



Written Testimony of
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Protecting Public Safety After New York State Rifle & Pistol Association v. Bruen

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Committee on the Judiciary

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Chairman Durbin, Ranking Member Graham, and Distinguished Members of the Senate Judiciary Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

Thank you for allowing me to submit testimony before this Committee today. My name is Stephen J. Lindley and I have spent my career in the service of public safety. For nearly three decades it was my honor to serve in law enforcement, starting as a cadet, a patrol officer and working my way up to detective, sergeant, and later through to the upper ranks of the California Department of Justice, including nearly a decade as the Chief of the Bureau of Firearms. Today, I work for the Combating Crime Guns Initiative at Brady, one of the nation's oldest gun violence prevention organizations, where I serve as a senior technical advisor on firearms, California firearms laws, and the sources and diversion of firearms away from the legal market.

California was a very different place when I joined the police force in 1990. At the National City Police Department, we responded to shootings nearly every night, sometimes several a night. Saturday Night Specials — small, cheap, and usually small-caliber handguns — were available for purchase by the dozen and by 1993, the year with the highest gun death rates on record, California had a firearm homicide rate that was 46% higher than the national level.¹

Our streets were awash with guns and victims, and everyday my colleagues and I put on our badges and our vests, and hoped for the best.

The Federal Response: The Brady Bill and the Assault Weapons Ban

Gun violence across the country prompted a national reckoning. In the early 1990s, gun violence reached its then-highest recorded level nationally, and Congress finally took action to address the crisis. In 1994, the Brady Handgun Violence Prevention Act went into effect, establishing for the first time a system by which background checks would be conducted for all gun purchases from licensed firearm dealers.

¹ Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Mortality: Compressed Mortality File 1979-1998. Accessed 13 March 2023 at <http://wonder.cdc.gov/cmfi-icd9.html>

By all accounts, the Brady Background Check System has been hugely successful. Since its passage, nearly 450 million checks have been conducted,² preventing more than 4.4 million unlawful gun transactions.³ In 2018 alone, 630 prohibited gun transactions were prevented, on average, *every single day*.⁴ It is the foundation upon which all other gun laws function, establishing the system by which guns are kept out of the hands of individuals prohibited by law from purchasing or possessing them.⁵

Less than a year later, Congress passed the Federal Assault Weapons Ban, prohibiting the manufacture and sale of certain new semi-automatic firearms and large-capacity ammunition magazines (LCMs). These weapons and accessories, designed to kill as many people as possible in the shortest amount of time, had been wreaking havoc on American streets, and this common-sense law effectively reduced the rates and lethality of violence for the next 10 years.⁶

In 2004, Congress allowed the law to expire with dire consequences. The year the bill expired, just 100,000 assault-style rifles were manufactured in the country. In 2013, not even ten years later, nearly 2 million were manufactured,⁷ and by 2020, there were an estimated 20 million assault-style firearms in the United States.⁸ Of course, such weapons still represent a small minority of all civilian-owned firearms — it is estimated that there are over 400 million privately owned firearms in the United States⁹ — and according to a survey by the National Shooting Sports Foundation, individuals who own such firearms own, on average, more than one, further diminishing the likely share of gun owners who own assault-style firearms.¹⁰

Today, these firearms have become the weapons of choice for mass murderers in shootings all across the country whether at movie theaters, offices, concerts, houses of worship, grocery stores,

² Federal Bureau of Investigation. NICS Firearm Checks: Month/Year. Accessed March 2023 at https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view

³ Brooks, C. *Background Checks for Firearm Transfers, 2018*. U.S. Department of Justice: Office of Justice Programs, Bureau of Justice Statistics. October 2021. Available at <https://bjs.ojp.gov/library/publications/background-checks-firearm-transfers-2018>

⁴ *Id.*

⁵ 18 United States Code § 922

⁶ Paul, M. *Assault weapon ban significantly reduces mass shooting [sic]*. Northwestern University. 25 March 2021. Available at <https://news.northwestern.edu/stories/2021/03/assault-weapon-ban-significantly-reduces-mass-shooting/>

