

# “A FUSILLADE OF SHOTS IN THE QUIET NEIGHBOURHOOD”:

## *The 1967 Vancouver Mass Shooting and Gun Control in the Late 1960s*

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THE “MASS SHOOTING” IS AN unsettling feature of the modern age. While such events involve only a small percentage of victims of firearm violence, they attract an inordinate amount of public attention and fuel debates about topics such as violence against women, gun control, and the treatment of mental illness. In this article, we explore the response to a 1967 shooting event that shook Vancouver in which a thirty-five-year-old military veteran went on a twenty-minute shooting spree.<sup>1</sup> He killed two of his neighbours, UBC professor David Webster and his wife, Marlene, and injured two others. The incident highlighted the limited extent to which Canada screened potential firearm owners, raised concerns about allowing gun ownership by people suffering from severe mental illnesses, and demonstrated that the state regulated the possession of one kind of firearm (handguns) while leaving semi-automatic rifles largely unregulated. The resulting debate over gun control demonstrated the challenges of crafting measures that empowered police to determine who should have firearms at a time of increasing popular and legal resistance to expanding police authority. The public descriptions of the perpetrator also suggested concerns with manhood in the 1960s, a time of substantial doubts about the work ethic and morals of young people.<sup>2</sup>

While the history of gun control in Canada has attracted some scholarly attention, the role of infamous shootings in shaping public

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<sup>1</sup> “Mass shooting” was not a term used in 1967, and its definition is contested today. For example, some US media outlets and researchers define a mass shooting as an incident in which four or more people are injured or killed, excluding the shooter. See Rosanna Smart and Terry L. Schell, “Mass Shootings in the United States,” RAND Corporation, <https://www.rand.org/research/gun-policy/analysis/essays/mass-shootings.html>.

<sup>2</sup> Lara Campbell, Dominique Clément, and Gregory S. Kealey, eds., *Debating Dissent: Canada and the Sixties* (Toronto: University of Toronto Press, 2012); Bryan Palmer, *Canada’s 1960s: The Ironies of Identity in a Rebellious Era* (Toronto: University of Toronto Press, 2009).

debates about firearm policy needs additional consideration.<sup>3</sup> The 1989 murder of fourteen women at Montreal's École Polytechnique deeply affected scholarly and public thinking about gun control, given the misogynistic and shocking nature of that event.<sup>4</sup> However, older shootings that left less permanent imprints on national memory also spurred debates about gun control in areas outside of central Canada. The Vancouver mass shooting was one such event as it helped drive efforts in British Columbia to tighten gun laws in the late 1960s.

In examining the gun control debate sparked by the Vancouver shooting, we employ local media reports of the incident and the views expressed by politicians, victims, editorialists, and citizens who wrote letters to the editor. The records of the coroner's inquest held to investigate the deaths of David and Marlene Webster also provide insight into the beliefs of key officials, including police, Crown attorneys, and the gun industry, about the state of firearm laws. We consider these views in light of the statutory framework regarding gun control and mental health at the time of the shooting, and we track subsequent legislative amendments that responded, in a piecemeal way, to the issues raised by the Vancouver shooting.

## THE SHOOTING

Just before 9:00 p.m. on 6 July 1967, Seymour Towell called out from the living room of his Vancouver home to his thirty-five-year-old son, Arthur, reminding him that a television program would soon start. The family had spent the day at home and Arthur had retired to his upstairs bedroom after dinner to relax. Just after Seymour called to his son, he and his wife Leonora heard rifle fire ring out. Using a Beretta BM 59 rifle, Arthur fired from the upstairs rear window of his parents' home at 4590 West Eleventh Ave into the neighbouring backyard of 4594 West Eleventh. The Beretta BM 59 was an Italian-made rifle based

<sup>3</sup> R. Blake Brown, *Arming and Disarming: A History of Gun Control in Canada* (Toronto: University of Toronto Press and the Osgoode Society for Canadian Legal History, 2012); R. Blake Brown, "Pistol Fever: Regulating Revolvers in Late-Nineteenth-Century Canada," *Journal of the Canadian Historical Association* 20, no. 1 (2009): 107–38; Gérald Pelletier, "Le Code criminel canadien, 1892–1939: Le contrôle des armes à feu," *Crime, Histoire et Sociétés* 6, no. 2 (2002): 51–79; Samuel A. Bottomley, "Parliament, Politics and Policy: Gun Control in Canada, 1867–2003" (PhD diss., Carleton University, 2004).

<sup>4</sup> See Mélissa Blais, "*I Hate Feminists!*": *December 6, 1989, and Its Aftermath*, trans. Phyllis Aronoff and Howard Scott (Halifax: Fernwood, 2014); Josée Boileau, *Because They Were Women: The Montreal Massacre*, trans. Chantal Bilodeau (Toronto: Second Story Press, 2020); Heidi Rathjen and Charles Montpetit, *December 6: From the Montreal Massacre to Gun Control – The Inside Story* (Toronto: McClelland and Stewart, 1999).

on the M1 Garand rifle, which had been the standard US infantry weapon during the Second World War. The BM 59 was a semi-automatic weapon – that is, each pull of the trigger discharged the rifle, and automatically placed a new cartridge in the gun’s chamber – that could accept a twenty-round detachable magazine (unlike today, there were no statutory limitations on the size of magazines in Canada in the late 1960s). The first shot struck David Webster, thirty-one, who had been standing in his yard. He died almost immediately. A second shot hit Marlene, thirty, as she ran out of the house towards her husband, killing her. Towell fired further shots from the rear window across the back lane into the home of Mr. and Mrs. S.H. Stewart at 4593 West Twelfth. The Stewarts’ son, Steven, a visiting friend, and the boy’s grandmother were at home during the shooting, but all avoided injury.<sup>5</sup>

During the first blast of gunfire, Towell told his parents to stay on the floor of the living room. Towell went to the front window of the upper floor and then went downstairs to the front door wearing camouflage and a holster, and armed with two rifles, including the Beretta, and a revolver. From the front, he began firing into West Eleventh Avenue. Patti Barrass, eighteen, was shot in the leg while walking and collapsed onto the sidewalk in front of the Towell home. Her friend, John Walsh, hid behind a parked car, listening to gunfire and Barrass’s cries of pain until police arrived. Towell also fired several shots across the street into the home of Mr. and Mrs. F.R. Adams at 4589 West Eleventh. Hilda Baxter, who was babysitting her grandchildren at the house while the Adams were away, was struck in the arm. Three shots were also fired into the home of Julia Donald at 4593 West Eleventh, missing her by inches as she sat on a couch. Barrass and Baxter survived their injuries. Baxter spent five days recovering in hospital, while Barrass was kept for over six months.<sup>6</sup>

After twenty minutes, Towell entered the living room where his parents remained and dropped his weapons and removed his fatigues. Police arrived outside the home around 9:20 p.m. Leonora was the first to exit the house and, believing that police entering the home or firing their weapons would upset Arthur, told them that he would leave the house with his hands up. Seymour then exited, followed by Arthur,

<sup>5</sup> Ed Simons, “We Don’t See What We Could Have Done,” *Province*, 10 July 1967, 2; “Sniper Guns Down Parents of Four,” *Vancouver Sun*, 7 July 1967, 2.

<sup>6</sup> “Berserk Sniper Kills 2, Wounds 2,” *Province*, 7 July 1967, 1; John Walsh, “Pinned Down by Shots,” *Province*, 7 July 1967, 1; “Shots Kill Couple,” *Province*, 7 July 1967, 2; “Due to Sign Will,” *Province*, 8 July 1967, 2; “I Feared His Guns,” *Vancouver Sun*, 12 July 1967, 1; “It’s Great to Be Home,’ says Victim,” *Province*, 30 January 1968, 7.

