mm or greater, and those firearms capable of discharging a projectile with a muzzle energy greater than 10,000 Joules; and the upper receivers of M16, AR-10, AR-15 and M4 pattern firearms are banned. Minister of Public Safety and Emergency Preparedness Bill Blair stated that "prohibiting these firearms immediately freezes the market in Canada for the most prevalent assault-style firearms that are not suitable for hunting or sports shooting purposes. These dangerous firearms are designed for the battlefield, not for communities, but have been used tragically to target women, students and worshippers because they are efficient in maximizing fatalities."¹¹⁵

United States citizens were given the right to keep and bear arms, but not to the extent of assault weapons. The framers of the constitution could not have anticipated the technological developments of firearms which is a valid argument for banning assault weapons that are used for the sole purpose of killing. Self defense is one thing, but AK 47s are another. Firearms should

¹¹⁴ Lee, Opinion by Jooyoung. "Opinion: What We Can Learn from Canada on Gun Control." *CNN*, Cable News Network, 24 Apr. 2021, www.cnn.com/2021/04/24/opinions/us-canada-gun-control-licensing-lee/index.html.

¹¹⁵ "Prime Minister Announces Ban on Assault-Style Firearms." *Prime Minister of Canada*, pm.gc.ca/en/news/news-releases/2020/05/01/prime-minister-announces-ban-assault-style-firearms.

become more difficult to access as the assessment of their danger increases. Moreover, a licensing system like the one in Canada would be the best practical step for the United States because it is consistent with American traditions of individuals rights. It should be possible to better regulate firearms in the United States without completely alienating gun owners who feel strongly about the second amendment. The main takeaway from this study is that gun control works in Canada at least in part because it is regulated at the federal level.

Bibliography

“About The Coalition.” *Coalition for Gun Control*, guncontrol.ca/about/.

“About the House.” *About the House - House of Commons of Canada*, www.ourcommons.ca/en/about-the-house.

Andre, Claire, and Manuel Velasquez. “Creating the Good Society.” *American Society and Individualism*, www.scu.edu/mcae/publications/iie/v5n1.1.html.

Assault Weapons and High-Capacity Magazines.” *Everytown Research & Policy*, 5 Apr. 2021, everytownresearch.org/report/assault-weapons-and-high-capacity-magazines/.

Association, National Rifle. “About the NRA.” *NRA.ORG*, home.nra.org/about-the-nra/.

Benthien, Samantha. “Understanding America's History Of Gun Control.” *History News Network*, historynewsnetwork.org/article/173342.

Brooks, Jack B. “Text - H.R.3355 - 103rd Congress (1993-1994): Violent Crime Control and Law Enforcement Act of 1994.” *Congress.gov*, 13 Sept. 1994, www.congress.gov/bill/103rd-congress/house-bill/3355/text.

BROWN, R. BLAKE. *Arming and Disarming: A History of Gun Control in Canada*. University of Toronto Press, 2012. *JSTOR*, www.jstor.org/stable/10.3138/9781442665590.

“Buying a Gun Is So Easy 'It Doesn't Make Sense'.” *NBCNews.com*, NBCUniversal News Group, www.nbcnews.com/news/us-news/doesn-t-make-sense-how-easy-it-buy-gun-n490756.

“Cabinet.” *The Canadian Encyclopedia*, thecanadianencyclopedia.ca/en/article/cabinet.

Canada, Supreme Court of. “SCC Case Information - Search.” *Supreme Court of Canada*, 3 Dec. 2012, scc-csc.lexum.com/scc-csc/scc-csc/en/item/1007/index.do.

“Canada vs United States.” *Diffen*, www.diffen.com/difference/Canada_vs_United_States.

Department, Published by Statista Research, and Apr 19. “Mass Shooting Victims in the United States by Fatalities and Injuries 1982-2021.” *Statista*, 19 Apr. 2021, www.statista.com/statistics/811504/mass-shooting-victims-in-the-united-states-by-fatalities-and-injuries/.

Department, Published by Statista Research, and Mar 9. “Number of Homicides by Shooting in Canada 2019.” *Statista*, 9 Mar. 2021, www.statista.com/statistics/433713/number-of-homicides-by-shooting-in-canada/.

“District of Columbia v. Heller, 554 U.S. 570 (2008).” *Justia Law*, supreme.justia.com/cases/federal/us/554/570/.

Echoes of History. “The Process of a Bill Becoming a Law.” *Echoes of History*, 5 Feb. 2021, echoesofhistory.org/the-process-of-a-bill-becoming-a-law/.

