

No. 07-290

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IN THE  
**Supreme Court of the United States**

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DISTRICT OF COLUMBIA AND ADRIAN M. FENTY,  
MAYOR OF THE DISTRICT OF COLUMBIA,  
*Petitioners,*

v.

DICK ANTHONY HELLER,  
*Respondent.*

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**On Writ of Certiorari to the  
United States Court of Appeals  
for the District of Columbia Circuit**

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**BRIEF *AMICI CURIAE* OF NATIONAL  
NETWORK TO END DOMESTIC VIOLENCE,  
NATIONAL NETWORK TO END DOMESTIC  
VIOLENCE FUND, DISTRICT OF COLUMBIA  
COALITION AGAINST DOMESTIC VIOLENCE,  
(CONTINUED ON INSIDE COVER)**

**IN SUPPORT OF PETITIONERS**

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**SEXUAL VIOLENCE, NEW JERSEY  
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VIOLENCE, WEST VIRGINIA COALITION  
AGAINST DOMESTIC VIOLENCE, WISCONSIN  
COALITION AGAINST DOMESTIC VIOLENCE,  
WYOMING COALITION AGAINST DOMESTIC  
VIOLENCE AND SEXUAL ASSAULT**

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## **INTEREST OF *AMICI CURIAE***

The following organizations respectfully submit this brief as *Amici Curiae* in support of the Petitioners, and urge the Court to reverse the decision of the Court of Appeals for the District of Columbia Circuit.<sup>1</sup>

The **National Network to End Domestic Violence (NNEDV)** is a non-profit organization incorporated in the District of Columbia in 1995. The mission of NNEDV is to create a social, political, and economic environment in which violence against women no longer exists. A network of state domestic violence coalitions, representing over 2,000 member programs nationally, NNEDV serves as the voice of battered women and their children and those who provide direct services to them. NNEDV has a long history of working at the local, state, and national levels to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers. NNEDV was instrumental to Congressional enactment and implementation of the Violence Against Women Acts of 1994, 2000, and 2005.

The **National Network to End Domestic Violence Fund (NNEDV Fund)** is a non-profit organization incorporated in the District of Columbia in 1996 for the purposes of providing technical

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<sup>1</sup> Pursuant to Sup. Ct. R. 37.3(a), all parties have consented to the filing of this brief, and their letters of consent have been filed with the Clerk of the Court. Pursuant to Sup. Ct. R. 37.6, *Amici Curiae* state that no counsel for any party authored this brief in whole or in part and no person or entity, other than *Amici Curiae*, their members, or their counsel, made a monetary contribution to the preparation of this brief.

assistance, training, and public education to advocates, professionals, and individuals who encounter battered women in their work and communities. NNEDV Fund has provided advice and expertise on domestic violence issues affecting battered women and their children to judges, attorneys, educators, state and local welfare and justice system personnel, and others working to end domestic violence.

The **District of Columbia Coalition Against Domestic Violence (DCCADV)** is a non-profit organization, founded in 1986, that serves as the professional association for the District of Columbia's anti-domestic violence service providers, and is the primary representative of battered women and their children in the public policy arena. DCCADV has worked locally to protect the rights of survivors of domestic violence by supporting member organizations and by directly assisting those suffering from the effects of domestic abuse. DCCADV is extremely interested in ensuring that the laws of the District of Columbia protect both the safety and legal rights of domestic violence victims. DCCADV supports local legislative efforts aimed at eliminating gun violence and preventing handguns from exacerbating the devastating effects of domestic violence.

The **Alabama Coalition Against Domestic Violence (ACADV)** is a non-governmental, non-profit organization that speaks on behalf of all Alabama domestic violence shelters. It has been a leader in education, policy reform, and advocacy. ACADV operates a 24-hour statewide hotline for domestic violence, and has a long history of collaboration at the state and local level. Staff and member programs work in partnership with the Alabama Legislature to pass laws that protect victims of domestic violence

and hold perpetrators accountable. ACADV provides training and technical assistance to thousands of professionals around the state to promote an effective criminal justice response to domestic violence.

The **Arizona Coalition Against Domestic Violence (AzCADV)** is a non-profit organization, formed in 1980, and comprised of representatives from domestic violence programs, survivors, concerned individuals, and community-based organizations and groups. The mission of AzCADV is to lead, advocate, educate, collaborate, and end domestic violence in Arizona. AzCADV engages in systems advocacy to improve community awareness and responses to domestic violence victims through legislative and public policy efforts.

The **Arkansas Coalition Against Domestic Violence (ACADV)** was established in 1981 and consists of domestic violence service providers. ACADV works to eliminate domestic violence by strengthening the existing support systems serving victims of domestic violence and their children, developing legislation that provides legal protection to victims, promoting public policies that meet the needs of victims, pursuing funding for programs working with victims, and providing training for the public and those working with victims. ACADV member organizations have been involved in the reform of state laws addressing domestic violence.

The **California Partnership to End Domestic Violence (CPEDV)** is a statewide, membership-based coalition of 195 domestic violence service providers and other supporters, who offer a united voice on legislation and budgetary initiatives affecting victims of domestic violence and their children at the local, state, and national levels. CPEDV has

worked with lawmakers and allied partners to enact over 100 statutes on these issues.

The **Connecticut Coalition Against Domestic Violence (CCADV)** is a membership organization made up of 18 domestic violence programs intent on ending domestic violence. CCADV provides a range of services and information in support of domestic violence victims and those who assist them. CCADV also utilizes education and advocacy to support legislation, policies, and regulations that improve the quality of life for victims of domestic violence.

The **Delaware Coalition Against Domestic Violence (DCADV)** is a non-profit organization incorporated in 1994 that works to eliminate domestic violence through training, resource provision, and advocacy. DCADV plays an instrumental role in advocating for laws and policies that positively impact the lives of battered women and their children at both the state and national levels.

The **Family Violence Prevention Fund (FVPF)** is a national non-profit organization founded in 1980 that works to end violence against women and children. FVPF has worked to ensure that violence prevention efforts become self-sustaining by attempting to transform the way health care providers, police, judges, employers, and others address violence. FVPF was instrumental in developing the Violence Against Women Act and its reauthorizations.

The **Florida Coalition Against Domestic Violence (FCADV)** is a non-profit organization that serves as the professional association for Florida's certified domestic violence centers. The mission of FCADV is to work toward ending domestic violence through public awareness, policy development, and support for Florida's domestic violence centers.

