

## MILITARY ASSAULT WEAPONS

### Overview

One of the essential elements in the Coalition for Gun Control position- supported by more than 350 organizations across the country, as well as by the population- is a ban on military assault weapons. The majority of the approximately 7 million firearms currently owned in Canada is not military weapons but hunting rifles and shotguns -currently classified as non-restricted firearms. Many unrestricted firearms are also semi-automatic. Although many Canadians would support a ban on all semi automatics, the Coalition for Gun Control's position is not to prohibit semi-automatics designed for hunting. However, the Coalition for Gun Control does insist that all gun owners have renewable licenses and all guns be registered.

Parliament classifies weapons as restricted or prohibited when the risk they pose outweighs their utility. Military weapons are not designed for hunting or target shooting, but for killing people during combat and are easy to use. They have no place in the hands of civilians. At the United Nations, the vast majority of countries have supported a global ban on civilian possession of military assault weapons, although the efforts to move it forward have been consistently blocked by the US. Other countries have shifted the burden of proof to the manufacturers where they define the weapons that are considered lawful for hunting or target shooting and prohibit the rest.

While the word "semi-automatic" has strong associations, it refers to the firing mechanism; the firearm will reload with each pull of the trigger and the gun will fire. In contrast, a fully automatic weapon will fire continuously with one pull of the trigger. Semi-automatic does not necessarily mean military weapon. In general, semi automatic hunting rifles are designed to be precisely aimed. In contrast, military weapons are not designed for hunting or target shooting, but require limited skill to kill and injure people. Assault weapons are designed to be spray-fire from the hip, and because of their design, a shooter can maintain control of the weapon even while firing many rounds in rapid succession. The difference between fully automatic and semi automatic military weapons is minimal: while a fully auto AK-47 fires 20 rounds in 2.4 seconds, a semi-auto Norinco AK-47 takes 4.6 seconds<sup>1</sup>. In Canada, most military assault weapons are currently prohibited, after having been previously restricted. The possession of a prohibited weapon is a criminal offence in Canada and has been for many years.

Military assault weapons are not designed for hunting or target shooting, but to kill and injure efficiently and research shows they do just that. An International Committee of the Red Cross study showed that when these guns are used in mass murders of civilians there are larger numbers of fatalities<sup>2</sup>. Other studies have shown that the number of victims per shooting is also likely to be more than twice as high when these weapons are used. A study in Milwaukee showed that those killed with assault weapons and large capacity magazines were shot more times than when other guns were used<sup>3</sup>.

The Beretta CX4 Storm used to shoot 20 people and kill Anastasia DeSousa at Montreal's Dawson College in September 2006 should have and could have been prohibited. While not as powerful as some unrestricted hunting rifles, it has a short barrel, a pistol grip, and is designed to accept a large capacity magazine, all characteristics of military weapons. This firearm would never have been allowed into Canada if the 1995 standards had been rigorously applied. And regrettably, there are many other guns like it that have been imported to Canada in the last decade and are sold as restricted weapons to collectors and target shooters.

The Ruger Mini 14 used in the 1989 massacre at Ecole Polytechnique in Montreal to shoot 24 people killing 14 is still sold as an unrestricted hunting rifle. We would argue that the Ruger Mini 14, which are designed for a large capacity magazine and variants with obvious military functions, should be prohibited.

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<sup>1</sup> Handgun Control, *The Deadly Distinction*, video, 1989

<sup>2</sup> Robin Coupland, *The Effect of Weapons: Defining Superfluous Injury and Unnecessary Suffering*, Medicine and Global Survival, 1996. Available from: <http://www.ipnw.org/MGS/V/Coupland.html>.

<sup>3</sup> CS Koper and JA Roth, "The impact of the 1994 federal assault weapon ban on gun violence outcomes: an assessment of multiple outcome measures and some lessons for policy evaluation", *Journal of Quantitative Criminology* (2001), 17:33-74.

