

# THE GUN LAW: PRO AND CON

## *Introduction*

### **Focus**

This *News in Review* module looks at the uproar created by the Auditor General's review of the costs of the gun registry and owner licensing program of the Canadian Firearms Centre. It examines the past and future of gun control in Canada, as well as the implications of the massive cost overruns and the way they were financed.

### **Further Research**

The 2002 Report of the Auditor General is available at [www.oag-bvg.gc.ca/domino/reports.nsf/html/02menu\\_e.html](http://www.oag-bvg.gc.ca/domino/reports.nsf/html/02menu_e.html).

Until December 3, 2002, the future of gun control in Canada seemed to be almost a non-issue. Bill C-68, calling both for the licensing of gun owners and the registering of all firearms, was clearly the law of the land. A Supreme Court challenge by most of the provinces and the territories had failed. January 1, 2003, would see the full implementation of the legislation, when all firearms would need to be registered.

The gun registry program, however, continued to have its critics. One of the leading opponents of gun registration, Canadian Alliance MP Garry Breitkreuz, insisted that the statistics cited by the government were completely out of line. The government claimed there were approximately 7.7 million long guns in Canada subject to registration, of which 75 per cent had already been identified; Breitkreuz insisted that the total was more like 16.5 million. The registration process, supposedly as simple as an automobile registration, had, for many individuals, turned into a nightmare of red tape. As many as 90 per cent of the forms submitted were rejected by the computer system because of errors and omissions, and required human checks. There was a backlog of at least 130 000 guns for which forms had been filed, but for which certificates had not been issued. Over 30 000 of these guns had been backlogged for over one year. Some of the data in the system were also questionable. The RCMP conducted an internal review. They found that some high-risk individuals had not been red-flagged, yet low-risk applicants were incorrectly flagged as dangerous.

On December 3 Auditor General

Sheila Fraser issued a scathing report on the state of the gun registration system. Fraser announced that she was forced to abandon her audit of the registry—a first for her office—because it was impossible to get all the required information. Fraser also pointed to massive cost overruns. Thus a system designed to cost taxpayers approximately \$2-million would cost at least \$1-billion by 2004. This forecast confirmed predictions by critics, including Breitkreuz, who had been quoting a \$1-billion cost for over two years.

But Fraser did not stop there. “The issue here is not gun control. And it’s not even astronomical cost overruns, although those are serious,” she said. “What’s really inexcusable is that Parliament was in the dark . . . It’s appalling.” She accused the Department of Justice of failing to provide Parliament “with sufficient information to allow it to effectively scrutinize the Canadian Firearms Program and ensure accountability. It provided insufficient financial information and explanations for the dramatic increase in the cost of the Program.”

With this report, Fraser ignited two major debates. The first of these was over the future of the gun registry program. Even many of its supporters were horrified by its rising costs. They wondered if its problems would be solved by spending even more money. The Liberal government insisted that the program would continue. They blamed a significant portion of the cost overrun on the pro-gun lobby and on provinces opposed to the registry for their attempts to sabotage the program, through court challenges and harass-

ment techniques. Opponents of the registry felt vindicated by the Auditor General's report. They became more determined in their fight to stop the registry by refusing to register their firearms.

The second debate was over the Liberal government's failure to keep Parliament fully informed on the progress of the Canadian Firearms Centre. "Government," wrote James Travers in *The Toronto Star*, "particularly the critical machinery safeguarding spending, is broken." He described a system "built on an independent bureaucracy, Cabinet responsibility and informed, watchful elected representa-

tives" as no longer existing in Ottawa. He noted that the Official Opposition had been unable to realize the extent of the financial difficulties with the Canadian Firearms Program; nor had any ministers, past or present, assumed responsibility for these astronomical cost overruns. No heads had rolled.

Canadians, in short, were left asking themselves two questions. Should they continue to support the central registry of all firearms (currently, about 70 per cent of Canadians do); and, what changes, if any, should be made to ensure that responsibility remains what Travers calls "a defining democratic principle" in Canadian government?