⁷ Yablon, A. *How Many Assault Weapons Do Americans Own?* The Trace. 22 September 2018. Available at <https://www.thetrace.org/2018/09/how-many-assault-weapons-in-the-us/>

⁸ Loh, M. *America has 20 million AR-15 style rifles in circulation, and more guns than people in the country*. Business Insider. 30 May 2022. Available at <https://www.businessinsider.com/us-20-million-ar-15-style-rifles-in-circulation-2022-5>

⁹ Ingraham, C. *There are more guns than people in the United States, according to a new study of global firearm ownership*. The Washington Post. 19 June 2018. Available at <https://www.washingtonpost.com/news/wonk/wp/2018/06/19/there-are-more-guns-than-people-in-the-united-states-according-to-a-new-study-of-global-firearm-ownership/>

¹⁰ Down Range TV. *NSSF Survey: 21 Findings About Modern Sporting Rifle Owners*. 16 May 2011. Available at <http://www.downrange.tv/blog/nssf-survey-21-findings-about-modern-sporting-rifle-owners/9696/>

night clubs and bars, or even elementary schools.¹¹ Between 2010 and 2020, of the ten deadliest mass shootings in the United States, all but one involved the use of LCMs, and eight of the ten involved assault weapons.¹² During the decade that the federal assault weapons ban was in effect, 89 people died in 12 gun massacres (defined here as six or more people shot and killed); In the decade after, more than 300 people were shot and killed in 34 gun massacres, representing a 183% increase in such massacres and a 239% increase in fatalities.¹³

Due to Congress's failure to renew the ban, some states have since enacted their own versions of the law. These laws, banning assault weapons and LCMs, have reduced fatalities in lieu of significant federal regulation.¹⁴ One analysis of state laws spanning more than four decades found that LCM bans were associated with 38% fewer fatalities and 77% fewer nonfatal injuries.¹⁵

California: A Case Study on Gun Violence Prevention

California was among the states that took steps to address the gun violence epidemic, even before the federal government. Gun violence was raging in California in the 1980s and 1990s, and beginning with an assault weapons ban in 1989, the state took strong steps to address gun violence, establishing a multifaceted system of common-sense measures that has worked to significantly reduce gun violence. In addition to an assault weapons and LCM ban, California has enacted universal background checks and background checks on ammunition, a 10-day waiting period on gun purchases, mandatory gun safety training, expanded purchase and possession prohibitors for those convicted of certain crimes indicative of increased risk, age restrictions, one gun a month limitation on purchases, safe firearm storage laws, data collection regarding gun sales, strong regulation on "ghost guns," and an extreme risk law, called a Gun Violence Restraining Order or "GVRO."¹⁶

This system of laws has unquestionably saved thousands of lives. In the last three decades the gun death rate *and* firearm homicide rate in California were *cut in half*. In 1993, the gun death rate in

¹¹ Pelley, W. *What makes the AR-15 style rifle the weapon of choice for mass shooters?* CBS News. 29 May 2022. Available at <https://www.cbsnews.com/news/ar-15-mass-shootings-60-minutes-2022-05-29/>

¹² The following involved the use of both an assault weapon and an LCM: Las Vegas, NV (2017); Orlando, FL (2016); Newtown, CT (2012); Sutherland Springs, TX (2017); El Paso, TX (2019); Parkland, FL (2018); San Bernardino, CA (2015); and Aurora, CO (2012). The 2018 shooting in Thousand Oaks, CA involved an LCM and not an assault weapon, and the 2013 shooting in Washington, DC did not involve either.