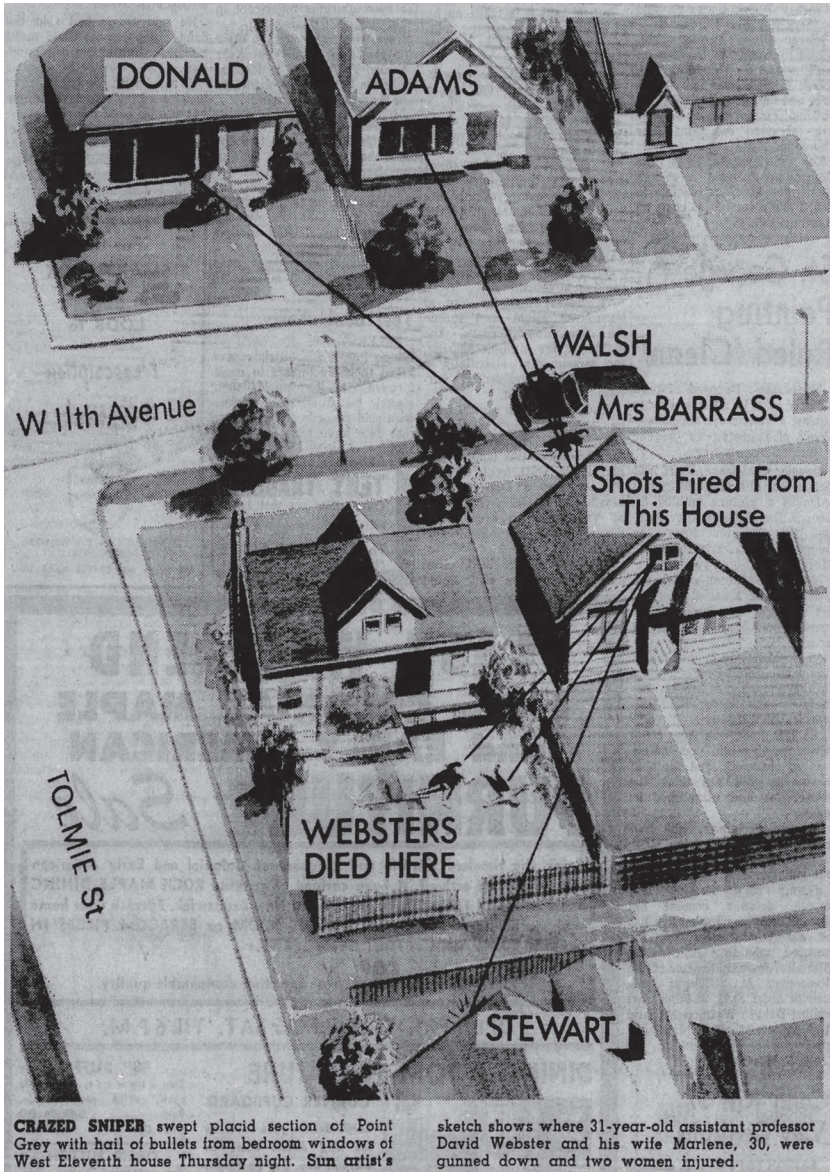


Figure 1. The *Vancouver Sun* included this illustration of the mass shooting scene. It shows how Arthur Towell shot the Websters in their backyard and then shot at several other people and residences in his Point Grey neighbourhood. Source: *Vancouver Sun*, 7 July 1967, 1.



Figure 2. David Webster in 1965. *Source:* UBC Archives Photograph Collection, <http://dx.doi.org/10.14288/1.0027174>.

who was taken into custody. The Websters were pronounced dead on arrival at Vancouver General Hospital. The couple had been married for ten years and had lived on West Eleventh Ave for two. They had four young children – Bruce, 8; Brian, 6; Kathleen, 4; and Michael, under one year – all of whom were asleep inside their home at the time of the shooting. David was a promising young scholar. He was an assistant professor in the Department of Education at UBC and had received a scholarship to complete his doctorate at Harvard. David's father, Arnold, arrived at the scene after the shooting. Arnold Webster was a well-known figure in Vancouver, having served as an MLA and leader of the provincial Co-operative Commonwealth Federation (CCF).<sup>7</sup>

Arthur Towell was a gun enthusiast whose mental health had suffered following a major brain injury. Towell joined the Royal Canadian Air

<sup>7</sup> Simons, 2; "Ex-Airman Charged," *Vancouver Sun*, 7 July 1967, 1; "I Saw Her Fall to the Street," *Province*, 7 July 1967, 2; Province of British Columbia, Division of Vital Statistics, Registration of Death: David A. Webster, Registration no. 1967-09-008910, filed 11 July 1967,

Force (RCAF) in 1951 at the age of nineteen. In 1963, while stationed in West Germany, he received a severe head injury after falling from a balcony to a concrete floor. Emergency surgery at a US military hospital saved his life but left him with post-traumatic epilepsy, for which he was prescribed phenytoin (Dilantin) and a tranquilizer. Towell was invalided back to Ottawa where he was in and out of hospital frequently. In 1965, he was discharged on medical grounds and granted a monthly pension of about \$100. He moved to Vancouver, where he resided with his parents and spent much of his time working around their house and garden, assistance they appreciated when his father became seriously ill with lung cancer (Seymour died in December 1967). Arthur's primary hobby was collecting and shooting firearms. According to his mother, Towell had developed an interest in guns during his childhood as both his father and grandfather had been firearms collectors. He and his father had bonded over guns since his return from military service, spending time examining new acquisitions to Arthur's gun collection. Towell spent hours meticulously taking apart and then reassembling firearms and refilling his own ammunition. It is unknown whether Towell had any contact with the Websters in the two years prior to the shooting. His mother stated that he was neither friendly nor unfriendly towards them and that he did not speak to any of the neighbours.<sup>8</sup>

Towell's violent crime was unexpected, at least in part, because the sleepy suburb of West Point Grey was not an area of the city that attracted concern. Vancouver authorities were worried about 1960s counterculture, but "hippies" were not associated with violent crime. Just a few kilometres northeast of the Towell home lay Kitsilano, the epicentre of the city's counterculture. Mayor Tom Campbell, who served from 1967 to 1972, spoke often about his disdain for hippies, draft dodgers, and others who made up the city's counterculture.<sup>9</sup> While authorities focused on repressing hippies, the 1967 shooting occurred in the respectable, middle-

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British Columbia Archives (hereafter BCA); "Webster-Jamieson Wedding Monday," *Province*, 27 August 1957, 19; "Webster 'Dedicated Teacher,'" *Vancouver Sun*, 7 July 1967, 9.

<sup>8</sup> Simons, 2; Dr. J.C. Thomas to Mr. S. McMorran, 11 July 1967, Coroner's Inquest re: David Webster and Marlene Webster (1967), inquiries conducted by coroners in Vancouver, GR-1503, file 260/67, BCA; Coroner's Inquest re: David Webster and Marlene Webster (1967), inquest transcript, inquiries conducted by coroners in Vancouver, GR-1503, file 260/67, 29, 78, 81, BCA; "Rites Held for Expert on Schools," *Province*, 12 December 1967, 15; Province of British Columbia, Division of Vital Statistics, Registration of Death: Albert Seymour Towell, registration no. 1967-09-017071, filed 11 December 1967, BCA.

<sup>9</sup> Daniel Ross, "Panic on Love Street: Citizens and Local Government Respond to Vancouver's Hippie Problem, 1967-68," *BC Studies*, no. 180 (2014): 11-41; Michael Boudreau, "Hippies, Yuppies, the Counterculture, and the Gastown Riot in Vancouver, 1968-1971," *BC Studies* no. 197 (2018): 56-58.