### To Consider

1. Do you support or oppose the central registration of all firearms? Has the cost of establishing the Canadian Firearms Centre (CFC) affected your position in any way?

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2. Should any of the politicians who served as justice minister since 1995 (Allan Rock, 1993-1997; Anne McLellan, 1997-2002; Martin Cauchon, 2002-) be held responsible for the cost overruns at the CFC? Why or why not?

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# THE GUN LAW: PRO AND CON

## *Video Review*

This Video Review is in two parts. Part A is a series of questions dealing with the content of the video requiring only brief, factual answers. Part B consists of discussion questions. A second viewing of the video should precede this discussion.

### Part A: Analysis

1. What is the estimated cost of the National Gun Registry program?  
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2. Briefly describe the Montreal Massacre. What role did it play in the call for new legislation, including the creation of a national gun registry?  
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3. What was the estimated cost to taxpayers in 1995 of the National Gun Registry? What is the expected actual cost to taxpayers by 2005?  
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4. What does Auditor-General Sheila Fraser identify as the "inexcusable" aspect of the gun registry financing scandal?  
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5. What are the four areas that reporter Dan Bjarnason identifies as places where the extra money was spent?  
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6. In addition to Martin Cauchon, the current justice minister, who are the previous justice ministers seen defending the creation of the firearms registry?  
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7. Bruce Hutton of the Law-Abiding Unregistered Firearms Association advocates civil disobedience as a response to the government's demand that all guns be registered. What does he identify as the freedoms being eroded by the gun registry law?  
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**Did you know . . .**

As of March 2003, over 90 per cent of Canadian gun owners have complied with the law by getting licensed? As well, more than 75 per cent have applied to register their guns.

8. According to Suzanne Laplante-Edward, what group bears some of the responsibility for cost overruns at the Canadian Firearms Registry? Why?

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9. What is the current position of Toronto Chief of Police Julian Fantino toward the firearms registry? How does it differ from that of the Canadian Association of Chiefs of Police?

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**Part B: Discussion**

1. Auditor General Sheila Fraser, in presenting her report, stated: "The issue here isn't about gun control, and it's not even about astronomical cost overruns, though those are serious. What is really inexcusable is that Parliament was in the dark." How well is the Auditor General's concern reflected in the video presentation?

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2. Is civil disobedience—in this case, a refusal to register one's firearms as demanded by the new law—a legitimate tactic in this circumstance? Given that the Supreme Court has ruled that the gun registry legislation is legitimate, can opponents really argue that basic rights and freedoms are being violated?

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3. How does Canada's proximity to the United States affect the arguments used for and against gun control and the gun registry? What effect do you think the U.S. Constitution's Second Amendment's "the right to keep and bear arms" has on the argument?

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# THE GUN LAW: PRO AND CON

## *The Evolution of Canadian Gun Control*

### **Did you know . . .**

In 1977, sawed-off shotguns and fully automatic weapons were defined as prohibited weapons? All handguns required a Restricted Weapons Permit and registration?

The firearms regulations that created the National Firearms Registry, and that came into effect on January 1, 2003, are part of a long history of gun control measures in Canada. They are also the direct result of the most brutal single massacre of a group of individuals in Canadian history.

### **Gun Control, Pre-1989**

The year 1934 saw the first real registration requirement for guns in Canada. This law required a registration certificate with the purchase of a handgun. It would identify the owner, his or her address, and the firearm itself. These records were to be kept by either the RCMP or by those police departments designated as firearms registries.

The Criminal Code had previously specified penalties for carrying handguns outside the home or place of business. It had (since 1933) also specified a minimum sentence of two years for the possession of a handgun or other concealable firearm while committing a crime. In 1938 this minimum sentence was changed to include any type of firearm used while committing an offence. This minimum sentence was later repealed (in 1951).

In 1951, the handgun registry was centralized under the RCMP, and automatic firearms were added to the registry. By 1969, the various categories of weapon were legally defined in the Criminal Code: firearm, restricted weapon, and prohibited weapon. Cabinet was given the power to designate weapons as prohibited or restricted by Order-in-Council.

