

Testimony before the Vermont Senate Judiciary Committee Regarding S 209
Wednesday, January 31, 2024

John R. Lott, Jr.
Crime Prevention Research Center
johnrlott@crimeresearch.org



I greatly appreciate the chance to address the chair Senator Sears and the other members of the committee.

My background.

Homemade guns have existed in Vermont and the rest of the country even before the United States became a country. It is already a federal crime for someone to transfer a homemade firearm.

The recent push for serial numbers on all parts of guns relies on claims that it protects public safety and prevents violent crime. Solicitor General Elizabeth Prelogar wrote in a 2023 court filing: “The public-safety interests in reversing the flow of ghost guns to dangerous and otherwise prohibited persons easily outweighs the minor costs that respondents will incur.”¹

“It will help to ensure that law enforcement officers can retrieve the information they need to solve crimes,” U.S. Attorney General Merrick Garland claimed in 2022.² “And it will help reduce the number of untraceable firearms flooding our communities.”

The expanded use of serial numbers aims at stopping the production of homemade guns, now called “ghost guns,” by gun control advocates. While homemade guns have been around since before the United States became a country, and it was never terribly difficult to make a gun with simple machine tools, their production has become nearly impossible to regulate. With 3D metal printers, people can make indistinguishable weapons from those purchased in stores.³

¹ Elizabeth Prelogar, “Merrick Garland v. Jennifer Vanderstok, Reply in Support of Application for a stay before the U.S. Supreme Court,” No. 23A82, 2023 (https://www.supremecourt.gov/DocketPDF/23/23A82/274604/20230803162831282_VanDerStok%20Stay%20Reply%20vf%2023A82.pdf).

² Mark Berman, “‘Ghost guns’ now must be traceable, as Biden rule takes effect,” Washington Post, August 24, 2022 (<https://www.washingtonpost.com/national-security/2022/08/24/ghost-guns-biden/>)

³ Adam Estes, “3D-Printed Guns Are Only Getting Better, and Scarier,” Gizmodo, January 6, 2015 (<https://gizmodo.com/3d-printed-guns-are-only-getting-better-and-scarier-1677747439>).

But, even if homemade guns had serial numbers, that still won't help law enforcement solve crimes. TV shows such as "Law & Order" do not reflect reality.

In theory, if criminals leave registered guns at a crime scene, law enforcement can use serial numbers to trace the weapons back to the perpetrators.

But, in real life, guns are only left at the scene of a crime when gunmen have been seriously injured or killed. With both the criminal and the weapon present at a scene, police can solve these crimes without registration. In the exceedingly unusual instances where criminals leave registered guns at the scene, they aren't registered to the person who committed the crime.

Police in Hawaii, Illinois, Pennsylvania, and New York have had registration systems in place for decades but can't point to any crimes that this has helped them to solve.⁴ Even entire countries such as Canada haven't had success.

In a 2001 lawsuit, the Pennsylvania state police could not identify any crimes solved by their registration system from 1901 to 2001; however, they did claim that it had "assisted" in four cases, for which they could provide no details.

In a 2013 deposition for *District of Columbia v. Heller II*, the plaintiffs recorded that the Washington, D.C. police chief could not "recall any specific instance where registration records were used to determine who committed a crime, except for possession offenses."⁵

During testimony before the Hawaii State Senate in 2000, Honolulu's police chief stated that he couldn't find any crimes since 1960 that registration and licensing solved crimes. The chief also said his officers devoted about 50,000 hours to registering and licensing guns yearly. Police time that could have been spent on traditional, time-tested law enforcement activities.

In 2010, Canada conducted a detailed examination of its program. It found that, from 2003 to 2009, 1,314 out of 4,257 Canadian homicides involved firearms.⁶ Of the identified weapons, about three-quarters were not registered. Among registered weapons, the registered owner was rarely the person accused of the homicide. In just 62 cases – only 4.7 percent of all firearm homicides – was the gun registered to the accused, and an unknown number of these homicide

⁴ John R. Lott, Jr., *More Guns, Less Crime: Understanding Crime and Gun Control*, University of Chicago Press, 3rd edition, 2010. John R. Lott, Jr., "Democrats Pushing Gun Registry as Precursor to Gun Ban," Real Clear Politics, February 4, 2022 (https://www.realclearpolitics.com/articles/2022/02/04/democrats_pushing_gun_registry_as_precursor_to_gun_ban_147139.html).

⁵ Emily Miller, "Dick Heller challenges D.C.'s gun registration, files for summary judgment in *Heller II*," Washington Times, December 11, 2013 (<https://www.washingtontimes.com/news/2013/dec/11/dick-heller-challenges-dcs-gun-registration-files-/>).

⁶ Gary Mauser, "Why the long-gun registry doesn't work — and never did," National Post, December 11, 2012 (<https://nationalpost.com/opinion/gary-mauser-why-the-long-gun-registry-doesnt-work-and-never-did>). John R. Lott, Jr. and Gary Mauser, "Death of a Long-Gun Registry," National Review Online, February 20, 2012 (<https://www.nationalreview.com/2012/02/death-long-gun-registry-john-r-lott-jr-gary-mauser/>).

cases involve instances of self-defense. However, the Royal Canadian Mounted Police could not identify any cases where registration was integral to solving the crime.

New York and Maryland spent tens of millions of dollars compiling a computer database containing the unique ballistic “fingerprints,” serial numbers, and names of gun owners of each new gun sold over a 15-year period.⁷ Even these states, which strongly favor gun control, eventually abolished their systems because they never solved a single crime.

Despite predictions by gun control advocates that this program would be an important crime-fighting tool, New York scrapped its program in 2012. In 2015, Maryland followed suit.

Maryland spent \$5 million on its computer database,⁸ and New York spent about \$5 million annually, showing that even greater per-capita spending didn’t guarantee success. Soon after these programs began, it was clear that they weren’t working. A 2005 report by the Maryland State Police’s Forensic Sciences Division labeled the operation “ineffective and expensive.”⁹ Similar statements by police were ignored for years.

Why is there a push for a policy that costs so much and has no crime-reducing benefits? Someday, knowing who owns guns will help them to target their confiscation efforts. Mass registration will set the stage for future gun bans.

⁷ John R. Lott, Jr., “Maryland’s long-overdue goodbye to ballistic fingerprinting,” Washington Post, November 13, 2015 (https://www.washingtonpost.com/opinions/marylands-long-overdue-goodbye-to-ballistic-fingerprinting/2015/11/13/a277d02a-87db-11e5-be39-0034bb576eee_story.html).

⁸ (https://www.washingtonpost.com/local/state-scraps-handgun-ballistics-database-after-15-years/2015/11/08/005f87fc-864f-11e5-bd91-d385b244482f_story.html).

⁹ David Snyder, “Report Faults Md. Ballistics Database,” Washington Post, January 18, 2005, p. B1 (<http://www.washingtonpost.com/wp-dyn/articles/A16475-2005Jan17.html>).

A December 2022 article in the New York Times is titled “New Federal Rule Has Done Little to Stem Spread of ‘Ghost Guns.’” Glenn Thrush, “New Federal Rule Has Done Little to Stem Spread of ‘Ghost Guns,’” New York Times, December 15, 2022 (<https://www.nytimes.com/2022/12/15/us/politics/ghost-guns-biden.html>).