Figure 3. Arthur Towell. *Source: Edmonton Journal*, 8 July 1967.

class area of West Point Grey, which made the attack even more startling. Arnold Webster described his surprise that his son would be murdered in a presumably safe neighbourhood: "If there is any place in Vancouver where a family should be safe in its own home, you'd think it would be right here in this quiet neighbourhood."<sup>10</sup>

Towell appeared before a magistrate on 7 July and was charged with two counts of capital murder and two counts of attempted murder. Stewart McMorran, the city's primary prosecutor since 1947 and later a BC Supreme Court justice, insisted that Towell be sent for a psychiatric evaluation. On 10 July, Dr. Joseph C. Thomas, who was often called upon

<sup>10</sup> "Sniper Guns Down Parents of Four," 2.

to examine suspects and testify in criminal cases, examined Towell and found him mentally ill and unfit to stand trial; then signed a medical certificate recommending his committal to a provincial psychiatric facility. Section 524(4) of the *Criminal Code* allowed for the magistrate to order that Towell be kept in custody. The provincial cabinet committed Towell to Riverview Hospital, a mental hospital in Coquitlam, via an order-in-council on 13 July. Release or changes in the detention of such “order-in-council” patients also required an order from cabinet. Robert Menzies notes that patients like Towell posed significant challenges to both the judicial system and the mental health system. Unlike prisoners who had been sentenced by a court, they did not have a set sentence and remained under the authority of the criminal justice system for an indeterminate amount of time. At the same time, order-in-council patients were not treated like other psychiatric patients as medical officials were unable to dictate their release if they recovered.<sup>11</sup>

The shooting was front-page news in British Columbia, and many papers across Canada and the United States published reports about it. Early headlines focused on the shocking violence of the attack, with the *Province* describing “a fusillade of shots in the quiet neighbourhood.”<sup>12</sup> Many US papers ran an Associated Press story highlighting the bloodiness of the attack, and some included graphic photos of the Websters’ bodies lying in their backyard.<sup>13</sup> The media emphasized the tragic nature of the event by depicting the Websters as a young family with a bright future. The *Vancouver Sun* published an interview with David’s brother, John, detailing David’s dedication to teaching and the family’s upcoming move to Boston as well as praise from his colleagues at UBC.<sup>14</sup> The couple’s four young children were frequently mentioned.<sup>15</sup>

Journalists fixated on aspects of Towell’s life that often hinted that he was an “abnormal” man. The *Vancouver Sun* ran a front-page article

<sup>11</sup> Maurice Chenier, “Ex-Airman Faces Mental Checks,” *Province*, 8 July 1967, 1; “Allen McMorran Appointed as New City Prosecutor,” *Vancouver Sun*, 5 January 1954, 6; “Retired Judge Dead at 78,” *Province*, 19 December 1997, 6; Coroner’s Inquest re: David Webster and Marlene Webster (1967), medical certificate, inquiries conducted by coroners in Vancouver, GR-1503, file 260/67, BCA; British Columbia, Order-in-Council 1967-2255, 13 July 1967, [https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc\\_oic/2255\\_1967](https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc_oic/2255_1967); *An Act Respecting the Criminal Law*, S.C. 1954, c. 51, s. 524(4); Robert Menzies, “Contesting Criminal Lunacy: Narratives of Law and Madness in West Coast Canada, 1874–1950,” *History of Psychiatry* 12, no. 46 (2001): 130–32.

<sup>12</sup> “Berserk Sniper Kills 2,” 1.

<sup>13</sup> For example, “2 Killed, 3 Hurt by Sniper; Canadian Ex-Airman Held,” *Daily News* (New York), 8 July 1967, 3.

<sup>14</sup> “Webster ‘Dedicated Teacher,’” 9.

<sup>15</sup> For example, “Children to Stay Together,” *Vancouver Sun*, 8 July 1967, 8.



on 8 July that included several interviews with neighbours and men who had served with Towell in the air force. Bruce Harrison, a former RCAF buddy, described Towell as a gun enthusiast who was “pretty hot with a rifle.” Harrison said Towell constantly looked sickly and was a heavy drinker who “didn’t like girls.”<sup>16</sup> Despite these quirks, Harrison described Towell as an “affable type” with whom he “got on real well.”<sup>17</sup> Neighbours portrayed Towell as a reclusive and odd figure. Doug Gordon recalled Towell carrying a rifle on his back while riding a bicycle and said that Towell was unfriendly and kept to himself. Another neighbour, Elvira Dickie, noted that Towell did not have a job and instead worked around the family garden.<sup>18</sup> These descriptions subtly questioned Towell’s normalcy. The suggestion that Towell did not like girls cast doubt on his sexuality. His unfriendliness to neighbours implied he was a loner, though this view was countered somewhat by his air force comrades. Towell’s unemployment was brought up several times in newspaper coverage. Suspicion of a physically capable individual choosing not to work was typical in Vancouver at the time. The ability to work and provide for a family was a common marker of one’s manhood, and Christopher Dummitt notes that, in murder trials, a suspect’s good work record was often used to prove his character and masculinity.<sup>19</sup> The media also noted Towell’s physical appearance in ways that questioned his masculinity. Newspapers depicted Towell as tall, thin, and sallow in complexion. The *Province* described Towell during his appearance before the magistrate on 7 July as “meek-looking,” saying that he had a “bewildered” look on his face as he “slowly played with his fingers at waist-level.”<sup>20</sup>

Towell’s parents tried to reshape the public narrative about their son, and possibly of themselves as parents. Just three days after the attack, Leonora and Seymour sat down in their home with Ed Simons of the *Province* for a two-hour interview. They described Arthur’s childhood and background as completely ordinary. After serving as a superintendent of schools in Nanaimo, Seymour had become a school inspector with the Department of Education. After his retirement, he taught occasionally at UBC. Leonora, after marriage, left her job as a schoolteacher to be

<sup>16</sup> “Gun Loving Sniper Suspect ‘Pretty Hot With a Rifle,’” *Vancouver Sun*, 8 July 1967, 1.

<sup>17</sup> “Sniper Suspect Described as Lonely, ‘Average Guy,’” *Vancouver Sun*, 8 July 1967, 2.

<sup>18</sup> “Sniper Suspect Described.”

<sup>19</sup> Christopher Dummitt, *The Manly Modern: Masculinity in Postwar Canada* (Vancouver: UBC Press, 2007), 112–13.

<sup>20</sup> Chenier, 1.

a housewife and mother.<sup>21</sup> Arthur, the oldest of their three children, apparently excelled in school, and his parents said his childhood passed without incident. They attempted to stifle any wariness about Arthur's unemployment by emphasizing his work around the house, particularly in the wake of his father's illness. It is not surprising that they stressed Arthur's – and, indeed, their own – “normalcy” as in Canada's postwar years murderers' actions were often accounted for by psychologizing their allegedly unhealthy family backgrounds. The Towells' description of Arthur and their family focused on reducing suspicions about their parenting. Leonora was particularly adamant about her son's normalcy, which is understandable given the tendency at the time to focus on the alleged role of mothers in undermining their sons' masculinity, often through “overmothering.” Leonora thus emphasized that her son could live independently.<sup>22</sup> She also portrayed his interest in guns as a healthy activity, as something that showed that he was meticulous and orderly.

#### THE CORONER'S INQUEST

The murder of the Websters was investigated at a coroner's inquest. The provincial *Coroners Act* provided that a coroner informed of the presence of a body of someone who had undergone a “violent or an unnatural death” was to summon a six-member jury to investigate.<sup>23</sup> The legislation allowed the coroner to call and question witnesses who had relevant knowledge. The inquest was to produce a verdict identifying the victim and setting out how, when, and where the deceased died.<sup>24</sup> Coroner's juries sometimes included in their verdicts recommendations meant to reduce future deaths. Many coroners were doctors, but the coroner for the Websters' inquest was Glen McDonald, a lawyer, remembered as a gruff, hard-working man committed to studying deaths to avoid later fatalities.<sup>25</sup> The inquest into the Websters' death took place over two days – on 11 and 12 July.

The inquest focused on two major public policy issues. One was the extent to which people perceived as dangerous could be admitted

<sup>21</sup> Simons, 1; “A.S. Towell Appointed Inspector,” *Nanaimo Free Press*, 6 November 1936, 1; “School Supervisor Towell Leaves to Assume New Duties,” *Nanaimo Free Press*, 18 November 1936, 2.

<sup>22</sup> Dummitt, *Manly Modern*, 102–10.

<sup>23</sup> *Coroners Act*, R.S.B.C. 1960, c. 78, s. 7(1).

<sup>24</sup> *Coroners Act*, ss. 12, 15.