In 1977, Bill C-51 became law. This legislation introduced the Firearms Acquisition Certificate, needed for the purchase of new guns. It also included new definitions for prohibited and restricted firearms. Increased search and seizure powers were given to police. Mandatory minimum sentences were reintroduced.

### **The Montreal Massacre**

On December 6, 1989, Marc Lépine, a 25-year-old who had been rejected both by the Canadian Forces and by the École Polytechnique, the engineering school at the University of Montréal, went on a rampage at the school. In the suicide letter found on his body, Lépine blamed “the feminists who have ruined my life” for the horror he perpetrated on that day. Armed with a Sturm Ruger Mini-14 semi-automatic rifle, he spent 20 minutes storming through the school, singling out female students and firing at them before turning the weapon on himself. By that time, 14 women were dead and another 13 students, mostly women, were wounded.

This horrific incident focused attention on two major issues for Canadians: violence against women and the use of firearms to commit homicide. It was a key moment in both areas. December 6 has become a national day of remembrance and a symbol of male violence against women, commemorated by an annual white ribbon campaign. It was also the spur for some of the toughest legislation in the world dealing with gun control.

**Further Research**

The Coalition for Gun Control, the most influential lobby in favour of gun control in Canada, was founded by Wendy Cukier as a direct result of the Montreal Massacre. The Coalition's Web site is [www.guncontrol.ca](http://www.guncontrol.ca), and it provides extensive information on the Firearms Act.

Under the Firearms Act, *restricted* weapons include handguns, some semi-automatic guns, and other weapons specifically defined as restricted in the Criminal Code. *Prohibited* weapons include fully automatic weapons, convertible semi-automatic military weapons, sawed-off rifles and shotguns, and short-barrel handguns.

Lépine's gun was legal, and the Progressive Conservative government came under considerable pressure to restrict the availability of such military and paramilitary weapons. As a result, then Justice Minister Kim Campbell introduced Bill C-17, which became law in December of 1991.

The new law required that applicants for a Firearms Acquisition Certificate provide a photograph and two references, and wait 28 days before the certificate could be issued. Screening of applicants became much more detailed. Safety training also became mandatory. Safety tests were to be administered by

the offices of the provincial attorneys general and include questions on firearms law as well as safe practices. Almost all paramilitary weapons were prohibited or restricted, as were large-capacity cartridge magazines.

In the election of 1993, the federal Liberals promised an even stronger gun control law should they form the next government. Bill C-68 was introduced in February 1995 and received Royal Assent in December of that year. The law survived a Supreme Court challenge by several of the provinces and territories. It came into full effect on January 1, 2003.

**Discussion**

The Auditor General's report describing the problems at the gun registry was delivered just before the December 6 anniversary of the Montreal Massacre. Many speakers at the various memorials addressed the renewed opposition to the registry. What impact do you think public memory of the Montreal Massacre will prove to be to the current debate, now that 13 years have passed?

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**The Firearms Act**

The highly controversial 1995 Firearms Act came into full effect on January 1, 2003. The following is a summary of some of its major provisions, indicating changes from previous legislation (1991). As you go through the list, choose **three** items that you think will have the most significant impact on gun control in Canada. Briefly explain on page 39 why you believe this is the case for each item that you select.

1. A license is now required to possess and acquire rifles and shotguns. Previously, a certificate was required for an unlimited number of firearms.

