



Written by [Bob Adelman](#) on February 19, 2015

Ruling Imminent on California's Anti-gun Microstamping Law

The ruling on a [lawsuit](#) brought against the state of California in January 2014 opposing implementation of the state's "microstamping" law is expected momentarily. If enforcement of the law is permanently banned, it will be cause for rejoicing in a victory of logic and constitutional rights over irrational and emotional hoplophobia (fear of guns).

California's Eastern District Judge Kimberly Mueller will rule shortly on whether California's microstamping law makes such unreasonable demands upon gun makers that for all practical purposes they are unable to comply with them:



[The National Shooting Sports Federation and the Sporting Arms and Ammunition Manufacturers Institute] contend that the provisions [of California's law] are invalid ... and cannot be enforced because it is impossible for a firearm manufacturer to implement microstamping technology in compliance therewith, since no semi-automatic pistol can be designed or equipped with [that technology] ... that can be legibly, reliably, repeatedly, consistently and effectively [used to identify the pistol and its fired cartridges].

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The lawsuit quoted grave misgivings by the inventor of the technology, Todd Lizotte, who wrote in 2012 that "legitimate questions exist related both to the technical aspects, production costs, and database management associated with microstamping that should be address before wide scale implementation is legislatively mandated."

The law — signed by then-Governor Arnold Schwarzenegger in 2009 — provided that enforcement wouldn't begin until the technology was proven. Lizotte's reservations notwithstanding, on May 17, 2013, the California Department of Justice certified that the technology was now sufficiently developed and refined that manufacturers would now be required to use it on all new semi-automatic pistols offered for sale in the state.

In January 2014, Smith & Wesson announced that it would not, or could not, comply with the law, and would start pulling various models off the state's approved list:

Smith & Wesson does not and will not include microstamping on its firearms. A number of studies have indicated that microstamping is unreliable, serves no safety purpose, is cost prohibitive and, most importantly, is not proven to aid in preventing or solving crimes....

The microstamping legislation ... creates the same challenge for all firearm manufacturers.

Smith's announcement followed a similar decision by Sturm, Ruger & Company one month earlier that



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it would no longer be selling its semi-automatic pistols in California.

That the new law is illogical with little chance of reducing crime in the Golden State was expressed ironically by the anti-gun Coalition to Stop Gun Violence as it tried to explain why the microstamping law was a good thing. First, it quoted Schwarzenegger: "Forensic testing of ammunition used in a crime is the most effective way of tracing criminal activity," adding:

Ballistic identification is the science of using a ballistic fingerprint to identify the specific firearm used in a shooting. A comprehensive ballistic identification system would connect a bullet or cartridge case recovered at a crime scene directly to the make, model and serial number of the gun from which it was fired....

A traced firearm is a valuable lead in a criminal investigation, because investigators can then connect that weapon to its first purchaser, who may become either a suspect or a source of information helpful to the investigation.

First, having a "fingerprint" assumes an enormous database, national in scope, wherein reside all the data of all semi-automatic pistols, and their original owners, to which such crime scene "fingerprints" can be compared.

Second, such a fingerprint would go back to the original owner of the weapon, who may long since of have passed it on to another or, more likely, may have had it stolen in a house break-in. The shooter may, in fact, be only the latest of perhaps 20 or more possessors of the weapon before the shooting. According to the ATF, nine out of 10 guns used in crimes are stolen, so knowing the original owner would likely be of little use in tracking the actual shooter.

Thirdly, says the FBI, three-quarters of violent crimes are not committed with guns at all.

Fourth, the law wouldn't apply to revolvers which, by their nature, keep the spent cartridges in the gun's cylinder.

Fifth, the shooter may have filed off the offending microstamp from the firing pin before committing the crime, he may have retrieved any offending cartridges from the scene before leaving or, worse, have "seeded" the crime scene with cartridges he might have obtained from a shooting range in an attempt to thwart and complicate any such forensic investigation.

Sixth, reducing the availability of semi-automatic pistols may have the perverse effect of increasing home invasions as criminals seek to obtain weapons for themselves.

Seventh, police officers themselves might be the targets of increased attacks as their own weapons are exempt from California's law.

Eighth, raising the price of existing weapons that remain "approved" under California's new law may increasingly put them out of reach of the very people who might need them the most: the poor underclass living in high-crime neighborhoods. According to John Lott, author of *More Guns, Less Crime*,

The problem is the people who need guns the most and benefit the most from owning guns, poor individuals in high crime areas, are priced out of the market.

Who do they think they are disarming as a result of the law? It is minorities in poor crime areas.

And this brings into play the Supreme Court's recent decisions in the *Heller* and *McDonald* cases confirming an individual's right to keep and bear arms. If he can't exercise that right because of the



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law, the law is de facto unconstitutional. As Emily Miller, the *Washington Times*' senior editor, expressed it, "Microstamping is simply a ban on guns."

That the new law is unworkable on its face was confirmed when the California Police Chiefs Association, which originally supported the legislation back in 2007, changed its position two years later:

Publicly available, peer-reviewed studies conducted by independent research organizations conclude that the [microstamping] technology does not function reliably and that criminals can remove the markings easily in mere seconds.

Even if microstamping technology worked perfectly and every gunmaker were able to incorporate it efficiently and inexpensively into every handgun it makes, it would have little impact on crime and a greatly deleterious impact on precious rights. To be totally effective in tracking every gun back to its original purchaser would require an enormous national database listing the particulars of every gun owned by every owner — a perfect recipe for a totalitarian government in the future to remove them, as it would know where every one of them is located. Except for the criminals, of course, the ones the phony microstamping law was initially supposedly focused on.

The plea for relief from California's microstamping law, which is expected momentarily, assuming it is granted, will only be one more tiny skirmish in the state's long war against guns.

A graduate of an Ivy League school and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics.



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