<sup>25</sup> Glen McDonald with John Kirkwood, *How Come I'm Dead?* (Surrey, BC: Hancock House, 1985); Sheena Koo, “The History of The Coroner's Court, Part 2: The Brilliant, Whiskey-Loving Coroner,” Vancouver Police Museum and Archives, <https://www.vancouverpolicemuseum.ca/post/the-history-of-the-coroner-s-court-part-2-the-brilliant-whiskey-loving-coroner>.

to mental health facilities under the province's *Mental Health Act*. Section 23 allowed the superintendent of a provincial mental health facility to admit a person and detain her or him if the superintendent had received an application accompanied by medical certificates completed by two physicians. The application could be initiated by a number of individuals, including a family member, a peace officer, or "anyone who has reason to believe that the person is mentally disordered."<sup>26</sup> Medical certificates included a physician's statement that he or she had examined the patient, a summary of reasons for the opinion that the patient was mentally disordered, and a statement that the patient required treatment in a mental health facility or required care for his or her own welfare or protection or the protection of others. Section 27 provided for more immediate detention of mentally ill persons thought to be dangerous. "Upon application of anyone who appears to have a good reason to believe that a person is a mentally disordered person and dangerous to be at large," a magistrate could issue a warrant for the apprehension of the person and his or her transfer to a mental health facility or an observation unit. The magistrate had to be satisfied that other sections of the act allowing for involuntary admission could not be employed "without dangerous delay."<sup>27</sup> Anyone detained under section 27 could be held for no more than seventy-two hours, unless, during that time, detention became otherwise authorized.

The inquest would also consider the legislation that allowed Towell to accumulate a large stockpile of weapons. Federal legislation regulated handguns and most long guns (rifles and shotguns) very differently. Concern with the availability of cheap, mass-produced handguns since the late nineteenth century had resulted in federal legislation meant to discourage the carriage of handguns and track the sale and ownership of such weapons. For example, in 1892 Ottawa passed legislation requiring that people get a permit to carry a pistol, unless one had cause to fear an assault. Retailers were also barred from selling handguns to anyone under sixteen years of age and had to record the name of the purchaser, the date of the sale, and any information that could be used to identify the handgun. By 1933, Ottawa required that purchasers provide a reason for acquiring a handgun. The recognized reasons were protecting life or property and using the handgun at an approved shooting club. In 1934, the federal government established a registration system for handguns, though these records were not centralized. In 1951, however, Ottawa

<sup>26</sup> *Mental Health Act, 1964*, S.B.C. 1964, c. 29, s. 23(1)(d).

<sup>27</sup> *Mental Health Act, 1964*, s. 27(1).

centralized the registry system for handguns under the authority of the commissioner of the RCMP.<sup>28</sup>

Towell legally acquired his firearms and had to apply to register handguns using a Form 44 permit application. The form required the applicant to list information on the make, model, calibre, barrel length, and serial number of the weapon, the source of the firearm, information on the applicant, and the purpose for which the handgun would be used. Once the gun was registered to its owner, the *Criminal Code* did not include any method to cancel the registration. Towell also applied for a permit (known as a Form 42 permit) to have possession of handguns in places other than his home. A Form 42 permit could be issued by a local registrar of firearms.<sup>29</sup> The person issuing the Form 42 permit had to be satisfied that the applicant needed the handgun for the protection of life or property, would use it in connection with a profession or occupation, or would use it at a shooting club. Form 42 permits were valid until they expired or were revoked “by any person who is authorized to issue them.”<sup>30</sup> In comparison to the relatively tight regulation of handguns, the federal government placed few limits, beyond a statutory age requirement, on who could buy long guns. The federal government did not issue firearm licences or complete background checks on potential buyers of rifles and shotguns. If an adult wished to buy a long gun, he or she simply went to a store and purchased one.

British Columbia also had legislation regarding the use of firearms, though it placed few limits on the acquisition of weapons. The *Game Act* of 1960 required BC residents to have a licence and to carry it while travelling with a rifle or shotgun. The licencing requirement, however, did not apply to any person “bona fide engaged in target shooting or shooting at clay pigeons or other similar gun competitions, or in going to or from the same.” It also did not apply to “Indians.”<sup>31</sup> The *Game Act* did not implement any screening process for people wanting to acquire rifles or shotguns, or limit how many they could buy. In 1966, British Columbia passed a new *Firearms Act* with the goal of improving firearm safety, particularly among hunters. Sport hunting had emerged in Canada in the late nineteenth and early twentieth centuries as a means for men to buttress their identity as self-reliant, resourceful, and skilled

<sup>28</sup> *The Criminal Code*, S.C. 1892, c. 29, ss. 105–106; *An Act to amend the Criminal Code (Offensive Weapons)*, S.C. 1933, c. 25, s. 1; *An Act to amend the Criminal Code*, S.C. 1934, c. 47, s. 2; *An Act to amend the Criminal Code*, S.C. 1951, c. 47, s. 7.

<sup>29</sup> *An Act to amend the Criminal Code*, S.C. 1959, c. 41, s. 7.

<sup>30</sup> *An Act respecting the Criminal Law*, S.C. 1954, c. 51, s. 95.

<sup>31</sup> *Game Act*, R.S.B.C. 1960, c. 160, s. 32(4). See also *Game Act Amendment Act, 1961*, S.B.C. 1961, c. 21, s. 11.

risk-takers.<sup>32</sup> The growth in recreational hunting, however, contributed to concerns about shooting accidents in British Columbia.<sup>33</sup> The 1966 act thus stated: “Every person who has a firearm in his possession or under his control shall exercise due care for the safety of other persons and property.”<sup>34</sup> The act also required persons to pass an examination testing proficiency and knowledge in the safe handling of firearms.<sup>35</sup>

On the first day of the inquest, witnesses identified the bodies of the Websters, laid out the timeline of the shooting, and displayed Towell’s arsenal. An assistant police scientist for the City of Vancouver, John Hilton, wheeled in a cart full of guns belonging to Towell found at his parents’ home on the night of the shooting. The scientist identified the Beretta and explained its operation, including how its semi-automatic action allowed the weapon to be fired rapidly. Hilton described the gun as a “military semi-automatic rifle.”<sup>36</sup> He also identified the other weapons belonging to Towell. These included a shotgun, four handguns, and six additional rifles, including a semi-automatic AR-15 (the AR-15, in its M16 form, was the standard infantry weapon of the United States Army for much of the Vietnam War). Large amounts of ammunition were also found in Towell’s bedroom.<sup>37</sup>

Dr. Henry Chong, a general practitioner, gave testimony that raised the issue of how the law dealt with mental illness and firearms. Dr. Chong first met Towell in August 1965 when he was on leave from the RCAF and needed to renew a prescription for epilepsy medications. The two discussed his condition, but Dr. Chong did not examine him. The doctor saw Towell again in November 1965 when Towell requested a letter saying he was in good health to assist him in a vocational school application. Dr. Chong performed an examination and found Towell to be in reasonably good physical health. In July 1966, Dr. Chong received

<sup>32</sup> Tina Loo, “Of Moose and Men: Hunting for Masculinities in British Columbia, 1880–1939,” *Western Historical Quarterly* 32, no. 3 (2001): 296–319.

<sup>33</sup> “Boy of 11 Shoots Man during Hunt,” *Vancouver Sun*, 4 December 1961, 27; Hal Leiren, “BC Hunters Blame Deaths on Excitement, Human Error,” *Vancouver Sun*, 27 November 1963, 13; “Big Year for Killing BC Hunters,” *Province*, 27 November 1963, 1; “Eliminating Potential Hunting Accidents...,” *Province*, 16 March 1965, 4; John Rodgers, “Hunting: Oh What Glorious Fun!,” *Vancouver Sun*, 6 September 1966, 6.

<sup>34</sup> *Firearms Act, 1966*, S.B.C. 1966, c. 16, s. 5.

<sup>35</sup> *Firearms Act, 1966*, ss. 6, 12; “BC Considers Tests for Novice Hunters,” *Victoria Daily Times*, 29 January 1965, 4; Ian MacAlpine, “Gov’t Introduces Firearm Changes,” *Vancouver Sun*, 23 February 1966, 15; Ian MacAlpine, “Hunters Face Tests on Arms,” *Vancouver Sun*, 12 March 1965, 1; “BC Hunters Must Take Written Tests Next Year,” *Province*, 9 July 1965, 23; *Wildlife Act, S.B.C. 1966*, c. 55, ss. 21–25.

<sup>36</sup> Inquest transcript, 15.