2. Gun owners must be 18 years old, or obtain a special minor's permit (no change).
3. In addition to a screening process including questions on financial circumstances, marital status and mental illness, the current and former spouses and common-law spouses of license applicants must be informed.
4. References signing the application must now indicate that they know of no reason why the individual might be a threat to themselves or to others.
5. The license must be renewed every five years. Previously, the Firearms Acquisition Certificate needed renewal only if the owner wished to acquire more guns.
6. New applicants for the firearms possession and acquisition license must pass the Canadian Firearms Safety Test. Until 2001, a possession-only license was available; applicants for that license did not have to pass the test.
7. All information will be kept in a centralized database that will flag gun owners in case of offence or complaint. Such information was previously kept in local databases, and not easily accessible.
8. A registration certificate is now required for all (unrestricted) rifles and shotguns. An owner must have a license in order to register a gun. Previous laws only required the seller of a gun to keep a record for five years. Firearm owners who fail to register their guns will lose their licenses; they will then be guilty of possession without a certificate.
9. Gun owners caught without a license or certificate face up to five years imprisonment. If the gun is used to commit a crime a conviction will bring up to 10 years.
10. A central registry will enable law enforcement officials to trace unrestricted firearms to their initial owners. Previously, there was no way to trace unrestricted firearms to their source.
11. A firearms license is now required to purchase ammunition. Previously, purchasers needed to be 16 years of age, although some provinces specified other requirements, such as a Firearms Acquisition Certificate or higher age limit.
12. Handgun owners must continue to hold a restricted weapons permit and have no criminal record for an indictable offence. They must now also provide proof of membership in good standing of a gun club.
13. Safe storage regulations require that all firearms must be stored unloaded and be made inoperable, usually by means of a lock.

## Most Significant Changes

1. \_\_\_\_\_

Why: \_\_\_\_\_

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2. \_\_\_\_\_

Why: \_\_\_\_\_

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Why: \_\_\_\_\_

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## Discussion

1. Which provisions of the Firearms Act do you think are most likely to be objected to by current gun owners?

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2. Are there any modifications that might be made to overcome their objections?

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# THE GUN LAW: PRO AND CON

## *The Price of Gun Control*

### Further Research

Copies of both the Firearms Application for Licensing and the Application to Register Firearms are available from the Canadian Firearms Centre at [www.cfc-ccaf.gc.ca/en/default.asp](http://www.cfc-ccaf.gc.ca/en/default.asp).

When first announced by the Liberal government, the Firearms Registry for gun owners was expected to be almost completely self-financing. Costs to establish the registry were set at about \$119-million, but all but \$2-million of that would be returned through registration fees. There would be little real expense for taxpayers. Minister of Justice Allan Rock said that the process would be simple and effective. "Owners are going to be pleasantly surprised by how painless the process will be."

By 2000, the Canadian Firearms Program (CFP) reported that the implementation cost of the registry would be significantly higher than originally expected. This was partly due to general cost increases over the past five years, but there were other factors as well. These included registration backlogs, resulting from last-minute applications by gun owners. Even more significant, however, was the high error rate in the license and registration applications, because of the complexity of the forms.

It had been predicted that approximately 20 per cent of submitted forms would contain errors or omissions requiring manual checks. The rate turned out to be 90 per cent. As a result, processing an owner's license cost \$23.95, instead of the estimated \$5.50. The cost of processing a gun registration form had been estimated at \$4.60; its actual cost was \$16.28. Fee waivers for early applications only added to the problem of cost overruns.

By the end of 2001, the Canadian Firearms Program, in an internal audit, was estimating the cost of the new program at \$527-million. The computer system designed for the program had

proven to be completely inadequate, and the firearms centre was even having trouble keeping track of the fees collected. Between 1995 and 1999, the CFP had given over 1000 orders for changes to the computer system. They were now calling for a "significant investment" to resolve their computer problems.

By April of 2002, the cost estimate had risen to \$629-million.

The breakdown included \$227-million in computer costs; \$332-million for other programming costs, including a new central processing facility in Miramichi; \$60-million for public relations costs; and \$2-million to police for enforcement costs.

The real bombshell hit in December 2002. Auditor General Sheila Fraser reported that she had been forced to abandon her review of the Canadian Firearms Program a year after it had started because of the poor quality of the records maintained by the Justice Department. This was the first time the Auditor General's office found itself unable to complete an audit. Meanwhile, the Justice Department itself predicted that costs would reach \$1-billion by 2005; Fraser said this was likely a low estimate.