FCADV works closely with the executive and legislative (state and federal) branches of government to create and implement public policy that strengthens penalties for batterers and enhances services for survivors of domestic violence.

The **Georgia Coalition Against Domestic Violence (GCADV)** is a non-profit organization comprised of a network of domestic violence programs in Georgia. GCADV provides technical assistance and domestic violence training to lawyers, judges, law enforcement, probation officers, batterer intervention programs, and advocates. GCADV works with other state-wide partners in developing policy designed to strengthen systems' response to domestic violence.

The **Hawaii State Coalition Against Domestic Violence (HSCADV)** is a private, non-profit organization serving as a statewide coalition of domestic violence programs. HSCADV's mission is to ensure the safety and protection of women in intimate relationships by coordinating domestic violence prevention and intervention services, by affecting public policy, by providing training and education, and by establishing coordinated and consistent procedures and actions by the civil and criminal justice systems in Hawaii. HSCADV supports gun control legislation, and is especially concerned about victims of domestic violence, particularly women and children, who are killed by guns.

The **Idaho Coalition Against Sexual & Domestic Violence (ICASDV)** is a statewide non-profit dual coalition that advocates on behalf of victims of domestic violence and sexual assault. Incorporated in 1980, ICASDV has grown to become a statewide membership network of over 80 shelter programs, counseling programs, law enforcement, victim witness units,



prosecutors, and allied professionals—advocating for the safety and rights of victims of domestic violence and sexual assault. ICASDV is involved in state and federal policy work aimed at continuing safety for all victims.

The **Indiana Coalition Against Domestic Violence, Inc. (ICADV)** is a non-profit corporation incorporated in 1980. ICADV is a coalition comprised of 47 residential and non-residential domestic violence programs, and more than 200 members statewide. ICADV's mission is to eliminate domestic violence throughout the state of Indiana. In support of the mission, the organization's primary focus is to provide public awareness and education, advocate for systemic and societal change, and influence public policy and the allocation of resources. ICADV collaborates with numerous partners who share the vision of eliminating domestic violence.

The **Iowa Coalition Against Domestic Violence (ICADV)** is a non-profit organization, incorporated in 1985. ICADV provides educational and technical assistance to domestic violence programs, and acts on a state and national level to promote public policy and legislation on behalf of battered women and their children. ICADV recognizes the nexus between domestic violence homicides and firearms and works to eliminate personal and institutional violence against women by supporting programs providing safety and services to battered women and their children.

The **Kansas Coalition Against Sexual and Domestic Violence (KCSADV)** is a non-profit organization incorporated in 1988, and is comprised of domestic violence and sexual assault programs. KCSADV seeks to protect the interests and missions of member programs, the individual battered, formerly battered

women, and sexual assault survivors served by these member programs. KCSDV and its member programs work closely with courts, legislators, law enforcement agencies, prosecutors, and the media across the state to provide a safer and more effective network to protect victims of sexual and domestic violence.

The **Kentucky Domestic Violence Association (KDVA)** is a non-profit organization founded in 1981 and dedicated to advocating for safety and justice for battered women and their children. KDVA has assisted battered women and their children in trying to establish their safety and stability. The legislative power to restrict the ability of domestic violence perpetrators to access firearms is a critical component in the effort to make and keep families safe. KDVA supports such efforts.

**Legal Momentum** works to protect domestic violence victims by advocating in the courts, Congress and state legislatures, and with unions and private business. Legal Momentum views government power to restrict private possession and use of guns as a constitutional tool that can have a significant role in protecting victims of domestic and sexual violence from lethal attacks.

The **Louisiana Coalition Against Domestic Violence, Inc. (LCADV)** is a non-profit organization incorporated in Louisiana in 1982. LCADV is a state-wide network of battered women's programs, other organizations, and individuals who share the goal of ending violence against women and children in Louisiana. LCADV empowers its members through advocacy, education, resource development, and technical assistance.

**Jane Doe Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence (JDI)**, was founded in 1998, and is a statewide membership organization of community-based sexual assault and domestic violence programs and other organizations and individuals committed to ending sexual and domestic violence. JDI supports victims of domestic violence by advocating for responsive public policy, raising awareness, promoting collaboration, and supporting its member organizations in providing comprehensive prevention and intervention services.

In order to protect victims of domestic violence, laws designed to keep guns out of the hands of batterers must be upheld and enforced. JDI has been involved with and/or reviewed five bills designed to restrict access to assault weapons, protect children from unsafe guns, and improve the tracing of guns used in crimes.

The **Michigan Coalition Against Domestic and Sexual Violence (MCADSV)** is a non-profit organization incorporated in 1978 and is dedicated to the empowerment of all of the state's survivors of domestic and sexual violence. MCADSV's mission is to develop and promote efforts aimed at the elimination of all domestic and sexual violence in Michigan. MCADSV promotes public awareness, and provides leadership, advocacy, training, and technical assistance on a statewide level on issues regarding domestic violence and sexual assault. MCADSV participates in collaborative efforts to promote social change with local, state, and national organizations and provides a forum for the exchange and development of skills and information regarding the community's response to domestic and sexual violence.

The **Mississippi Coalition Against Domestic Violence (MCADV)** is a statewide, non-profit agency founded in 1980 by domestic violence shelter programs. MCADV advocates for battered women, and pursues the mission to end domestic violence in the state of Mississippi by providing technical assistance to domestic violence shelters, by providing referrals to domestic violence victims, and by conducting trainings and special events for law enforcement and the general public. MCADV seeks to build awareness of domestic violence issues.

The **Montana Coalition Against Domestic and Sexual Violence (Montana Coalition)** is a non-profit organization representing domestic violence programs and battered and formerly battered women. The Montana Coalition has extensive experience in dealing with the physical, emotional, and economic dangers women and their families face when they stand up to their batterers in a court of law.

The **National Alliance To End Sexual Violence (NAESV)** is a non-profit organization incorporated in 1995 and dedicated to ending sexual violence. NAESV advocates on behalf of the victims/survivors—women, children, and men—by actively addressing emerging public policy issues affecting victims of sexual assault, advocates, and other professionals who provide services and interventions to victims across the country.

The **National Center on Domestic and Sexual Violence** is a non-profit organization incorporated in Texas that designs, customizes, and provides training and consultation, influences policy, promotes collaboration, and enhances diversity with the goal of ending domestic and sexual violence.