It is mechanically the same as the US M1 Garand. "One of the principal attractions of this rifle is that, due to the lower recoil force derived from the 5.56mm bullet, it becomes possible to develop light rifles, which can be fired at full automatic. While marketed as a hunting rifle its variants that include a range of military features such as folding stock, bayonet mount and flash suppresser."<sup>4</sup> As one expert noted the fact it is marketed as a hunting rifle does not make it a hunting rifle.<sup>5</sup>

Laval police chief said of the powerful .338-calibre rifle used to kill Laval police Constable Valerie Gignac: "It's used in the jungle for the hunting of elephants. It's a very powerful firearm."<sup>6</sup> Many of the so-called "duck guns" the Harper government wishes to deregulate are extremely powerful semiautomatics – able to shoot up over 2 kilometres and to pierce cinderblock. The Harper government has declared an amnesty for those who do not renew their licenses or register these guns, has introduced legislation that would allow them to be sold without being registered (or traceable), and is also considering lifetime licenses; eliminating the current 5 year renewals.

### Canadian Legislative History

1. **Fully Automatic Firearms:** In 1978, fully automatic firearms were banned, although anyone who legally possessed them at the time was deemed a "genuine gun collector" and was permitted to retain them as "grandfathered" weapons. As a result, approximately 10, 000 of these machine guns were grandfathered, of which 5,000 to 6,000 remain in circulation.

2. **Semi Automatic Firearms which could be Converted to Fully Automatic Fire:** The passage of *Bill C-17* in 1991 prohibited semi automatic military weapons which could be converted to fully automatic fire. It also added converted automatic firearms to the prohibited category in the *Criminal Code*. The *Orders in Council* effective as of October 1, 1992, dealt with three classes of weapons (except as otherwise noted): ([See full list at: http://www.guncontrol.ca/Content/Temp/app1.pdf](http://www.guncontrol.ca/Content/Temp/app1.pdf))

Prohibited weapons (with "grandfather" clause) came into force July 27, 1992 (Registration deadline October 1, 1992): Three assault pistols and one carbine became prohibited. Existing owners were allowed to retain firearms they owned on the date of the coming into force. These were to be registered as "restricted weapons". Once existing owners die or dispose of the weapons, they revert to prohibited weapons status and must be deactivated or disposed of.

Prohibited weapons (without "grandfather" clause) effective October 1, 1992: A list of "assault pistols", "combat shotguns" .50 calibre sniper rifles and other military-type firearms were classified as prohibited weapons. There was no retention allowed of these weapons after October 1, 1992; they had to be disposed of, surrendered or deactivated by that date.

Restricted weapons effective October 1, 1992: Several semi automatic assault rifles and similar firearms were declared to be restricted weapons. These weapons had to be registered and could not be used for hunting. However, they were allowed to be used in sporting applications (ie. target shooting) and for gun collections.

3. **Additional Semi automatic Military Weapons:** In 1995, the power of the Government to prohibit firearms "not reasonably" used in hunting was broadened. However, a generous grandfather clause was added to allow current owners not only to keep their firearms, but also to trade them with other owners in that class. This included:

A ban on additional semi automatic military weapons (examples: AK-47 variants, Commando Arms Carbine, FN variant, Heckler & Koch HK-91, Colt AR-15) by Order in Council. ([See full list at: http://www.guncontrol.ca/Content/Temp/app2.pdf](http://www.guncontrol.ca/Content/Temp/app2.pdf))

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4 Ian V. Hogg and John S. Weeks, *Military Small Arms of the 20th Century*. Iola, WI: Krause, 2000.

5 Lorne Newson, Chief Provincial Firearms Officer, BC., Testimony, House Of Commons Canada , Special Committee On The Subject-Matter Of Bill C-80 (Firearms), December 17, 1990. <http://www.cfc-ccaf.gc.ca/pol-leg/hist/pdfs/Newfirearmswhole.pdf>

6 Paul Cherry, "It's a jungle gun": Laval cop slain with .338 rifle. Man faces murder, firearms charges", *Montreal Gazette*, December 16, 2005.

A ban on short-barreled .25 and .32 calibre handguns, again with a grandfather clause.

Provincial authority to exempt competitions from large capacity magazine prohibition is eliminated.