Critics of the gun registry program were quick to say "I told you so." Canadian Alliance MP Garry Breitkreuz, who had campaigned against the gun registry for the previous nine years, spoke for many when he said, "I think the credibility of it is completely shot. It should be scrapped." Government leaders were equally quick to defend it. Industry Minister Allan Rock, who introduced the legislation as

The Canadian Firearms Centre data can be found at [www.cfc-ccaf.gc.ca/en/general\\_public/news\\_features/other/crimedata.asp](http://www.cfc-ccaf.gc.ca/en/general_public/news_features/other/crimedata.asp).

Minister of Justice, said, “Strict gun control reflects Canadian values and reflects the kind of country we want. We’re determined to hang on to that hard-fought ground.”

The government was forced to withdraw a request for an additional \$72-million in funds for the gun registry when many of its own caucus members threatened to support a Conservative motion to deny the allocation. Justice Minister Martin Cauchon announced that three separate government investigations would take place—one by the Commons Public Accounts Committee, and one by the Commons Government Operations Committee. There would also be an independent audit by accounting firm KPMG. No further funds would be allocated until the completion of the KPMG audit.

Is the future of the gun registry program in doubt? The government insists that it will continue and seems to have the support of a majority of Canadians. The government estimates that about 90 per cent of gun owners are now licensed, and that 75 per cent of guns in Canada are registered. A recent poll indicates that 70 per cent of the population supports the registration of firearms, ranging from 51 per cent support in Alberta to 83 per cent in Quebec. On the other hand, opposition remains extensive, vocal, and well-organized. Groups like the Law-Abiding Unregistered Firearms Association are pledging their refusal to comply with the law. Many police forces are also saying that they lack the resources to actively enforce the regulations at this time.

## Discussion

It is difficult for supporters of gun registration to point to concrete evidence that registering weapons does reduce the crime rate. The Canadian Firearms Centre points to comparisons between crimes involving firearms and firearms-related deaths in Canada and the United States. The significantly higher U.S. rates are cited as evidence of the success of the Canadian program. Do you feel that this is a legitimate comparison, or might other factors also come into play? Explain.

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# THE GUN LAW: PRO AND CON

## *Point/Counterpoint*

Here are a series of statements on firearms registration. For each statement, identify whether the author is in favour (pro) or against (con) the new law. Also state whether you agree or disagree with the author's stance, and be prepared to explain why.

1. "Criminals do not register guns. Canada's gun registry is a billion-dollar boondoggle that can only exact justice for a victim by tracing a stolen gun back to the guy who bought it at Canadian Tire and prosecute him for improper storage. Meanwhile, the criminal who stole the gun and used it to commit a crime is untraceable." — Dave Ryan, *The Calgary Sun*, December 11, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

2. "The gun registry was supposed to catch the small minority of irresponsible and potentially dangerous gun owners. But its underlying ideology was that all gun owners were potential criminals." — Margaret Wente, *The Globe and Mail*, December 10, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

3. "While I support the right to dissent, most Canadians have trouble sympathizing with people who own guns and refuse to register them. In the end it is not by registering their guns that gun owners are made to look like criminals, it is by hiding them." — Jonathan Tan, *The Globe and Mail*, December 9, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

4. "The gun-control registry is not stupid because some well-meaning politicians wanted to curtail the tragedy of gun-induced deaths, but because the registry, even if it had been well thought out, was a solution of dubious value." — Peter Trueman, *The Globe and Mail*, December 9, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

5. "Faced with irrefutable evidence of a monumental screw-up, Ottawa is rolling out a specious defence of the indefensible. Chrétien and Allan Rock, the program's accident-prone parent, are trying to convince the country that the issue is values, not value for money." — James Travers, *The Toronto Star*, December 7, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

6. "The Alliance Party in particular, but the gun lobby in general, is trying to use this as an occasion to reopen the debate that they lost seven years ago." — Allan Rock, Minister of Industry, quoted in *National Post*, December 6, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