<sup>37</sup> Inquest transcript, 13–20; F.W.A. Hobart, *Jane’s Infantry Weapons*, (London: Jane’s Yearbooks, 1974), 251, 326–31.

a call from police after Towell provided him as a reference on a Form 42 application to carry a handgun. Dr. Chong warned the police against allowing Towell to handle a weapon because of his concern that he might have a seizure while doing so. The application was rejected on Dr. Chong's advice. The next month, Dr. Chong received a visit from Leonora and Seymour Towell. According to the doctor, the couple came to him after hearing about a mass shooting at the University of Texas on 1 August 1966. In that incident, a former US marine ascended a tower at the University of Texas and fired at people below, killing more than a dozen and wounding thirty-one others.<sup>38</sup> Dr. Chong told the inquest that the Towells were concerned that their son might become dangerous due to his collection of guns and the state of his mental health (he said that Seymour described his son as a paranoid schizophrenic). Dr. Chong stated that he instructed the parents to contact police about their son and that, later, worried that they would not follow his advice, he contacted the police himself. During his examination of Dr. Chong, McMorran brought up the provincial *Mental Health Act*, suggesting that it provided few ways to have a mentally ill person committed to a psychiatric hospital unless there were reasonable grounds for believing they were a danger. McMorran suggested the act was inadequate in that there was no way to force the individual to undergo an examination and that most families were not prepared to file an application to a magistrate to commit a loved one.

The inquest's second day began with the testimony of Leonora Towell. As she had done in her interview with the *Province*, Leonora seemed intent on asserting Arthur's normalcy and her and her husband's good parenting. Before being asked any questions, she refuted the evidence given by Dr. Chong. She took issue with his account of the meeting between himself and the Towells in August 1966, claiming that they had read a *Maclean's* article about the side effects of long-term prescription drug use and visited Dr. Chong to discuss her son's medication. According to Leonora, neither she nor her husband had mentioned their son's firearms and that Dr. Chong was the one who brought up his collection. She said that they were not afraid of Arthur or his guns and that at no point did Dr. Chong suggest that his guns be taken away or that they should go to the police. Leonora described her son's interest in guns in largely positive terms, stating that her husband would drive him back and forth to shooting ranges and that the two often discussed firearms

<sup>38</sup> Gary M. Laverigne, *A Sniper in the Tower: The Charles Whitman Murders* (Denton: University of North Texas Press, 1997).

“intelligently and with great pleasure.”<sup>39</sup> McMorran asked Leonora repeatedly whether her son had undergone any personality changes after his head injury, to which she responded that he had not. After a tense exchange, McMorran quoted an interview in which she stated that her son had “obsessions that the mounted police were after him.”<sup>40</sup> McMorran also zeroed in on the fact that Arthur was unemployed and suggested that it was abnormal for him to rely on his air force pension. Leonora eventually admitted that Arthur’s delusions only began after his injury and that his lack of employment could be due to his suspicion of others.

Lorne McCullough, a former staff sergeant with the Vancouver City Police, gave testimony related to Towell’s access to firearms and gun control policy. For a number of years, McCullough processed applications for gun registrations and permits in Vancouver. He encountered Towell twice, once in July 1966 and once in January 1967. The first encounter occurred when Towell applied for a permit to carry a handgun for the purpose of shooting “varmints” on excursions outside the city. As noted by Dr. Chong the previous day, McCullough explained that he contacted the doctor after receiving the application and that the two discussed Towell’s mental stability. Dr. Chong recommended that the permit not be granted because of Towell’s epilepsy. The permit was not granted. In 1967, Towell applied to the RCMP for a revalidation of his permit to carry firearms to activities hosted by the Coast Marksmen gun club. McCullough’s department was asked whether it recommended the revalidation. The previous letter to the RCMP was resent and the recommendation was denied.<sup>41</sup>

McMorran then asked McCullough about weaknesses in Canada’s gun control regime. McCullough noted that registrations granted in one province were equally valid in another province, as Towell’s were when he returned to British Columbia from Ontario. If the registrar or police had reason to believe that an individual was unfit to own handguns, they had no power to revoke a Form 44 registration certificate granted elsewhere. No exceptions were made for gun owners later found to be mentally ill or to have a criminal background. McCullough stated that he at times had attempted to convince an unfit gun owner to give up his weapons; however, he had no legal authority to take them. He also

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<sup>39</sup> Inquest transcript, 75.

<sup>40</sup> Inquest transcript, 83.

<sup>41</sup> J.I. Mundle to RCMP Division Headquarters, 23 January 1967, Coroner’s Inquest re: David Webster and Marlene Webster (1967), inquiries conducted by coroners in Vancouver, GR-1503, file 260/67, BCA.

stated his concern that powerful semi-automatic rifles, like the Beretta, were not required to be registered at all.<sup>42</sup>

The final witness was Allen Lever, a Vancouver firearms retailer. Several applications for firearm registrations filed by Towell listed the previous owner as “Lever Antiques” or “Lever Arms Service,” suggesting that Towell had purchased some of his guns from Lever, though this connection was not brought up during the inquiry.<sup>43</sup> Lever said it was not uncommon for police to find that an applicant for registration was not a suitable gun owner, but they did not have the authority either to reject that person or to ask him (i.e., Lever) to refuse to sell guns to that individual. It was entirely up to the retailer to decide whether to act on such requests. Lever suggested that requiring a firearm handling course would be more effective at weeding out those unsuitable to possess weapons. Several jury members asked about the “average” gun collector and whether Towell’s collection was unusually large, to which Lever responded that Towell’s arsenal was normal for a target shooter or gun collector.

McMorran concluded the inquiry by reading into the record Dr. Joseph Thomas’s letter, detailing the results of his psychiatric evaluation of Towell. The letter stated that Towell was experiencing delusions that the RCMP was spying on and harassing him. Towell’s fear had been worsened by an incident the previous summer in which Towell was questioned by police about a murder in Coquitlam (a crime that he did not commit). He also believed that both his home and the interview room were electronically bugged. Dr. Thomas described Towell as experiencing post-traumatic epilepsy and as being in a paranoid state after his brain injury. The doctor also stated that Towell had a “well systematized set of delusions in which he believes and no reasoning can change his attitude.” He concluded that Towell was unfit for trial and that, prior to and at the time of the attack, he was “incapable of appreciating the nature and quality of an act or of knowing an act was wrong.”<sup>44</sup> Dr. Thomas suggested immediate care in a mental health institution.

The jury found Towell had committed the fatal shooting of the Websters while of unsound mind. Recommendations were made to update the provincial *Mental Health Act*. The jury held that sections 23 and 27 of the act “do not provide society with an adequate level

<sup>42</sup> Inquest transcript, 105–108.

<sup>43</sup> Application to register firearm with RCMP, 15 November 1966, Coroner’s Inquest re: David Webster and Marlene Webster (1967), inquiries conducted by coroners in Vancouver, GR-1503, file 260/67, BCA.

<sup>44</sup> Inquest transcript, 136.



of protection against dangerous acts by mentally unstable individuals.” The jury also suggested that a review board be established to which all cases of mental illness could be referred by physicians, social workers, police, or teachers. Regarding gun control, the jury recommended an immediate update of the provincial *Firearms Act*, including requiring that gun owners pass a proficiency test and a mental and physical health inspection. The jury also suggested that police receive more power to refuse or revoke handgun registrations.<sup>45</sup>

The jury’s proposals to toughen the *Mental Health Act* and to establish a review board suggested its faith in the traditional mental health system, which relied on institutionalization. The recommendations made no distinction between individuals who engaged in criminal or dangerous behaviour and those who simply displayed symptoms of mental illness. Attorney General Robert Bonner questioned the suggestion on the grounds that it posed a threat to the privacy and liberty of those who had successfully recovered from mental health problems. He also queried whether it distinguished between the “mildly eccentric” and the “potentially dangerous.”<sup>46</sup> The jury’s recommendation and the reaction to it provide insight into the changing perceptions of mental health in the 1960s. Early twentieth-century psychiatric care was both restorative and segregative in nature. Institutions not only aimed to treat and return patients to the world as functioning citizens but also served to isolate those deemed beyond help. Many patients stayed in these facilities for decades after their admittance and often for the rest of their lives. The suggestion made by the jury that mentally ill individuals be tracked and controlled follows a similar line of thinking. In the 1960s, however, asylums and their methods were under heavy criticism by both scholars who questioned their oppressive nature and policymakers who wished to make cuts to the welfare state. By the early 1970s, activist groups made up of medical professionals and former and current patients would begin to organize community services and treatment outside the realm of the provincial mental health system.<sup>47</sup> It was within this context that the recommended review board was questioned.

<sup>45</sup> Inquest transcript, 139–40.