The **Nevada Network Against Domestic Violence (NNADV)** is a non-profit organization incorporated in 1980 that promotes social change and empowers women and all persons affected by domestic violence. NNADV has a long history of working at the state and local levels to promote a strong criminal justice response to domestic violence, and works with state partners and local communities to implement best practices in the prosecution of domestic violence cases. NNADV member organizations provide training for law enforcement officers and prosecutors about domestic violence and the needs of victims. NNADV has been involved in the reform of state laws addressing domestic violence for more than two decades.

The **New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV)** is a statewide network of independent member programs committed to ending domestic and sexual violence. The mission of NHCADSV is to ensure that quality services are provided to victims/survivors of domestic and sexual violence, to prevent future violence by educating the public, to influence public policy, and to encourage the provision of quality services and accountability for perpetrators.

NHCADSV is comprised of 14 member programs throughout New Hampshire that provide services to survivors of sexual assault and victims of domestic violence and their children. NHCADSV provides technical assistance and training to domestic violence and sexual assault programs, social service agencies, the courts, and law enforcement agencies on issues of domestic violence and sexual assault. NHCADSV also spearheaded an effort to revise New Hampshire's domestic violence statute to better protect domestic

violence survivors and their families from gun violence.

**The New Jersey Coalition for Battered Women (NJCBW)** is a statewide coalition comprised of domestic violence service programs and concerned individuals, whose purpose and mission is to end violence in the lives of women. Incorporated in 1979, NJCBW is a private, non-profit corporation whose members include 28 domestic violence programs in New Jersey. NJCBW advocates for legislation and policies that will increase the safety and options of victims of domestic violence, including those that protect victims from firearms. It also provides information, resources, technical assistance, and training to domestic violence programs, the public, and those involved with New Jersey's response to domestic violence.

**The North Carolina Coalition Against Domestic Violence (NCCADV)** is a non-profit organization incorporated in 1981. The mission of NCCADV is to create social change through the elimination of the institutional, cultural, and individual oppressions that contribute to domestic violence. NCCADV represents a network of more than 90 local domestic violence service providers and serves as the voice of battered women and their children and those who provide direct services to them. NCCADV works at the local, state, and national levels to promote a strong criminal justice response to domestic violence.

**The North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota (NDCAWS/CASAND)** is a non-profit organization incorporated in 1978. The mission of NDCAWS/CASAND is to provide leadership and support in the identification, intervention, and pre-

vention of domestic and sexual violence. The organization has maintained a consistent presence in legislative and policy work advocating for victims' rights and support in a variety of systems. NDCAWS/CASAND continues to facilitate and enhance work on a statewide basis with law enforcement and other criminal justice personnel to address victim and officer safety and offender accountability by, among other things, offering multidisciplinary training relating to firearms and domestic violence.

**ACTION OHIO** is a statewide coalition of domestic violence organizations and individuals concerned about domestic violence. Founded in 1976, ACTION OHIO strives to help create a society where family violence is no longer acceptable and all persons have equal access to power and resources. ACTION OHIO's ultimate vision is the elimination of violence. ACTION OHIO has been a leading advocate in Ohio for the development of county domestic violence task forces, for baseline funding for domestic violence shelters, for greater accountability for domestic violence offenders, and for enhanced protections for battered victims and their children.

The **Ohio Domestic Violence Network (ODVN)** is a membership organization comprised of 78 domestic violence programs and 213 allied professionals, representing batterers' intervention programs and other legal and social service agencies that provide services and advocacy to victims and perpetrators of domestic violence. ODVN seeks individual, legislative and social change, produces and shares information, and educates the public and other agencies about domestic violence and resource options.

The **Oregon Coalition Against Domestic and Sexual Violence (OCADSV)** is a non-profit organi-

zation incorporated in 1979. The mission of OCADSV is to create a social, political, and economic environment in which violence against women no longer exists. OCADSV's member organizations have been involved in the reform of state laws addressing domestic violence. Along with local, state, and national leaders in domestic and sexual violence and criminal justice issues, OCADSV assists in formulating new approaches and innovative legal solutions to ending domestic and sexual violence.

The **Pennsylvania Coalition Against Domestic Violence (PCADV)** is a private non-profit organization that provides services and advocacy on behalf of victims of domestic violence and their children. PCADV is a membership organization of 61 programs providing training and technical assistance to domestic violence programs, private and government agencies, policy-makers, attorneys, the courts, law enforcement and criminal justice personnel, health care providers, the media, and the general public on issues of domestic violence. PCADV and its members are involved in the legislative development of Pennsylvania's Protection From Abuse Act, which allows courts to order removal of domestic violence defendants' firearms.

The **Puerto Rico Coalition Against Domestic Violence and Sexual Assault, Coordinadora Paz para la Mujer, Inc. (CPM)**, is a non-profit organization formed by organizations and individuals advocating for women facing violence and any of its manifestations. CPM members are involved in the reform of state laws addressing domestic and sexual violence. Along with local leaders in domestic and sexual violence and criminal justice issues, CPM continues to formulate new approaches and innova-



tive legal solutions to ending domestic and sexual violence.

The **Rhode Island Coalition Against Domestic Violence (RICADV)** is a non-profit organization incorporated in 1979 intent on ending domestic violence. The mission of RICADV is to support our member agencies and to provide leadership on the issue of domestic violence. RICADV works at the state, local, and national levels to promote a strong criminal justice response to domestic violence. RICADV works with states and local communities to implement best practices in the prosecution of domestic violence cases, and has worked for many years to protect victims of abuse from gun violence.

The **South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA)** is a non-profit organization incorporated in 1981. SCCADVASA is a coalition formed by organizations and individuals advocating for women facing violence and any of its manifestations. SCCADVASA is a state-level network of 23 organizations and individual women serving as a voice for battered women and their children and those who provide direct services to them. SCCADVASA has been instrumental in the enactment and implementation of several pieces of legislation addressing domestic violence and sexual assault in both South Carolina and the nation.

The **South Dakota Coalition Against Domestic Violence and Sexual Assault (SDCADVSA)** is committed to the elimination of personal and societal violence in the lives of women and their children. SDCADVSA's mission is to work for the major societal changes necessary to eliminate all forms of oppression, particularly those aimed at women and their children. SDCADVSA supports coalitions at the

state, local, regional, tribal, and national levels, and works toward community-based nonviolent alternatives, public education and technical assistance, policy development, and innovative legislation.

