

November 17, 2003

Alberta talks tough but caves in to the feds

Seated with his usual composure in a crowded Edmonton courtroom last Friday was the criminally accused, former Sergeant-at Arms Oscar Lacombe.

The sad irony is that for 13 years Lacombe was chief of Legislature security and protected Alberta's politicians. But when their turn came to protect him, they failed.

Lacombe is a war veteran of Korea and the Suez crisis, a Metis, and has a distinguished track record. He has guts, too.

Last January 1, the date when Ottawa's idiotic billion-dollar rifle registry took legal effect, Lacombe held a press conference at a site overlooking the legislature. He arrived carrying an ancient unregistered .22 rifle, heavily sealed in plastic, and without firing bolt or bullets.

It could not have shot anyone.

To allay unnecessary fears, Lacombe had met two days earlier with Edmonton's deputy police chief and explained exactly what he would do, when, where, why and how. (Police testified in court that they had "no concerns" about the event posing a danger to anyone.)

Lacombe made a short speech denouncing the rifle registry and inviting Ottawa to charge him. Police later confiscated his useless firearm, and, months afterward, charged him under the Criminal Code.

Here we get to the Alberta government's sneaky little treachery.

The new rifle registry is established by the federal Firearms Act, and many of its enforcement provisions blatantly violate fundamental legal rights. A few of its less questionable parts (in particular the registration requirement itself) were also added to the Criminal Code.

Lacombe had hoped to be charged by the federal government under the Firearms Act, so he could test it against the Charter of Rights.

However, the feds never charge under the Firearms Act, assuming it to be a dead duck if Charter-challenged. They enforce under it, but charge under the Criminal Code. But this requires the cooperation of provincial governments, because the Constitution gives provinces control of prosecuting criminal law-- something the Alberta government (among others) has said all along it will not do.

A memo to this effect went to police and prosecutors across Alberta on December 9, 1998 from assistant deputy minister of justice Ken Tjosvold, stating, "Justice Canada [the feds] will be expected to prosecute all new regulatory offences under the Firearms Act whenever possible. In any case where a similar charge could be laid under either the Criminal Code or under the Firearms Act, it is expected that a charge under the Firearms Act will be laid."

In other words, let Ottawa do its own dirty work.

Big talk. Alberta's Tory politicians have been preening themselves

for five years with rhetoric like this, claiming that they will leave prosecution to the feds.

Well, they ARE prosecuting it, even though they don't have to, even though they said they wouldn't, and even though their duplicity shelters Ottawa's Firearms Act from a Charter challenge.

In the process, they will trash the brave gesture of a 75-year-old war veteran who depended upon them to stick to their word.

Instead, our spineless provincial government has brought in (or allowed in) a charge under the Criminal Code, and borrowed a federal prosecutor (Michelle Doyle) to obscure the fact that they are in fact cooperating with Ottawa.

It is beneath contempt. It's an outrage.

The trial was adjourned until December 15. It would be helpful, meanwhile, if citizens from across Canada told Ralph Klein to drop the charges against Oscar Lacombe and force the feds to expose their precious registry to Charter justice.

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- Link Byfield

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