“Firearm Suicide in the United States.” *EverytownResearch.org*, 10 Sept. 2018, everytownresearch.org/firearm-suicide/.

Fleming, Anthony, et al. “Debating Gun Control in Canada and the United States: Divergent Policy Frames and Political Cultures.” *World Affairs*, vol. 181, no. 4, Dec. 2018, pp. 348–371, doi:10.1177/0043820018812609

Fleming, Anthony, "Institutions, interest groups, and gun control policy: A comparative study of focusing events" (2010). Graduate Theses, Dissertations, and Problem Reports. 3229.

Follman, Mark, et al. “US Mass Shootings, 1982–2021: Data from Mother Jones' Investigation.” *Mother Jones*, 28 Dec. 2012, www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/.

Forsey, Eugene A. “Canadian and American Government.” *How Canadians Govern Themselves*, lop.parl.ca/about/parliament/senatoreugeneforsey/book/chapter_4-e.html.

“Frequently Asked Questions.” *Home - Supreme Court of the United States*, www.supremecourt.gov/about/faq_general.aspx.

Gevertz, David. “Gun Laws Create Patchwork of Competing Legal Considerations.” *American Bar Association*, 9 Jan. 2017, www.americanbar.org/groups/litigation/committees/civil-rights/practice/2017/gun-laws-create-patchwork-of-competing-legal-considerations/.

Government of Canada, Department of Justice. “Firearms, Accidental Deaths, Suicides and Violent Crime: An Updated Review of the Literature with Special Reference to the Canadian Situation.” 5. *Firearms and Violent Crime*, 7 Jan. 2015, www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/wd98_4-dt98_4/p5.html.

Government of Canada, Royal Canadian Mounted Police. “History of Firearms in Canada.” *Royal Canadian Mounted Police*, 22 Apr. 2020, www.rcmp-grc.gc.ca/en/history-firearms-canada.

Gray, Sarah. “A Timeline of Gun Control Laws in The U.S.” *Time*, Time, 30 Apr. 2019, time.com/5169210/us-gun-control-laws-history-timeline/.

Gun Deaths by Country 2021, worldpopulationreview.com/country-rankings/gun-deaths-by-country.

Gun Violence Archive, www.gunviolencearchive.org/query/0484b316-f676-44bc-97ed-ecefeabae077.

Hakim, Danny, and Mary Williams Walsh. “Embattled N.R.A. Chief Kept Bankruptcy Filing Secret From Deputies.” *The New York Times*, The New York Times, 7 Apr. 2021, www.nytimes.com/2021/04/07/us/nra-bankruptcy-wayne-lapierre.html.

Heritage, Canadian. "Government of Canada." *Canada.ca*, / Gouvernement Du Canada, 18 Dec. 2020, www.canada.ca/en/canadian-heritage/services/royal-family/queen.html.

Hughes, Tyler, and Deven Carlson. "How Party Polarization Makes the Legislative Process Even Slower When Government Is Divided." *USAPP*, 21 May 2015, blogs.lse.ac.uk/usappblog/2015/05/19/how-party-polarization-makes-the-legislative-process-even-slower-when-government-is-divided/.

Imbergamo, Amy, "The Achievement of the 1996 National Firearms Agreement in Australia: Lessons for Federal Gun Control Reform in the United States". Senior Theses, Trinity College, Hartford, CT 2013.

"Judiciary in Canada." *Judiciary in Canada | The Canadian Encyclopedia*, www.thecanadianencyclopedia.ca/en/article/judiciary#:~:text=The%20federal%20government%20appoints%20the,court%20of%20appeal%20since%201949

Karp, Aaron. "Estimating Global Civilian-Held Firearms Numbers." *Small Arms Survey*, 2018, www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf.

Kakutani, Michiko. "Gun Control and Gun Rights Stay Fighting Words." *The New York Times*, The New York Times, 9 Oct. 2011, www.nytimes.com/2011/10/10/books/in-gunfight-adam-winkler-traces-the-gun-control-battle.html.

Lee, Opinion by Jooyoung. "Opinion: What We Can Learn from Canada on Gun Control." *CNN*, Cable News Network, 24 Apr. 2021, www.cnn.com/2021/04/24/opinions/us-canada-gun-control-licensing-lee/index.html.

Lopez, German. "America's Unique Gun Violence Problem, Explained in 16 Maps and Charts." *Vox*, Vox, 2 Oct. 2017, www.vox.com/policy-and-politics/2017/10/2/16399418/fedex-indianapolis-mass-shooting-gun-violence-statistics-charts.