<sup>46</sup> “Arms,” *Province*, 14 July 1967, 2.

<sup>47</sup> Menzies, “Contesting Criminal Lunacy,” 128–30; Robert Menzies, “The Making of Criminal Insanity in British Columbia: Granby Farrant and the Provincial Mental Home, Colquitz, 1919–1933,” in *Essays in the History of Canadian Law: The Legal History of British Columbia and the Yukon*, ed. Hamar Foster and John McLaren (Toronto: University of Toronto Press, 1995), 298; Erika Dyck, “Spaced-Out in Saskatchewan: Modernism, Anti-Psychiatry, and Deinstitutionalization, 1950–1968,” *Bulletin of the History of Medicine* 84, no. 4 (2010): 640–666; Geertje Boschma, Megan Davies, and Marina Morrow, “Those People Known as Mental

## THE GUN CONTROL DEBATE

The Vancouver shooting immediately sparked calls for and against new gun control measures. One of Vancouver's major newspapers demanded stronger laws. In an editorial, the *Province* questioned whether Canada should "regard gun ownership as no different from owning a boat." The paper suggested that limiting rifle ownership "won't stop murder," but "it may limit it – at least for psychotic personalities who reveal dangerous obsessions by accumulating, for instance, high-powered rifles with telescopic sights but never go hunting." The *Province* said that the interests of gun owners had to be balanced against public safety and suggested that the Towell shooting demonstrated that the current law had failed to achieve the right balance: "If personal freedom to own dangerous weapons is to be rated above public safety, communities will continue to be shocked and horrified – but powerless to prevent repetitions – every time innocent people are shot down by those with obsessional attitudes towards guns."<sup>48</sup> The *Vancouver Sun* was less sanguine concerning the prospects of new gun control measures preventing violence. It noted that authorities had "watched helplessly" as Towell "built up his arsenal." Thus "our lax firearms laws are fair game for reform for a variety of reasons." But the *Sun* warned that keeping weapons out of the hands of dangerous people was more easily said than done, "short of the near total disarmament of our sportsmen population."<sup>49</sup>

Representatives of shooting clubs opposed stronger firearm regulations. Bill Semons, the president of the Coast Marksmen's Club of which Towell had been a member, reportedly said: "I think guns are under control now. When a man is bent on killing someone, the lack of a gun won't stop him." The *Sun* reported that Cecil Isaac, president of the Barnet Rifle Club (another range frequented by Towell), was particularly dismissive of advocates of stronger gun control measures: "What I am afraid of is that Mrs. Do-Good and all her friends will want to take all guns away because of a single unfortunate incident." Isaac's gendered reference to "Mrs. Do-Good" suggests that he saw women as potential adversaries in the battle over gun ownership and use.<sup>50</sup>

While much of the commentary regarding firearms focused on the potential effectiveness of policy changes, Eric Nicol, a well-known humourist and columnist in the *Province*, criticized the desire of some

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Patients...: Professional and Patient Engagement in Community Mental Health in Vancouver, BC in the 1970s," *Oral History Forum d'histoire orale* 34 (2014): 1–20.

<sup>48</sup> "Guns in the Wrong Hands...", *Province*, 8 July 1967, 4.

<sup>49</sup> "There Must Be Some Way...", *Vancouver Sun*, 14 July 1967, 4.

<sup>50</sup> Alf Strand, "Police, Gun Enthusiasts Hold Controls Adequate," *Vancouver Sun*, 8 July 1967, 8.

men to possess firearms. Nicol said guns had become symbols that compensated men who felt insecure about their lives or relationships. The gun “is the soulmate of the insecure, the lonely, the person in whose mind gnaws the worm of secret fear of being inadequate.” Nicol warned there would be more men like the murderer of President John F. Kennedy, Lee Harvey Oswald: “More men in solitary rooms, tenderly turning the pages of the mail-order catalogue, brushing their fingers along the butt of power-to-kill.”<sup>51</sup> Nicol suggested that men infatuated by guns had failed to meet gendered social expectations:

Yesterday, the gun was a man’s friend in need – his means of obtaining food, his protection against the outlaw. Today, the gun is like a woman: a man can’t be just buddy-buddy with it. The basis of the relationship is no longer that of survival but of a strange and illicit love affair. The gun becomes the substitute for a woman, for Mrs. Lee Oswald. If a man cannot seed life, the next best thing, the next most awesome, terrifying, thoroughly satisfying thing, is to seed death.<sup>52</sup>

Nicol’s pointed column resulted in a mocking response from the vice-chair of the Western States and Canada Fast Draw Association, who said he would “bet [his] nickel-plated revolver that Eric’s Nicol-plated ideas won’t work” since criminals would not abide by any new gun control measures.<sup>53</sup> This did not deter Nicol, who later reflected that he had grown out of his boyhood interest in firearms. In his view: “Gun lovers who are fully grown men are retarded in this area of development. Part of them is forever 12 years old.”<sup>54</sup>

Several public officials spoke out in favour of strengthening gun control laws, though there were different views about the best measures to take and which level of government should take them. Vancouver prosecutor McMorran, who had encouraged such action previously, used the shooting to press for stronger gun controls. In 1966, he sent a brief to Ottawa calling for federal legislation outlawing handguns and automatic weapons, and for the registration of all rifles and shotguns. He also wanted authorities to have the power to refuse gun permits on the basis of mental condition or criminal background. The Liberal government in Ottawa, however, did not act.<sup>55</sup> Following the deaths of

<sup>51</sup> Eric Nicol, “The Equalizer,” *Province*, 11 July 1967, 19.

<sup>52</sup> Nicol, “Equalizer,” 19.

<sup>53</sup> “Gun Penalties Should Hit Wrong-Doers Only,” *Province*, 18 July 1967, 4.

<sup>54</sup> Eric Nicol, “Musket and Me,” *Province*, 27 July 1967, 21.

<sup>55</sup> Stan Shillington, “Gun Curbs Plea Ignored,” *Vancouver Sun*, 14 July 1967, 1.

the Websters, McMorran again complained about what he described as a porous system of firearm regulation.<sup>56</sup>

Vancouver Mayor Tom Campbell demanded that the provincial government impose stricter gun laws, including that permits only be issued for collectors, hunters, and persons qualified by the police to use arms for defence. A collector's permit would require that the guns be rendered inoperative. Hunters would be required to show a hunting permit before buying a gun. Business owners wishing to own a gun for defence would need to pass a handling test and be certified by police. If the provincial government did not pass legislation, Campbell said the city council might introduce regulations.<sup>57</sup> Several Vancouver aldermen backed Campbell's recommendation that the province enact stricter gun laws, though only one supported Campbell's suggestion that the city step in if the province failed to act.<sup>58</sup> Attorney General Robert Bonner was lukewarm to the idea of passing new provincial firearm controls. He responded to the coroner's inquest by stating that he favoured a federal system of firearms registration. However, Bonner did not believe that British Columbia should implement new statutory measures not only because Ottawa was already reviewing firearm laws but also because, in his view, provincial legislation would produce a patchwork approach. He also opposed McMorran's plea to ban handguns, admitting that he owned several.<sup>59</sup>

Attorney General Bonner's comments concerning gun control resulted in another flurry of newspaper editorials, op-eds, and letters to the editor. The *Victoria Daily Times*, for example, described existing controls over handguns as minimal and said that long guns could be acquired by "anyone, competent or incompetent, who can buy them or who receives them as gifts." The *Times* urged that all firearms be registered by the federal government and that gun owners who had suffered from mental illness be periodically examined regarding their fitness to possess weapons.<sup>60</sup> The *Province* also continued to press for action, believing that fewer guns in civilian hands would ultimately reduce the number of murders, firearm accidents, and suicides. "Why do we regard ownership of a dangerous weapon almost as casually as

<sup>56</sup> Ed Simons, "Nation's Gun Laws Shot Full of Holes," *Province*, 11 July 1967, 19. McMorran was himself a gun owner: he had a Luger handgun that he described as a souvenir that he did not use. See "Gun Critic McMorran Has One," *Vancouver Sun*, 15 July 1967, 1.

<sup>57</sup> George Peloquin, "Tight Gun Curbs Sought by Mayor," *Vancouver Sun*, 13 July 1967, 35.