¹³ Ingraham. *It's time to bring back the assault weapons ban, gun violence experts say*. The Washington Post. 15 February 2018. <https://www.washingtonpost.com/news/wonk/wp/2018/02/15/its-time-to-bring-back-the-assault-weapons-ban-gun-violence-experts-say/>

¹⁴ Gius, M. *The impact of state and federal assault weapons bans on public mass shootings*. Applied Economics Letters, 2(4). August 2014. Available at <https://doi.org/10.1080/13504851.2014.939367>

¹⁵ Siegel, M., Goder-Reiser, M., Duwe, G., Rocque, M., Fox, J. A., & Fridel, E. E. *The relation between state gun laws and the incidence and severity of mass public shootings in the United States, 1976–2018*. Law and Human Behavior, 44(5). October 2020. Available at <https://doi.org/10.1037/lhb0000378>

¹⁶ Christopher, B. *How California got tough on guns*. CalMatters. 1 September 2022. Available at <https://calmatters.org/explainers/california-gun-laws-policy-explained/>

California was 17.6 per 100,000 persons;¹⁷ by 2020, it was 8.8 per 100,000 persons.¹⁸ Today, California remains the most populous state with many of the country's largest cities, but the gun death rate is 36% lower than the national average and the 7th-lowest of any state in the Union.¹⁹ The firearm homicide rate is 25% lower than the national firearm homicide rate,²⁰ and firearm suicide rate is 44% lower than the national firearm suicide rate.²¹ These decreases did not happen by accident; rather, they are the result of a reasonable and evidence-based system of laws regulating firearms in the state.

Conversely, rates of gun violence are much higher in states with weak gun laws. In Texas, the firearm mortality rate is 12.73 per 100,000 persons. The rate is 22.22 in Louisiana, 21.03 in Missouri, 19.79 in Arkansas, and 18.80 per 100,000 persons in Tennessee.²² These are not just numbers: these are mothers, husbands, friends, brothers, nieces, and neighbors. These are lives that could have been spared with the enactment of evidence-based laws. Instead, in many of these states, we have seen state legislatures roll back life-saving policies. For example, the number of mass shootings in Texas rose more than 62% in the year that followed the passage of a Texas law making it legal for anyone over the age of 18 to carry a gun in public without a permit or license.²³

Those who are working to undo gun safety laws in other states suggest that such laws infringe upon the 2nd Amendment. However, no rights are unlimited and reasonable regulation is not infringement, and while California has some of the strongest gun violence prevention laws in the country, millions of law-abiding citizens in our state exercise their 2nd Amendment rights. In fact, California has one of the highest totals of civilian owned firearms of any state and more than a quarter of Californians live in gun-owning homes.²⁴ In 2020, an estimated 1.2 million firearms were purchased in California, and in 2021, nearly a million more were sold.²⁵

Of course, there is still gun violence in California:

¹⁷ CDC: Compressed Mortality File 1979-1998. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D16/D329F712>

¹⁸ CDC: Mortality 1999-2020. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D76/D329F713>

¹⁹ RAND Corporation. *Understanding Firearm Deaths by State—and How to Reduce Them*. Accessed 13 March 2023 at <https://www.rand.org/research/gun-policy/firearm-law-effects-mortality-explorer.html>

²⁰ CDC: Mortality 1999-2020. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D76/D329F715>

²¹ CDC: Mortality 1999-2020. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D76/D329F716>

²² CDC: Mortality 1999-2020. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D76/D329F725>

²³ Rouner, J. *Texas Mass Shootings Up 62.5 Percent Since Permitless Carry Bill*. Reform Austin. 8 September 2022. Available at <https://www.reformaustin.org/public-safety/texas-mass-shootings-up-62-5-percent-since-permitless-carry-bill/>

²⁴ University of California Davis Violence Prevention Research Program, University of California Firearm Violence Research Center. *Firearm Ownership in California: Results from the 2018 California Safety and Wellbeing Survey (CSaWS)*. Accessed 13 March 2023 at

https://health.ucdavis.edu/vprp/UCFC/Fact_Sheets/CSaWSBrief_InjPrev_Kravitz-Wirtz.pdf

²⁵ FBI. NICS Firearm Checks: Month/Year by State/Type. Accessed March 2023 at https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year_by_state_type.pdf/view