The **Tennessee Coalition Against Domestic and Sexual Violence (TCADSV)** is a non-profit organization composed of a diverse mix of community leaders and program members who share a common vision of ending violence against women and children through public policy advocacy, education, and activities which increase the capacity of programs and communities to address violence. TCADSV's services include technical assistance, training, curriculum and resource development, and public policy advocacy. As a statewide coalition, TCADSV serves domestic violence and sexual assault programs, community groups and organizations, criminal justice agencies, victim service agencies, allied professionals, and individuals.

The **Vermont Network Against Domestic and Sexual Violence (The Vermont Network)** is a non-profit organization incorporated in Vermont. Its mission is to eradicate domestic and sexual violence through advocacy, empowerment, and social change. The Vermont Network is comprised of 16 member organizations and provides training and technical assistance to its member programs and other groups or organizations working to end domestic and sexual violence, including law enforcement, members of the judiciary, prosecutors, health care professionals, governmental agencies, and others. The Vermont Network is active in reforming state laws that address domestic and sexual violence, and in providing technical assistance and training for the implementation of state laws.

The **Washington State Coalition Against Domestic Violence (WSCADV)** is a non-profit organization incorporated in 1990. WSCADV is a state-wide membership organization committed to eradicating domestic violence through advocacy and action for social change. WSCADV was organized to share resources, develop common strategies, and strengthen community responses to domestic violence around the state. The core commitment of the WSCADV is to support domestic violence survivors, emergency shelters, and advocacy programs by advocating for laws and public policies that promote safety and justice for domestic violence victims.

The **West Virginia Coalition Against Domestic Violence (WVCADV)** is a non-profit organization committed to ending personal and institutional violence in the lives of women, children, and men. WVCADV's 14 licensed member programs provide safe space and direct services for victims of domestic violence. The Coalition Statewide Office coordinates shared resources supporting policy analysis and social change work that provides statewide systems and local communities with viable options for responding meaningfully to the needs of victims of domestic violence. Because firearms are the most commonly used weapon in domestic violence fatalities in West Virginia, WVCADV supports efforts to keep guns out of the hands of perpetrators of domestic violence.

The **Wisconsin Coalition Against Domestic Violence (WCADV)** is a non-profit membership organization of battered women, formerly battered women, and domestic abuse programs, all committed to ending domestic violence. Founded in 1978, its mission is to end violence against women through

partnerships, advocacy, and direct services. Recently, WCADV helped lead a coalition that successfully prevented state legislation from passing that would have allowed individuals to carry concealed guns. WCADV is also involved in efforts to ensure the even implementation and enforcement of federal firearms policy at the state and local levels.

The **Wyoming Coalition Against Domestic Violence and Sexual Assault (WCADVSA)** is a non-profit organization incorporated in Wyoming. The mission of WCADVSA is to support its members in creating a social, political, and economic environment in which violence against women no longer exists. The Coalition has 24 member programs across the state that advocate for victims of domestic and sexual violence and the families of victims.

## SUMMARY OF ARGUMENT

Domestic violence is a pervasive societal problem that affects a significant number of women and children each year. Correctly recognized as a national crisis, domestic violence accounts for a significant portion of all violence against women and children. The effect of such violence on the lives of its victims shocks the conscience. Domestic violence victims are battered and killed. They are terrorized and traumatized. They are unable to function as normal citizens because they live under the constant threat of harassment, injury, and violence. And these are just the more obvious effects. Other wounds exist beneath the surface—injuries that are not so easily recognizable as a bruise or a broken bone, but that affect victims' lives just the same. For example, victims often miss work due to their injuries, and must struggle with the prospect of losing their jobs, resulting in significant financial and emotional burdens. Lacking safe outlets for escape or legal recourse, these victims persevere.

One particularly ominous statistic stands out in its relevance here: domestic violence accounts for between one-third and almost one-half of the female murders in the United States. These murders are most often committed by intimate partners with handguns. And while murder is the most serious crime that an abuser with a gun can commit, it is not the only crime; short of murder, batterers also use handguns to threaten, intimidate, and coerce victims. Handguns empower batterers and provide them with deadly capabilities, exacerbating an already pervasive problem.

This crisis has not gone unaddressed; Congress and numerous states have attempted to limit the access that batterers have to handguns. Chief among the Congressional statutes is 18 U.S.C. § 922(g)(9), which addresses the lethal and widespread connection between domestic violence and access to firearms by prohibiting those convicted of domestic violence crimes from possessing guns. Many states also have laws addressing the nexus between domestic violence and firearms. For example, faced with a record of handgun violence in its urban environment, including domestic gun violence, the District of Columbia (“the District”) enacted comprehensive legislation regulating handgun possession in D.C. Code §§ 7-2502.02(a)(4), 22-4504(a), and 7-2507.02. The D.C. Council had ample empirical justifications for determining that such laws were the best method for reducing gun violence in the District. Important government interests support statutes and regulations intended to reduce the number of domestic violence incidents that turn deadly; such statutes should be given substantial deference.

For these reasons, the opinion of the Court of Appeals for the District of Columbia Circuit should be REVERSED.

**ARGUMENT**

Women are killed by intimate partners—husbands, lovers, ex-husbands, or ex-lovers—more often than by any other category of killer. It is the leading cause of death for African-American women aged 15-45 and the seventh leading cause of premature death for U.S. women overall. Intimate partner homicides make up 40 to 50 percent of all murders of women in the United States, [and that number excludes ex-lovers, which account for as much as 11 percent of intimate partner homicides of women]. . . . When a gun [is] in the house, an abused woman [is] 6 times more likely than other abused women to be killed.<sup>2</sup>

**I. DOMESTIC VIOLENCE IS A SERIOUS CRIME THAT LEAVES MILLIONS OF WOMEN AND CHILDREN NATIONWIDE SCARRED BOTH PHYSICALLY AND EMOTIONALLY**

The Violence Against Women Act defines domestic violence as:

felony or misdemeanor crimes of violence [further defined in the Act] committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse . . . or by any other person against an adult or youth victim who is protected from that person's acts under

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<sup>2</sup> Jacquelyn C. Campbell et al., *Assessing Risk Factors for Intimate Partner Homicide*, NIJ Journal, Nov. 2003, at 15, 16, 18 [hereinafter *Risk Factors*].

the domestic or family violence laws of the jurisdiction.<sup>3</sup>

Experts in the field of domestic violence have come to understand domestic violence as a pattern of coercive controls broader than the acts recognized by the legal definition, including a range of emotional, psychological, and financial tactics and harms batterers perpetrate against victims.<sup>4</sup> Regardless of the definition applied, domestic violence is a profound social problem with far-reaching consequences throughout the United States. Between 2001 and 2005, intimate partner violence constituted, on average, 22% of violent crime against women.<sup>5</sup> In the United States, intimate partner violence results each year in almost two million injuries and over half a million hospital

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<sup>3</sup> 42 U.S.C. § 13925(a)(6).