<sup>58</sup> "Four Aldermen Back Gun Plea," *Vancouver Sun*, 14 July 1967, 10.

<sup>59</sup> "Bonner Wants Controls on Guns," *Province*, 14 July 1967, 1-2; "Bonner against BC Gun Law," *Vancouver Sun*, 22 July 1967, 3; "Bonner Has Guns," *Vancouver Sun*, 28 July 1967, 2.

<sup>60</sup> "Guns and Imbalance," *Victoria Daily Times*, 14 July 1967, 4.

owning a TV set?” the *Province* asked.<sup>61</sup> On the other hand, the outdoors writer for the *Vancouver Sun*, Lee Straight, a frequent critic of gun control measures, lambasted the attack on “inanimate tools” and wondered what motivated “hatred against ‘guns.’” He criticized the proposal to register long guns, foreshadowing arguments that would be used against the long gun registry created after the Montreal Massacre, saying that a registry would amount to a “tremendous inconvenience and expense” but would do little to prevent crime.<sup>62</sup>

The Social Credit government of Premier W.A.C. Bennett considered new gun control legislation. Although Bennett generally advocated conservative fiscal policies, his government could also be interventionist, such as when it established the BC Ferry Corporation in 1958 and took over the privately owned BC Power Corporation in 1961. Like some other conservative politicians of the day, including John Diefenbaker, he was not opposed to gun control measures.<sup>63</sup> In August 1967, Premier Bennett remarked that his government would introduce legislation in 1968 affecting firearms, but he was vague on the details of the possible proposal, except that it might include a requirement to register rifles.<sup>64</sup> However, in early 1968, the BC government decided not to introduce new firearm legislation because the federal government had decided to impose stronger gun controls.<sup>65</sup> British Columbia did amend its *Mental Health Act* to give police the power to take into custody people suspected of being mentally ill, without subjecting them to criminal procedures.<sup>66</sup> The revised act provided that a member of the police could take a person into custody and to a physician if she or he were satisfied from her/his own observations that the person was in a public place and was “acting in a manner likely to endanger his own safety or that of others” and was “apparently suffering from a mental disorder.” If the physician was satisfied that the person was mentally disordered “and in need of care, supervision, or control for his own protection or welfare, or for the

<sup>61</sup> “If We Must Have Guns...,” *Province*, 15 July 1967, 4. See also “Gun Ownership: Privilege or a Right?” *Province*, 31 July 1967, 6.

<sup>62</sup> Lee Straight, columnist, *Vancouver Sun*, 15 July 1967, 19.

<sup>63</sup> Robert A.J. McDonald, *A Long Way to Paradise: A New History of British Columbia Politics* (Vancouver: UBC Press, 2021), 237–43; David J. Mitchell, *W.A.C. Bennett and the Rise of British Columbia*, 2nd ed. (Vancouver: Douglas and McIntyre, 1995); R. Blake Brown, “Not So Long Ago, Gun Control Was a Bipartisan Issue,” *Globe and Mail*, 5 September 2018, <https://www.theglobeandmail.com/opinion/article-not-so-long-ago-gun-control-was-a-bipartisan-issue/>.

<sup>64</sup> “Gun Control Law Expected,” *Vancouver Sun*, 16 August 1967, 8; “Privacy, Gun Laws Coming?,” *Province*, 16 August 1967, 2.

<sup>65</sup> “Gun Control Reviewed Says Bonner,” *Vancouver Sun*, 4 January 1968, 8.

<sup>66</sup> “Health Bill Seeks Detention Power,” *Province*, 2 March 1968, 1; “New Protections for Mentally Ill,” *Nanaimo Daily Free Press*, 6 April 1968, 3.

protection of others,” the doctor could provide a certificate and the person could be taken to a provincial mental health facility, a psychiatric unit, or an observation unit for up to seventy-two hours.<sup>67</sup> Unlike in the past, police could act without a warrant from a magistrate.

Increasing police powers in the realms of mental health (and gun control) risked inviting controversy. Beginning in the 1960s, the criminal justice system “was swept by a wave of liberalization.”<sup>68</sup> There emerged a greater concern for individual rights, privacy rights, and due process, and a questioning of police authority. A 1967 brief, produced by the association representing Canada’s police chiefs, encouraging a substantial increase in police powers sparked public outrage, including in British Columbia.<sup>69</sup> Critics claimed that the increased power given to police regarding mental health in the province was a threat to civil liberties.<sup>70</sup> Suspicions of police powers also made potential changes to gun controls controversial if they increased the role for police discretion in determining who could have firearms.

In 1969, the federal Liberal Party passed new firearm provisions as part of an omnibus reform bill. The new legislation addressed some of the weaknesses of the gun control regime highlighted by the Vancouver shooting (though that incident was not referenced in the parliamentary debate over the bill). The amendments allowed the federal government to more strictly regulate firearms deemed dangerous, while ensuring that people suffering from serious mental illnesses had less access to all weapons. Minister of Justice John Turner said the government’s goal was not civil disarmament but to “achieve controls which will discourage and penalize the criminal or criminally careless, which will remove lethal weapons from the irresponsible or mentally ill, which will help to foster social attitudes against violence.” The federal government would also “leave the avenue open for responsible people to engage in legitimate sport and hobbies involving firearms.”<sup>71</sup> The 1969 statute included a new provision to prevent people suffering from mental illness from acquiring

<sup>67</sup> *Mental Health (Amendment) Act, 1968*, S.B.C. 1968, c. 27, s. 10.

<sup>68</sup> Greg Marquis, *The Vigilant Eye: Policing Canada from 1867 to 9/11* (Halifax: Fernwood, 2016), 177.

<sup>69</sup> “Liberty Threatened, Says Mayor Campbell,” *Province*, 27 April 1967, 1; “Hey! They Overlooked the Rack and Thumbscrews...,” *Province*, 27 April 1967, 4; “Back to the Dark Ages?” *Vancouver Sun*, 27 April 1967, 4; “Police Power Bid ‘Shocks, Appalls,’” *Vancouver Sun*, 27 April 1967, 71; Greg Marquis, *Policing Canada’s Century: A History of the Canadian Association of Chiefs of Police* (Toronto: University of Toronto Press, 1993), 290–91.

<sup>70</sup> “Too Much Power Feared in Act,” *Vancouver Sun*, 28 March 1968, 20; “Bill Claimed Threat to Civil Liberties,” *Province*, 29 March 1968, 16; “‘No Safeguards’ Provided in Committing Patients,” *Victoria Daily Times*, 5 April 1968, 12.

<sup>71</sup> Debates, House of Commons, 23 January 1969, p. 4717.

firearms. It made it a summary offence for anyone to sell, barter, give, lend, or transfer a firearm to a person “whom he knows or has good reason to believe” was “of unsound mind.”<sup>72</sup> The legislation did not, however, establish a licencing system to screen gun owners.

The 1969 legislation also established a classification system for firearms, which, eventually, allowed for the models of rifles used by Towell to be banned. Weapons were classified as “firearms” (now “non-restricted”), “restricted weapons,” or “prohibited weapons.” The legislation classified a “restricted weapon” as any weapon that could be fired with one hand (meaning all handguns), fully automatic weapons, and many short firearms. The legislation also provided authority to the Governor in Council (i.e., cabinet) to place firearms in the restricted, or prohibited, category so long as they were not “of a kind commonly used in Canada for hunting or sporting purposes.”<sup>73</sup>

The federal cabinet sparingly used this authority to re-classify firearms weapons in the 1970s. However, by the end of that decade there were growing concerns about the availability of the kinds of military-style rifles owned by Towell. New legislation, passed in 1977, retained the 1969 classification system for firearms but tightened the definition of restricted and prohibited weapons. Fully automatic guns were prohibited (though existing owners could retain them if registered under a “grandfathering” provision). Many short-barrelled semi-automatic rifles were made restricted. The power of the Governor in Council to declare specific firearms as restricted weapons was also expanded. Henceforth, it was possible for the Governor in Council to act if it was of the *opinion* that a model of firearm was unreasonable for use as a hunting or sporting arm. The 1977 legislation also created a licencing system for owners of rifles and shotguns, requiring people buying such guns to have a Firearms Acquisition Certificate.<sup>74</sup>

By the late 1980s, pressure began to mount on the federal government to address the availability of semi-automatic, military-style rifles. In the spring of 1989, the government of Prime Minister Brian Mulroney

<sup>72</sup> *Criminal Law Amendment Act, 1968–69*, S.C. 1969, c. 38, s. 6(2). Much of the historical scholarship on the 1969 omnibus bill examines the criminal law reforms affecting morality and sexuality, though Christopher Dummitt and Christabelle Sethna note that the lengthy statute also made modifications to the “*Parole Act*, the *Penitentiary Act*, and the *Prisons and Reformatories Act* as well as the *Combines Investigations Act*, the *Customs Tariff*, and the *National Defence Act*, and touched upon such areas as gambling, drunk driving, animal cruelty, and gun control.” See Christopher Dummitt and Christabelle Sethna, “Introduction,” in *The Origins and Legacies of the 1969 Omnibus Bill*, ed. Christopher Dummitt and Christabelle Sethna (Vancouver: UBC Press, 2020), 4.