Luca, Michael, et al. "The Impact of Mass Shootings on Gun Policy." 2019, doi:10.3386/w26187.

Lund, Nelson, and Adam Winkler. "The Second Amendment." *Interpretation: The Second Amendment / The National Constitution Center*, constitutioncenter.org/interactive-constitution/interpretation/amendment-ii/interps/99.

"Mass Shootings in America." *Everytown Research & Policy*, 8 Apr. 2021, everytownresearch.org/maps/mass-shootings-in-america-2009-2019/.

Mauser, Gary & Margolis, M. (1992). The Politics of Gun Control: Comparing Canadian and American Patterns. *Environment and Planning C: Government and Policy*. 10. 189-209. 10.1068/c100189

McClure Kennedy, William Paul. *Documents of the Canadian Constitution, 1759-1915*. Oxford University Press, 1918

McConnell, W.H. "Constitution Act, 1867." *The Canadian Encyclopedia*, 6 Feb. 2006, www.thecanadianencyclopedia.ca/en/article/constitution-act-1867.

Musa, Sam. "The Impact of NRA on the American Policy." *Journal of Political Sciences & Public Affairs*, vol. 04, no. 04, 2016, doi:10.4172/2332-0761.1000222.

Mystal, Elie. "It's Time to Repeal-and Replace-the Second Amendment." *The Nation*, 7 Aug. 2019, www.thenation.com/article/archive/repeal-second-amendment-gun-control/.

Parker, Kim. "Guns in America: Attitudes and Experiences of Americans." *Pew Research Center's Social & Demographic Trends Project*, Pew Research Center's Social & Demographic Trends Project, 18 Sept. 2018, www.pewsocialtrends.org/2017/06/22/americas-complex-relationship-with-guns/.

“Political Polarization in the American Public.” *Pew Research Center - U.S. Politics & Policy*, Pew Research Center, 28 Aug. 2020, www.pewresearch.org/politics/2014/06/12/political-polarization-in-the-american-public/.

“Presidential Election Process.” *USAGov*, www.usa.gov/election.

“Prime Minister Announces Ban on Assault-Style Firearms.” *Prime Minister of Canada*, pm.gc.ca/en/news/news-releases/2020/05/01/prime-minister-announces-ban-assault-style-firearms.

Richter, Felix. “Infographic: Gun Country.” *Statista Infographics*, 22 Jan. 2020, www.statista.com/chart/20573/us-leads-world-in-guns/.

Russell, Andrew. “Colt Carbine, Ruger Mini-14 among Illegally Obtained Firearms Used by Nova Scotia Shooter, Docs Show.” *Global News*, Global News, 20 Nov. 2020, globalnews.ca/news/7474635/nova-scotia-shooting-illegal-firearms-colt-carbine-ruger-mini-14/.

Sabbatini, Whitten, et al. “Automatic for the People.” *Topic*, Topic, 6 May 2019, www.topic.com/automatic-for-the-people.

Secretariat, Treasury Board of Canada. “Government of Canada.” *Canada.ca*, / Gouvernement Du Canada, 10 Nov. 2020, www.canada.ca/en/government/system/how-government-works/structure.html.

Senate of Canada. “How a Bill Becomes a Law.” *Senate of Canada*, sencanada.ca/en/about/publications/how-a-bill-becomes-law/.

Senate of Canada. “Oversight.” *Senate of Canada*, sencanada.ca/en/about/transparency-accountability/Oversight.

“The Constitution of the United States: A Transcription.” *National Archives and Records Administration*, National Archives and Records Administration, www.archives.gov/founding-docs/constitution-transcript.

“The Federalist Papers No. 10.” *Avalon Project - Documents in Law, History and Diplomacy*, avalon.law.yale.edu/18th_century/fed10.asp.

“The Legislative Process: Introduction and Referral of Bills (Video).” *Congress.gov*, www.congress.gov/legislative-process/introduction-and-referral-of-bills.

The Legislative Process: Overview (Video).” *Congress.gov*, www.congress.gov/legislative-process.

The Presidential Election Process: Elections: Classroom Materials at the Library of Congress: Library of Congress.” *The Library of Congress*, www.loc.gov/classroom-materials/elections/presidential-election-process/.

United States v. Miller, 307 U.S. 174 (1939).” *Justia Law*, supreme.justia.com/cases/federal/us/307/174/.

“US Gun Control: What Is the NRA and Why Is It so Powerful?” *BBC News*, BBC, 6 Aug. 2020, www.bbc.com/news/world-us-canada-35261394.