<sup>4</sup> See, e.g., Angela Corsilles, *No-Drop Policies in the Prosecution of Domestic Violence Cases: Guarantee to Action or Dangerous Solution?*, 63 Fordham L. Rev. 853, 853 n.1 (1994); Nichole Miras Mordini, *Mandatory State Interventions for Domestic Abuse Cases: An Examination of the Effects on Victim Safety and Autonomy*, 52 Drake L. Rev. 295, 300 (2004); Evan Stark, *Coercive Control: The Entrapment of Women in Personal Life* 84-85 (2007) (discussing definitional shortcomings). Domestic violence also affects children and the elderly, but this brief focuses on intimate partner violence. Because intimate partner violence disproportionately affects women in male-female relationships, this brief speaks in terms of female victims; this problem, however, also affects men and same sex couples. See, e.g., Callie Marie Rennison, Bureau of Justice Stat., U.S. Dep't of Justice, *Intimate Partner Violence, 1993-2001*, NCJ 197838, at 1 (Feb. 2003), available at <http://www.ojp.gov/bjs/pub/pdf/ipv01.pdf> (85% of victims are women).

<sup>5</sup> Shannan Catalano, Bureau of Justice Stat., U.S. Dep't of Justice, *Intimate Partner Violence in the U.S.*, at 1, available at <http://www.ojp.usdoj.gov/bjs/intimate/victims.htm> (last visited Jan. 7, 2008).



emergency room visits.<sup>6</sup> About 22% of women, and seven percent of men, report having been physically assaulted by an intimate partner.<sup>7</sup> According to one study of crimes reported by police in 18 states and the District, family violence accounted for 33% of all violent crimes; 53% of those crimes were between spouses.<sup>8</sup>

Domestic violence has severe and devastating effects. Injuries such as broken bones, bruises, burns, and death, are physical manifestations of its consequences. But there are also emotional and societal impacts. Domestic violence is characterized by a pattern of terror, domination, and control—it thus obstructs victims’ efforts to escape abuse and achieve safety.<sup>9</sup> Victims of domestic violence often have difficulty establishing independent lives due to poor credit, rental, and employment histories resulting from their abuse.<sup>10</sup> Similarly, victims often miss

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<sup>6</sup> Katherine A. Vittes & Susan B. Sorenson, *Are Temporary Restraining Orders More Likely To Be Issued When Applications Mention Firearms?*, 30 Evaluation Rev. 266, 266, 267 (2006).

<sup>7</sup> Patricia Tjaden & Nancy Thoennes, Nat’l Inst. of Justice & Ctrs. for Disease Control and Prevention, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*, NCJ 183781, at iv (Nov. 2000), available at <http://www.ncjrs.gov/pdffiles1/nij/183781.pdf>.

<sup>8</sup> Matthew R. Durose et al., Bureau of Justice Stat., U.S. Dep’t of Justice, *Family Violence Statistics*, NCJ 207846, at 2 (June 2005), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs05.pdf>.

<sup>9</sup> See, e.g., Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 Mich. L. Rev. 1, 92-93 (1991).

<sup>10</sup> See Susan A. Reif & Lisa J. Krisher, *Subsidized Housing and the Unique Needs of Domestic Violence Victims*, Clearinghouse Rev., May-June 2000, at 20.

work due to their injuries and can ultimately lose their jobs as a result of the violence against them.<sup>11</sup> Moreover, the injuries that domestic violence causes go beyond the immediate injury. Chronic domestic violence is associated with poor health, and can manifest itself as stress-related mental and physical health problems for as long as a year after the abuse.<sup>12</sup>

Above all, incidents of abuse often turn deadly. American women who die by homicide are most often killed by their intimate partners—according to various studies, at least one-third,<sup>13</sup> and perhaps up to one-half of female murder victims, are killed by an intimate partner.<sup>14</sup> A study based on the Federal Bureau of Investigation's Supplementary Homicide Report found that female murder victims were more than 12 times as likely to have been killed by a man they knew than by a male stranger.<sup>15</sup> Of murder

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<sup>11</sup> See Nat'l Ctr. for Injury Prevention and Control, Ctrs. for Disease Control and Prevention, *Costs of Intimate Partner Violence Against Women in the United States*, at 19, 26 (2003), available at [http://www.cdc.gov/ncipc/pub-res/ipv\\_cost/IPVBook-Final-Feb18.pdf](http://www.cdc.gov/ncipc/pub-res/ipv_cost/IPVBook-Final-Feb18.pdf) (each year victims lose almost eight million days of paid work and over five million days of household work because of domestic violence).

<sup>12</sup> See Stephanie Riger & Susan Staggs, *The Impact of Intimate Partner Violence on Women's Labor Force Participation*, at 1 (2004), available at <http://www.ncjrs.org/pdffiles1/nij/-grants/207143.pdf>.

<sup>13</sup> Rennison, *supra* note 4, at 1.

<sup>14</sup> Campbell, *supra* note 2, at 18.

<sup>15</sup> Violence Policy Center, *When Men Murder Women: An Analysis of 2005 Homicide Data*, at 3 (Sept. 2007) [hereinafter *When Men Murder Women*].

victims who knew their offenders, 62% were killed by their husband or intimate acquaintance.<sup>16</sup>

Although victims bear the primary physical and emotional brunt of domestic violence, society pays an economic price. Victims require significant medical attention—The Centers for Disease Control and Prevention reports that the health-related costs of domestic violence approach \$4.1 billion every year.<sup>17</sup> Gun-related injuries account for a large portion of that cost.<sup>18</sup> Combined increased healthcare costs and lost productivity cost the United States over \$5.8 billion each year.<sup>19</sup> Domestic violence also accounts for a substantial portion of criminal justice system activity.<sup>20</sup> For example, according to a study assessing the economic impact of domestic violence in Tennessee, the state of Tennessee spends about \$49.9 million annually in domestic violence court processing fees.<sup>21</sup>

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<sup>16</sup> *Id.*

<sup>17</sup> Nat'l Ctr. for Injury Prevention and Control, Ctrs. for Disease Control and Prevention, *supra* note 11, at 2.