**Did you know . . .**  
Canadian police forces already consult the gun registry about 1500 times a day?

7. “The registry can’t take guns out of the hands of criminals, of course, but that’s not the point. It can prevent violent individuals from easily purchasing guns and ammo. It’s a deterrent to those who keep a gun under the bed for no sensible reason.” — *The Toronto Star*, editorial, December 5, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

8. “The bottom line is it’s out of control. It’s not ever going to meet the original aims outlined, which were public safety and the reduction of crime. In fact, it will probably do the opposite because they can’t afford to put police on the street.” — Garry Breitkreuz, MP, Canadian Alliance, quoted in *Toronto Star*, December 5, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

9. “But with gun control, there’s no single smoking gun. It’s costly, it’s controversial, it abridges people’s rights and causes them great inconvenience—but it’s hard to prove to the public beyond a shadow of a doubt that it can’t work. And harder to make them pay attention.” — Doug Beazley, *The Calgary Sun*, March 25, 2002

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

10. “Registering firearms will do nothing to relieve the homicide problem. The truism really does apply: guns don’t kill people, people kill people.” — Rita Marjatta Karajaoja, Vancouver police officer and avid hunter, quoted in *Macleans’s* March 29, 1995

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

11. “The firearms registry is long on philosophy and short on practical results, considering the money could be more effectively used for security against terrorism as well as a host of other public safety initiatives.” — Chief Julian Fantino, Toronto Police Service, quoted in *The Toronto Star*, January 4, 2003

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

12. “Information is the lifeblood of policing, and without information about who owns what guns there is simply not effective control. . . . The new system not only screens owners when they obtain the license but alerts the firearms officer if a licensed firearms owner is involved in an incident which suggests they may be a threat to public safety. This allows preventative action to be taken BEFORE tragedies occur.” — Chief Vince Bevan, Ottawa Police Service, January 8, 2003

**Pro** \_\_\_\_\_ **Con** \_\_\_\_\_ **Agree** \_\_\_\_\_ **Disagree** \_\_\_\_\_

# THE GUN LAW: PRO AND CON

## *Making a Case*

For this exercise, divide the class into groups of three or four students. Each group must decide whether to take a pro- or anti-gun registry position.

### **Further Research**

Gun control is likely to be a controversial issue in Canada for some time to come. For more information on the stand Canada's political parties have taken on the gun control issue visit their official Web sites at:

- Bloc Québécois, [www.blocquebecois.org](http://www.blocquebecois.org)
- Canadian Alliance [www.canadianalliance.ca](http://www.canadianalliance.ca)
- Liberal Party of Canada, [www.liberal.ca](http://www.liberal.ca)
- New Democratic Party of Canada, [www.ndp.ca](http://www.ndp.ca)
- Progressive Conservative Party of Canada, [www.pcparty.ca](http://www.pcparty.ca)

Many individuals and groups for and against the gun registry are doing their best to get their message across to both Parliament and the general public. Two organizations in particular have emerged as effective spokespersons for their respective sides: the Coalition for Gun Control and the Law-Abiding Unregistered Firearms Association.

1. Once your group has decided whether to take a position for or against the gun registry, your first step will be to determine how you can best get your point across. You might choose to design a poster, write a commercial for radio or television, prepare a newspaper advertisement, design a newsletter for home delivery, or write a letter to your MP. The choice of medium for your message is up to you.
2. The next step is to gather the information, which you may do by visiting the Web sites of the two organizations. The Coalition for Gun Control is at [www.guncontrol.ca](http://www.guncontrol.ca); the Law-Abiding Unregistered Firearms Association is at [www.lufa.ca](http://www.lufa.ca). Choose those points made by each organization that you feel most strongly make a case for or against the registry (you may also want to visit the opposing Web site to identify any counter-arguments with which you would like to take issue).
3. As you complete your project, ensure that it:
  - clearly reflects the position of the organization;
  - is suitable for the audience at which it is aimed;
  - gets the main points across in as "punchy" a way as possible.
4. Present your finished product to the class. Be prepared to explain your expectations and how you feel your methods met those expectations.