- The largest share of firearm deaths in California – more than 50% – are suicides,²⁶ and more than a third of suicide deaths in the state are by firearm.²⁷ However, firearm suicides in California occur at a far lower rate than firearm suicides nationally, which account for more than 53% of all suicide deaths.²⁸
- More than a third of women and nearly a third of men in California experience intimate partner violence in their lifetimes, and one survey found that guns had been used by partners to threaten or abuse nearly half of women in domestic violence shelters.²⁹
- Each year, 35 people in California are unintentionally shot and killed, including children.³⁰

Community violence also devastates our state, particularly ravaging communities of color, which are disproportionately impacted by trafficked firearms. In California, Black Americans make up 6.5% of the state’s population, yet they represent over 30% of the gun homicide victims. Black men between the ages of 15 and 34 are more than 16 times as likely as white men of the same age to be murdered with a gun.³¹ Black children and teens (aged 0-17) are 18 times as likely as white children to die by a gun.³² The harmful effects from this violence stretch far beyond the victims themselves and perpetuate racial inequities by sustaining generational cycles of violence, poverty, and trauma.

Finally, we also bear the burden of mass shootings; there were 49 in 2022 alone.³³ However, according to a recent study, Californians are 25% less likely to die from a mass shooting than other Americans.³⁴

California’s system of laws has also proven effective at preventing dangerous individuals who may be a danger to themselves or others from sourcing guns from within the state. The majority of crime guns recovered in California come from outside its borders, and as California's laws have gotten stronger, the share of guns recovered in crime that have come from out of state has also

²⁶ CDC: Mortality 1999-2020. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D76/D329F722>

²⁷ CDC: Mortality 1999-2020. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D76/D329F723>

²⁸ CDC: Mortality 1999-2020. Accessed 13 March 2023 at <https://wonder.cdc.gov/controller/saved/D76/D329F726>

²⁹ National Coalition Against Domestic Violence. *Domestic Violence in CALIFORNIA*. 2020. Available at https://assets.speakcdn.com/assets/2497/ncadv_california_fact_sheet_2020.pdf

³⁰ CDC. <https://wonder.cdc.gov/controller/saved/D76/D329F722>

³¹ Nada, H. *Young Black Men and Teens are Killed by Guns 20 Times More than their White Counterparts, CDC Data Shows*. USA Today. 25 Feb 2021. Available at <https://www.usatoday.com/story/news/health/2021/02/23/young-black-men-teens-made-up-more-than-third-2019-gun-homicides/4559929001/>

³² Johns Hopkins Bloomberg School of Public Health, Center on Gun Violence Prevention and Policy. *Community Gun Violence*. Available at <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/research/community-gun-violence/>.

³³ Gun Violence Archive: California Stats. Accessed 13 March 2023 at <https://www.gunviolencearchive.org/congress/ca>

³⁴ Harris, H. *Mass Shootings in California*. Public Policy Institute of California. 5 July 2022. Available at <https://www.ppic.org/blog/mass-shootings-in-california/>

increased. In 2021, more than seven out of every 10 guns recovered in crime were traced to a different state, a 24% increase from 2014.³⁵

Unfortunately, without a strong system of federal regulations, California will continue to suffer the consequences of trafficked firearms originating in states with weak gun laws. This mirrors the circumstances of other states with strong gun laws like New York and New Jersey, where firearms are making their way via Interstate-95 (dubbed the “Iron Pipeline”) from states with weak gun laws like Georgia and Florida.³⁶ In New York and New Jersey, the contrast is even more stark than in California, and nearly 9 out of every 10 guns traced to crime in both states are sourced from beyond their borders.³⁷

There is a lot that can be done on a state level to prevent gun violence, and California is the case study. In the span of three decades the firearm death rate went from 46% higher than the national average to a rate that is 36% below the national average. Statistics confirm that states with strong gun laws have lower rates of gun violence, and in California I had the opportunity to enforce, facilitate, and implement many of these laws as the Chief of the Bureau of Firearms and I believe in their effectiveness.