<sup>73</sup> *Criminal Law Amendment Act, 1968–69*, S.C. 1969, c. 38, s. 6.

<sup>74</sup> *Criminal Law Amendment Act, 1977*, S.C. 1977, c. 53.

announced its intention to prohibit firearms that had originally been manufactured as automatic weapons but had been converted to semi-automatics. However, before the Progressive Conservatives took this step the Montreal Massacre occurred, highlighting the damage that could be wrought with semi-automatic military-style rifles. The Progressive Conservative government responded by strengthening background checks, imposing a mandatory twenty-eight-day waiting period for a Firearms Acquisition Certificate, and requiring mandatory safety training.<sup>75</sup> Cabinet prohibited or restricted many military-style rifles. Models made restricted weapons included the Beretta BM 59 and AR-15 owned by Towell.<sup>76</sup> In 1995, the federal cabinet moved some guns onto the prohibited list, including the Beretta BM 59, though the federal government did not declare the AR-15 a prohibited weapon until 2020.<sup>77</sup>

#### AFTERMATH AND CONCLUSION

The *Criminal Code* allowed an accused held before trial because of insanity to be tried subsequently, and in February 1972 Arthur Towell was deemed mentally fit to stand trial.<sup>78</sup> BC Supreme Court Justice William McIntyre (a future member of the Supreme Court of Canada) presided over the case in early March. The Crown prosecutor and Towell's defence lawyer, F.A. Melvin, submitted an agreed statement of facts, and thus the only issue at trial was Towell's mental state at the time of the shooting. Dr. Joseph Thomas, who had examined Towell soon after the shooting, told the court that Towell had suffered from paranoid schizophrenia and had been incapable of understanding the nature of his actions. Towell was found not criminally responsible but was sent back to Riverview Hospital, where he would be kept in custody pending the decision of the provincial cabinet.<sup>79</sup> Cabinet ordered Towell be detained in Riverview

<sup>75</sup> Samuel A. Bottomley, "Locked and Loaded: Gun Control Policy in Canada," in *The Real Worlds of Canadian Politics: Cases in Process and Policy*, ed. Robert M. Campbell, Leslie A. Pal, and Michael Howlett (Peterborough, ON: Broadview Press, 2004), 30–33; *An Act to amend the Criminal Code and the Customs Tariff in consequence thereof*, S.C. 1991, c. 40.

<sup>76</sup> *Prohibited Weapons Order, No. 11*, P.C. 1992-1668, 16 July 1992, *Canada Gazette*, pt. II, vol. 126, no. 17 (SOR/92-465); *Restricted Weapons Order*, P.C. 1992-1670, 16 July 1992, *Canada Gazette*, pt. II, vol. 126, no. 17 (SOR/1992-467).

<sup>77</sup> *Prohibited Weapons Order, No. 13*, P.C. 1994-1974, 29 November 1994, *Canada Gazette*, part 2, vol. 128, no. 25 (SOR/94-741).

<sup>78</sup> British Columbia, Order-in-Council 1972-700, 22 February 1972, [https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc\\_oic/o700\\_1972](https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc_oic/o700_1972); "Point Grey Sniper Trial Ordered," *Vancouver Sun*, 23 February 1972, 9; "Suspect Ordered to Trial," *Vancouver Sun*, 24 February 1972, 2; "Man to Stand Trial for 1967 Slayings," *Victoria Daily Times*, 24 February 1972, 40.

<sup>79</sup> Jim Fairley, "Accused Double-Killer Ruled Insane at Time," *Province*, 4 March 1972, 29; "Man Found Not Guilty by Reason of Insanity," *Nanaimo Daily Free Press*, 4 March 1972, 2;



Hospital “until further order,” though it provided that he could have day and weekend leave such as the institution’s superintendent “determines is in the interest of the public and of the rehabilitation of the patient.”<sup>80</sup> In 1979, cabinet ordered Towell discharged from the hospital on the ground that it was “in his best interest and not contrary to the interest of the public.” Cabinet, however, placed a number of conditions on his release, including that he reside in British Columbia in a place approved by Forensic Psychiatric Services, report to a psychiatric clinic at least once a month, take prescribed medication, keep the peace and abstain from alcohol, appear before the patient review board when required, and return for further treatment, if ordered. Cabinet also ordered that Towell: “shall not acquire, possess or use any firearm or offensive weapon.”<sup>81</sup> These conditions remained in place until 1989, when the provincial cabinet declared that Towell had complied with the conditions of his release. Towell received an absolute discharge from custody.<sup>82</sup> He appears to have been living in Vernon in 1996. In that year, Leonora died. Her obituary in the Vernon *Morning Star* noted that she would be missed by her children, including “Arthur of Vernon.”<sup>83</sup>

We have not sought to track the lives of the Websters’ children given the trauma they suffered in losing their parents.

The Vancouver mass shooting highlights how regional events affected public views concerning firearms and gun control. For some contemporary commentators, the event demonstrated the weaknesses in the gun control regime and sparked debates about how to best improve public safety. Handguns were registered, and their use regulated, but officials had few means of taking guns away from people deemed dangerous. Rifles, including semi-automatics with large capacity magazines, were largely unregulated. As a result, gun owners could accumulate large arsenals despite concerns from authorities who might try to dissuade retailers from selling weapons to dangerous people but could not bar such sales. The federal government created a classification system for weapons in the late 1960s, but many semi-automatic rifles remained in circulation. Such guns would be used in many future infamous shootings, including in 2019, when two teenagers legally purchased a semi-automatic

“Assize Jury Finds Sniper Was Insane,” *Vancouver Sun*, 4 March 1972, 32.

<sup>80</sup> British Columbia, Order-in-Council 1972-1159, 24 March 1972, [https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc\\_oic/1159\\_1972/](https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc_oic/1159_1972/).

<sup>81</sup> British Columbia, Order-in-Council 1979-3170, 20 December 1979, [https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc\\_oic/3170\\_1979/](https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc_oic/3170_1979/).

<sup>82</sup> British Columbia, Order in Council 1989-1698, [https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc\\_oic/1683\\_1989/](https://www.bclaws.gov.bc.ca/civix/document/id/oic/arc_oic/1683_1989/).

<sup>83</sup> “Towell,” *Vernon Morning Star*, 11 August 1996, 46.

rifle in British Columbia, killed three people, and sparked a massive manhunt before they died by suicide. And, in 2020, a gunman in Nova Scotia killed twenty-two people. The perpetrator possessed several firearms, including semi-automatic rifles.<sup>84</sup> Such incidents have sparked a renewed gun control debate in which the arguments for and against legislative action are often similar to those voiced in the aftermath of the 1967 Vancouver shooting and are connected to competing views of the appropriate role of the state, the connections between firearms and masculinity, and the plausibility of enforcing gun control measures.

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<sup>84</sup> Jonathon Gatehouse, "Inside the RCMP's Cross-Country Manhunt for Admitted Killers Bryer Schmegelsky and Kam McLeod," CBC News, 20 December 2019, <https://www.cbc.ca/news/canada/northern-bc-murders-ito-1.5401732>; Andrew Russell, "Colt Carbine, Ruger Mini-14 among Illegally Obtained Firearms Used by Nova Scotia Shooter, Docs Show," Global News, 20 November 2020, <https://globalnews.ca/news/7474635/nova-scotia-shooting-illegal-firearms-colt-carbine-ruger-mini-14/>.