<sup>18</sup> See Philip J. Cook et al., *The Medical Costs of Gunshot Injuries in the United States*, 281 J. Am. Med. Ass'n 447, 447 (1999) (estimating that gunshot injuries overall cost the United States \$2.3 billion in medical costs in 1994).

<sup>19</sup> Nat'l Ctr. for Injury Prevention and Control, Ctrs. for Disease Control and Prevention, *supra* note 11, at 2; Vittes & Sorenson, *supra* note 6, at 267.

<sup>20</sup> See, e.g., David Hirschel, et al., *Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases, Final Report to the DOJ* (Apr. 2007), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/218355.pdf> (discussing domestic violence related arrest rates).

<sup>21</sup> Tennessee Economic Council on Women, *The Impact of Domestic Violence on the Tennessee Economy*, at 6 (Jan. 2006).

All levels of government recognize the impact that domestic violence has on individuals and on society. Congress’s original enactment and recent reauthorization of The Violence Against Women Act acknowledges, and attempts to address, the severe impact of domestic violence.<sup>22</sup> In naming October 2007, National Domestic Violence Awareness Month, President George W. Bush stated that “[w]hen a family member is abused, it can have long-term damaging effects on the victim that leave a mark on family, friends, and the community at large.”<sup>23</sup> This Court has recently emphasized the pervasiveness of domestic violence; Justice Souter appropriately noted in *Georgia v. Randolph*, that “domestic abuse is a serious problem in the United States.”<sup>24</sup> State policy makers also uniformly recognize the devastating impact of domestic violence—every state has a civil protection mechanism in place.<sup>25</sup>

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<sup>22</sup> See Pub. L. No. 103-322, 108 Stat. 1796 (1994). See also *Violence Against Women: A Week in the Life of America*, S. Prt. No. 102-118, at 1 (1992) (reciting incidents of domestic violence “[f]rom across the Nation, from small towns to major metropolitan areas, from midsize cities to rural communities” during one week in 1992 and finding that domestic violence “continues to plague” the United States).

<sup>23</sup> Proclamation No. 8183, 72 Fed. Reg. 56,877, 56,879 (Oct. 4, 2007) (urging Americans to educate others “about the vital importance of ending domestic violence”).

<sup>24</sup> *Georgia v. Randolph*, 547 U.S. 103, 117 (2006).

<sup>25</sup> *E.g.*, Cal. Fam. Code §§ 6300-6306 (West 2007) (Civil Protection Orders can last up to five years and can be extended for another five years or can become permanent); Conn. Gen. Stat. § 46B-15 (2007) (six months); D.C. Code § 16-1003 (2007) (up to one year with possible extension); Iowa Code § 236.2 (2007) (one year); Mass. Gen. Laws Ann. Ch. 209A, § 1 (West 2007) (one year with possible extension for any additional time necessary

## II. FIREARMS EXACERBATE AN ALREADY DEADLY CRISIS

Domestic violence perpetrators use firearms in their attacks with alarming frequency. Of every 1,000 U.S. women, 16 have been threatened with a gun, and seven have had a gun used against them by an intimate partner.<sup>26</sup> “American women who are killed by their intimate partners are more likely to be killed with guns than by all other methods combined. In fact, each year from 1980 to 2000, 60% to 70% of batterers who killed their female intimate partners used firearms to do so.”<sup>27</sup>

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to protect the plaintiff); Miss. Code. Ann. § 93-21-7 (2007) (three years); N.J. Stat. Ann. § 2C:25-18 (West 2007) (indefinite); Ohio Rev. Code Ann. §3113.31 (West 2007) (five years); Va. Code Ann. § 16.1-279.1 (2007) (two years).

<sup>26</sup> Susan B. Sorenson, *Firearm Use In Intimate Partner Violence*, 30 Evaluation Rev. 229, 235 (2006) [hereinafter *Firearm Use*]. See Vittes & Sorenson, *supra* note 6, at 277 (one in six victims of domestic violence who filed for a restraining order at the Los Angeles County Bar Association’s Barrister’s Domestic Violence Project clinic between May 2003 and January 2004 reported being threatened or harmed by a firearm).

<sup>27</sup> Emily F. Rothman et al., *Batterers’ Use of Guns to Threaten Intimate Partners*, 60 J. Am. Med. Women’s Ass’n 62, 62 (2005) (noting also that “[f]our percent to 5% of women who have experienced nonlethal intimate partner violence . . . have reported that partners threatened them with guns at some point in their lives”). See *Firearm Use*, *supra* note 26, at 232 (“Women are more than twice as likely to be shot by their male intimates as they are to be shot, stabbed, strangled, bludgeoned, or killed in any other way by a stranger.”) (citation omitted); Susan B. Sorenson, *Taking Guns From Batterers*, 30 Evaluation Rev. 361, 362 (2006) [hereinafter *Taking Guns*] (between 1976 to 2002, women in the United States were 2.2 times more likely to die of a gunshot wound inflicted by a male intimate partner than from any form of assault by a stranger); *When Men Murder Women*,

Thus, every year, 700-800 women are shot and killed by their spouses or intimate partners,<sup>28</sup> and handguns are the weapon of choice.<sup>29</sup> For example, according to the Violence Policy Center, “[i]n 2000, in homicides where the weapon was known, 50 percent (1,342 of 2,701) of female homicide victims were killed with a firearm. Of those female firearm homicides, 1,009 women (75 percent) were killed with a handgun.”<sup>30</sup>

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*supra* note 15, at 3 (in 2005, “more female homicides were committed with firearms (52 percent) than with any other weapon”); Vittes & Sorenson, *supra* note 6, at 267 (55% of intimate partner homicides in 2002 were committed with a fire-arm).

<sup>28</sup> Kathryn E. Moracco et al., *Preventing Firearm Violence Among Victims of Intimate Partner Violence: An Evaluation of a New North Carolina Law*, at 1 (2006). See also Callie Marie Rennison & Sarah Welchans, Bureau of Justice Stat., U.S. Dep’t of Justice, *Intimate Partner Violence*, NCJ 178247, at 1 (May 2000, Rev. Jan., 2002), available at <http://www.ojp.usdoj.gov/bjs-pub/pdf/ipv.pdf> (“The percentage of female murder victims killed by intimate partners has remained at about 30% since 1976.”); Elizabeth Richardson Vigdor & James A. Mercy, *Do Laws Restricting Access to Firearms by Domestic Violence Offenders Prevent Intimate Partner Homicide?*, 30 *Evaluation Rev.* 313, 314 (2006) (between 1982 and 2002, approximately 60% of the homicides by intimate partners in the United States were committed with a firearm).