The Impact of *Bruen* on Public Safety and Law Enforcement

California gun laws are well established and until recently had been upheld consistently. In June 2022, the Supreme Court upended decades of precedent with its opinion in *New York State Rifle & Pistol Association vs. Bruen*.³⁸ Today, California’s assault weapons ban, LCM ban, age restriction laws, and ammunition background check system are all now at risk.³⁹ While I am neither a lawyer nor a historian, as a former cop, special agent, and law enforcement executive, it is clear to me that it will be significantly harder for law enforcement to protect the public and it will make their jobs much more dangerous.

The risk posed to law enforcement by unfettered access to firearms is well established, but in the past several years, that risk has increased. Intentional killings of police officers reached a 20-year high in 2021, with the number of police officers shot and killed rising by 35% from the previous

³⁵ Bureau of Alcohol, Tobacco, Firearms, and Explosives. *Data & Statistics*. <https://www.atf.gov/resource-center/data-statistics>

³⁶ *Id.*

³⁷ *Id.*

³⁸ 142 S. Ct. 2111 (2022)

³⁹ Rector, K. *Thanks to the Supreme Court, California gun cases hinge more on history than modern threats*. Los Angeles Times. 7 March 2023. Available <https://www.latimes.com/california/story/2023-03-07/thanks-to-supreme-court-california-gun-laws-hinge-on-absurd-historical-analysis>

year.⁴⁰ More than nine in ten officers killed in the line of duty are killed by guns.⁴¹ Claims that other weapons — such as hammers⁴² — pose an equal or greater risk to law enforcement are not born out by evidence.⁴³

The expansion of permitless carry across many states has further complicated law enforcement duties, as it makes it difficult for officers to identify whether an individual is or is not a threat. Law enforcement officers have to make split-second life or death decisions when potential threats are perceived. Across 10 states that relaxed restrictions on civilians carrying concealed firearms in public between 2014 and 2020, officer-involved shootings increased by an average of 13%.⁴⁴

Law enforcement is shouldered with the nearly impossible task of protecting public safety. If you truly want to support law enforcement, prevent crime, and increase stability and harmony between police and the communities they serve, it is necessary to establish and uphold reasonable standards for the sale, purchase, possession, use, and carrying of firearms.

In courts across the country, we are already seeing confusion and activism in applying the new *Bruen* standards to the law. States are being forced to reconsider every gun law they have as if it were written in 1791, when muzzle-loaded muskets and pistols were the only firearms available to the public. If *Bruen* sets our laws back 30 years, or 300 years, it will put law enforcement lives at risk and imperil public safety.

Thank you, and I look forward to your questions.

⁴⁰ Tucker, E. and Krishnakumar, P. *Intentional killings of law enforcement officers reach 20-year high, FBI says*. CNN. 13 January 2022. Available at <https://www.cnn.com/2022/01/13/us/police-officers-line-of-duty-deaths/index.html>

⁴¹ Federal Bureau of Investigation: Universal Crime Reporting. Law Enforcement Officers Killed & Assaulted. Accessed 13 March 2023 at <https://cde.ucr.cjis.gov/LATEST/webapp/#>

⁴² Wade, P. *GOP Rep. Boebert Bizarrely Compares Firearm Killings to Murder by Hammer*. Rolling Stone. 27 March 2021. Available at <https://www.rollingstone.com/politics/politics-news/boebert-hammers-guns-1147986/>

⁴³ FBI: Law Enforcement Bulletin. *Law Enforcement Officers Killed in the Line of Duty Statistics for 2021*. 9 November 2022. <https://leb.fbi.gov/bulletin-highlights/additional-highlights/crime-data-law-enforcement-officers-killed-in-the-line-of-duty-statistics-for-2021>

⁴⁴ Doucette, M.L.; Ward, J.A.; McCourt, A.D.; Webster, D.; & Crifasi, C.K. *Officer-Involved Shootings and Concealed Carry Weapons Permitting Laws: Analysis of Gun Violence Archive Data, 2014–2020*. June 2022 <https://publichealth.jhu.edu/2022/study-finds-link-between-dropping-permit-requirement-for-carrying-concealed-weapons-and-increase-in-officer-involved-shootings-with-civilian-victims>