## **Police Support**

Police in Canada have called for a ban on military weapons for almost 30 years on fully automatic and semi automatic assault weapons. In 1988, the Canadian Association of Chiefs of Police (CACP) passed a resolution calling for a ban on semi automatic weapons that could be converted to fully automatic fire. In 1994, the CACP called again for a ban on military assault weapons. That same year, their concerns was echoed by the Ontario Association of Chiefs of Police (OACP) who said: "*The proposed ban on military assault weapons is essential to maintaining safe communities. These weapons are designed for the sole purpose of destruction. Games killed by such a weapon would be literally torn apart, destroying much of the meat which would otherwise be edible and destroying the pelt for any other use. Paper targets would be virtually destroyed, so it is hard to imagine any kind of competitive scoring system. The place of such weapons in collections of weapons designed for sports and competitive shooting or hunting is misplaced. Assault weapons are in a category of their own, designed for military purposes and have no place in a peaceful community.*"

## **Public Support**

After a Ruger Mini 14 was used to kill 14 women at Montreal's École Polytechnique in 1989, more than 560 000 Canadians signed a petition calling for a complete ban on military assault weapons. There is a high level of consensus in Canada, even among gun owners, that military-style weapons have no place in the hands of civilians. A 1993 Angus Reid poll showed that 83% of the Canadian population supports a ban on military assault weapons. The support was strong among all regions of the country and across all major socio-demographic descriptors included in the research. Among gun owners, 71% support a ban on military weapons.

## **International Trends**

Go to: [www.guncontrol.ca/English/Home/Releases/wpMAW.pdf](http://www.guncontrol.ca/English/Home/Releases/wpMAW.pdf) to read the Wendy Cukier's report: "The Feasibility of Increased Restrictions on the Civilian Possession of Military Assault Weapons at the Global Level"

Although there are differences in interpretation, there is a high level of agreement, internationally, on the characteristics which differentiate military weapons from civilian hunting guns. The combination of rapid fire capability and a large capacity magazine usually characterize military weapons. Even the United States, not known for the rigour of its gun control laws, attempted to ban semi automatic assault weapons in 1994 (although President Bush allowed the ban to expire in 2004). The Alcohol, Tobacco and Firearms Administration took the position that there were features which defined assault-type rifles including: (1) military appearance (2) large magazine capacity (3) semiautomatic versions of a machine gun [fully automatic]. A "military configuration" included:

- Ability to accept a detachable magazine, designed for holding many rounds of ammunition, enabling the shooter to continuously fire dozens of rounds without reloading. Standard hunting rifles are usually equipped with no more than 3 or 4-shot magazines and the ATF study showed many states have regulations which explicitly limit the size of the magazine which can be used for hunting.
- A folding/telescopic stock on a rifle or shotgun, which sacrifices accuracy for concealability and for mobility in close combat.
- A separate pistol grip also helps the shooter stabilize the firearm during rapid fire.
- Ability to accept a bayonet, which is designed for combat not sporting purpose.

- A flash suppresser, which serves no useful sporting purpose. The flash suppresser allows the shooter to remain concealed when shooting at night, an advantage in combat but unnecessary for hunting or sporting purposes.
- A bipod designed to providing stability during rapid fire, helping the shooter maintain control of the firearm.
- A grenade launcher or
- Night sights.<sup>7</sup>

Immediately after the 1994 law was enacted, the gun industry moved quickly to make slight, cosmetic design changes in their “post-ban” guns to evade the law, a tactic the industry dubbed “sporterization.” Laws need to be flexible and vigilantly applied to ensure that importers do not skirt their intent.

While standards for gun ownership vary considerably, most countries prohibit civilian possession of military weapons. A recent study of laws demonstrate how military weapons are differentiated from civilian weapons:

- Some countries, including the USA, only prohibit fully automatic firearms. These were banned in Canada in 1977, although 5000-6000 remain in circulation as they were “grandfathered”; allowing licensed collectors to maintain guns they already owned.
- Many countries prohibit selective fire weapons which can be converted from semi to fully automatic fire for civilian use. These were prohibited, along with large capacity magazines, by Canadian law in 1991 (but once again were “grandfathered”).’
- Many countries also prohibit semi automatic variants of fully automatic assault weapons or those with military features. For example, semi automatic versions of the AK47, designed with military features, are prohibited in most countries. In Canada, some of these variants were prohibited in 1992 and others in 1995, based on a range of criteria and characteristics. At that time, the law was changed to allow firearms that were not “reasonably” used in hunting to be prohibited through Order-in-Council; recognizing that manufacturers would move quickly to introduce new models when old models were banned.
- A few countries have simply abandoned the effort to make distinctions and banned all semi automatics. Australia, for example, banned all semi-automatics (except for justified purposes) spending \$500 million buying them back.

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<sup>7</sup> Hogg and Weeks, op. cit.