<sup>29</sup> *Firearm Use*, *supra* note 26, at 233 (noting that the number of homicides by intimates with handguns has increased); *Taking Guns*, *supra* note 27, at 362 (firearms are the primary weapon used in fatal assaults on women).

<sup>30</sup> Violence Policy Center, *Facts on Firearms and Domestic Violence*, available at [http://www.vpc.org/fact\\_sht/domviofs.htm](http://www.vpc.org/fact_sht/domviofs.htm) (last visited Jan. 3, 2008). The number remains relatively consistent. In 2004, 72% of women killed by firearms were killed by handguns. *When Men Murder Women*, *supra* note 15, at 3.

The mere presence of or access to a firearm increases fatality rates in instances of abuse. A person intent on committing violence will naturally reach for the deadliest weapon available.<sup>31</sup> Accordingly, the presence of a gun in an already violent home acts as a catalyst, increasing the likelihood that domestic violence will result in severe injury or death.<sup>32</sup> When domestic violence incidents involve a firearm, the victim is 12 times more likely to die as compared to incidents not involving a firearm.<sup>33</sup>

Even when he does not actually fire his weapon, a batterer may use a gun as a tool to “threaten, intimidate, and coerce.”<sup>34</sup> For example, batterers make threats with their firearm by pointing it at the victim; cleaning it; shooting it outside; threatening to harm people, pets, or others about whom the victim cares; or threatening suicide.<sup>35</sup> Such threats do not leave physical marks, but they can result in emo-

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<sup>31</sup> Josh Sugarmann, *Every Handgun Is Aimed At You: The Case For Banning Handguns* 96 (2001).

<sup>32</sup> See, e.g., Moracco et al., *supra* note 28, at 1; Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*, 93 *Am. J. of Pub. Health* 1089, 1090 (2003) (the intimate partner’s access to a gun is strongly associated with intimate partner homicide). Estimates of the increased likelihood of death when a firearm is present vary. Compare *When Men Murder Women*, *supra* note 15, at 2 (three times more likely), with *Risk Factors*, *supra* note 2, at 16 (six times more likely).

<sup>33</sup> Shannon Frattaroli & Jon S. Vernick, *Separating Batterers and Guns*, 30 *Evaluation Rev.* 296, 297 (2006) (citation omitted).

<sup>34</sup> Vittes & Sorenson, *supra* note 6, at 267.

<sup>35</sup> See Rothman, *supra* note 27, at 68; Int’l Ass’n of Chiefs of Police, *Taking A Stand: Reducing Gun Violence In Our Communities* 16 (2007), available at <http://www.theiacp.org/documents/pdfs/Publications/acf1875.pdf>.

tional problems, such as post-traumatic stress disorder.<sup>36</sup> Thus, a firearm is a constant lethal threat, and its presence may inhibit a victim of abuse from seeking help or from attempting to leave the relationship.<sup>37</sup>

The statistics reveal a stark reality—guns exacerbate the already pervasive problem of domestic violence. The use of firearms intensifies the severity of the violence and increases the likelihood that domestic violence victims will be killed by their intimate partners.

### III. THE STATUTE PLAINLY SURVIVES CONSTITUTIONAL SCRUTINY

There are important and wholly-sound reasons for restricting the use and availability of firearms under circumstances such as those presented above. Numerous approaches to reducing the use of firearms in domestic violence situations exist. Federal law, 18 U.S.C. § 922(g)(9), prohibits those who have been “convicted in any court of a misdemeanor crime of domestic violence” from possessing, shipping, transporting, or receiving firearms or ammunition.<sup>38</sup> The same prohibition applies, in 18 U.S.C. § 922(g)(8), to those subject to a court order restraining the person from “harassing, stalking, or threatening an intimate partner of such person.”<sup>39</sup> In states such as Arizona, Delaware, and New Jersey, a conviction for a domes-

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<sup>36</sup> Rothman, *supra* note 27, at 66.

<sup>37</sup> Rothman, *supra* note 27, at 63, 64 (“recent gun owners were 7.8 times more likely than non-gun-owners to have made gun-related threats to intimates in the preceding 3 years”).

<sup>38</sup> 18 U.S.C. § 922(g)(9).

<sup>39</sup> 18 U.S.C. § 922(g)(8).



tic violence crime subjects defendants to a firearm prohibition.<sup>40</sup> The entry of a qualified civil domestic violence protection order subjects the respondent to a mandatory prohibition on the possession of firearms in at least nine other states.<sup>41</sup> Many states give judges issuing civil protection orders discretion to prohibit firearm possession in the order.<sup>42</sup> And several other states authorize judges to order a domestic violence respondent to surrender the firearm permit or license for the duration of a protection order.<sup>43</sup>

Faced with a record of handgun violence in its urban environment, including domestic gun violence, the District took a more comprehensive approach to addressing the hazard that handguns pose to victims of domestic violence. The District chose to address

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<sup>40</sup> See Ariz. Rev. Stat. Ann. § 13-3101 (2007); Del. Code Ann. tit. 11, § 1448(a)(7) (2007); N.J. Stat. Ann. § 2C:39-7 (West 2007).

<sup>41</sup> See, e.g., Cal. Fam. Code § 6389(a) (West 2007); Del. Code Ann. tit. 11, § 1448(a)(6) (2007); Fla. Stat. Ann. § 790.233(1) (West 2007); Haw. Rev. Stat. § 134-7(f) (2007); Md. Code Ann., Pub. Safety §5-134(b)(10) (West 2007); Mass. Gen. Laws Ann. Ch. 209A, § 3B (West 2007); N.H. Rev. Stat. Ann. § 173-B:5 (2007); Va. Code Ann. § 18.2-308.1:4 (West 2007); W. Va. Code § 61-7-7 (a)(7)(2007).

