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Try as he may to deny it, Dave Hancock is prosecuting Oscar Lacombe

There are three things people despise: someone shirking responsibility, someone breaking a promise, and a clever lawyer dodging the truth.

Which brings us to Dave Hancock, Alberta's minister of Justice.

Under the law, Hancock's department has a yes-or-no say over the prosecution of all Criminal Code offences in Alberta. Even though it's a federal act, Section 92 of the Canadian Constitution and in Section 2 of the Criminal Code state that prosecution is entirely a provincial power.

And the responsibility doesn't fall on Hancock's department. It falls on him. Personally. He answers to Albertans for the policies and performance of his whole department. This is called "responsible government," and blood was spilled in Canada to get it.

Hancock is a Red Tory who (like all Tories) swears he hates Ottawa's gun registry, but who decided last June to help Ottawa enforce it. I don't know why. Maybe he's currying favour with the federal Liberals for reasons of his own, or maybe he secretly agrees with the gun registry.

All we know for sure is that clever Dave is enforcing it while denying he's responsible for doing so. And in playing his little game he's jeopardizing an exclusive provincial right as old as Confederation.

You don't have to believe me, take it from his old U of A law professor, Anne McLellan. When she was federal Justice minister in 2001, she wrote these words to the Justice minister of Manitoba: "The federal

government has no jurisdiction to prosecute Criminal Code offences that relate to firearm licensing, and could only acquire such jurisdiction by an amendment to the definition of 'Attorney General' in section 2 of the Criminal Code."

So now clever Dave is in political hot water. Since 1996 Alberta's Conservative politicians and Justice officials have been saying--in fact bragging--they will not enforce the Criminal Code section that compels Canadians to license and register their rifles.

They've said time and again they'll make the feds (Justice Canada) prosecute under the Firearms Act. They'll show Ottawa how tough we are in Alberta, blah, blah, blah.

Well, when the gun registry took effect last January 1, a retired, straight-talking Metis war vet named Oscar Lacombe took them at their word. With advance notice to the Edmonton police he quietly took a disarmed unregistered rifle to a media conference outside the Legislature and challenged Ottawa to charge him under the Firearms Act.

He knew if he could get the Firearms Act into court, there are 10 solid Charter of Rights grounds on which it could be struck down by the courts.

His lawyer warned him that this wouldn't work if Alberta charged him under the Criminal Code instead of Ottawa charging him under the Firearms Act. "Alberta won't do that," answered Oscar. "Alberta has said all along it will leave registry enforcement to Ottawa."

But lo and behold, after six months of dithering and six years of blow-hard promises, Alberta Justice--meaning David Hancock--went ahead and charged Oscar under the Criminal Code anyway. To shift the blame on Ottawa, Hancock appointed a federal prosecutor as provincial agent. When the trial opened in November, this agent had to explain to the judge she was actually working for the provincial government.

In the past two weeks over one thousand people have protested Hancock's treachery by e-mailing him, Klein and the entire cabinet, to demand that they drop their case against Oscar Lacombe. That's over 25,000 e-mail messages telling them to let Oscar go. (You can do it too, by visiting citizenscentre.com and clicking on the Oscar Lacombe campaign.)

Hancock still insists his department "played no part in the decision to lay the Criminal Code charges." He's still blaming Ottawa, while continuing to prosecute the case through his Ottawa agent.

It's like me saying I'm not selling my house, my real estate agent is.

Only a certain kind of lawyer would say it, and only someone very gullible would believe it.

- Link Byfield

Link Byfield is chairman of the Edmonton-based Citizens Centre for Freedom and Democracy.

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