<sup>42</sup> See, e.g., Ala. Code § 15-13-190(b) (2007); Alaska Stat. § 18.66.100(c)(7) (2007); Ind. Code § 34-26-5-9(c)(4) (2007); Mich. Comp. Laws Ann. § 600.2950a (West 2007); N.Y. Dom. Rel. Law § 252(9) (McKinney 2007); N.D. Cent. Code tit. 14 § 14-07.1-02(4)(g) (2007); S.D. Codified Laws § 25-10-24 (2007); Tex. Fam. Code Ann. § 85.022(b)(6) (Vernon 2007); Utah Code Ann. § 30-6-4.2(2)(d) (West 2007).

<sup>43</sup> See, e.g., Ariz. Rev. Stat. Ann. § 13-3602(G)(4) (2007); 750 Ill. Comp. Stat. 60/214(b)(14.5)(a) (2007); Me. Rev. Stat. Ann. tit. 19-A, § 4007(1)(A-1) (2007); 23 Pa. Cons. Stat. § 6108(a)(7) (2007); R.I. Gen. Laws § 8-8.1-3(a)(4) (2007).

the nexus between domestic violence and firearm use, along with other issues of handgun violence, by disallowing the registration of pistols not registered prior to 1976,<sup>44</sup> by prohibiting the carrying of a pistol without a license,<sup>45</sup> and by requiring that pistols be kept unloaded and disassembled or locked with a trigger lock.<sup>46</sup> The D.C. Council acknowledged that firearms are used most often not to kill strangers, but to kill victims known to the killer.<sup>47</sup> It also recognized that the presence of a gun leads to death in situations, like domestic violence, that may not otherwise have turned deadly.<sup>48</sup> The D.C. Council thus

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<sup>44</sup> D.C. Code § 7-2502.02(a)(4) (2007).

<sup>45</sup> D.C. Code § 22-4504(a) (2007).

<sup>46</sup> D.C. Code § 7-2507.02 (2007).

<sup>47</sup> See *Firearms Control Regulations Act of 1975, Council Act No. 1-142: Hearing Before the Comm. on the District of Columbia H.R. on H. Con. Res. 694*, 94th Cong. 26 (1976) (“Contrary to popular opinion on this subject, firearms are more frequently involved in deaths and violence among relatives and friends than in premeditated criminal activities. Most murders are committed by previously law-abiding citizens, in situations where spontaneous violence is generated by anger, passion or intoxication, and where the killer and victim are acquainted.”).

<sup>48</sup> See Council of the District of Columbia, Afternoon Council Sess., 1976 Leg., 47th Sess. Tr. 46:25-47:1-11 (May 3, 1976) (“I have seen so many instances where people have made mistakes that can’t be erased. In the heat of a passionate moment, somebody has been slain. . . . Sometimes it was just a lover’s quarrel. The damage inflicted was not meant to be mortal. And yet, there it was. At that moment, they probably wished that they had never seen a firearm, but it was much too late.”); Council of the District of Columbia, Evening Council Sess., 1976 Leg., 50th Sess. Tr., 21:9-14 (June 15, 1976) (“More than that, that loaded weapon in the home often winds up in a criminal usage. . . . Somebody goes and gets that gun in a moment of passion and shoots somebody else with it where otherwise they may have slapped them.”). Understandings of the dynamics of

had ample empirical justification to determine that such laws were the most effective way to reduce gun violence in the District and to protect its citizens, including potential victims of domestic violence.<sup>49</sup> Such legislative restrictions do not “trench upon any constitutionally protected liberties.”<sup>50</sup>

Whether the D.C. Council addressed the domestic violence crisis, and other issues of violence, in the most effective way possible is not for this Court to

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domestic violence have evolved since 1976. Now, instances such as those the D.C. Council discussed are understood as part of an escalation of violence within a pattern of abuse based on power and control.

<sup>49</sup> *Cf. City of Erie v. Pap’s A.M.*, 529 U.S. 277, 296-98 (2000) (holding that the city could properly rely on its own findings and studies about harm to the public health and safety and could also rely on other jurisdictions’ findings and studies).

<sup>50</sup> *Lewis v. United States*, 445 U.S. 55, 65 n.8 (1980) (citations omitted). *See, e.g., United States v. Miller*, 307 U.S. 174, 178 (1939) (stating that the Second Amendment does not guarantee the right to bear a firearm not having “some reasonable relationship to the preservation or efficiency of a well regulated militia”); *United States v. Price*, 328 F.3d 958, 961 (7th Cir. 2003) (stating that regardless of whether the Second Amendment protects a collective or an individual right, “rights under the amendment can be restricted”); *United States v. Emerson*, 270 F.3d 203, 261 (5th Cir. 2001), *cert. denied* 536 U.S. 2362 (2002) (acknowledging that the rights guaranteed by the Second Amendment can be restricted in “reasonable” cases that are “not inconsistent with the right of Americans generally to individually keep and bear their private arms as historically understood in this country”); *United States v. Spruill*, 61 F. Supp. 2d 587, 591 (W.D. Tex. 1999) (holding that the Second Amendment does not prohibit the government from imposing some restrictions on gun ownership in a case involving 18 U.S.C. § 922(g)(8)).

decide.<sup>51</sup> Courts should not reverse the will of the legislature “simply because a better statute could possibly be crafted.”<sup>52</sup> Important government interests support statutes and regulations intended to reduce the number of instances in which firearms are used in domestic violence situations; such statutes should be given substantial deference.<sup>53</sup> This Court should hold that the Court of Appeals for the District of Columbia Circuit erred in finding that D.C. Code §§ 7-2502.02(a)(4), 22-4504(a), and 7-2507.02 violate the Second Amendment.

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<sup>51</sup> *Spruill*, 61 F. Supp. 2d at 591 (stating that “elected representatives of the people are to be given wide latitude in addressing societal needs”).

<sup>52</sup> *Id.* (noting that 18 U.S.C. § 922(g)(8) was designed to prevent “the family violence that seems epidemic in this country”).

<sup>53</sup> See *Gardner v. Vespia*, 252 F.3d 500, 503 (1st Cir. 2001) (holding, in a case challenging 18 U.S.C. § 922(g)(9), that “the Second Amendment does not confer an absolute right to bear arms”) (citation omitted); *Emerson*, 270 F.3d at 260-61 (adopting an individual rights model, but still holding that 18 U.S.C. § 922(g)(8) did not infringe upon the defendant’s rights).

**CONCLUSION**

For the foregoing reasons, the court of appeals erred in finding that D.C. Code §§ 7-2502.02(a)(4), 22-4504(a), and 7-2507.02 violate the Second Amendment, and the opinion of the Court of Appeals for the District of Columbia Circuit should be REVERSED.

Respectfully submitted,

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