

No. 12-1371

IN THE
Supreme Court of the United States

UNITED STATES OF AMERICA,
Petitioner,

v.

JAMES ALVIN CASTLEMAN,
Respondent.

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

**BRIEF *AMICI CURIAE* OF THE NATIONAL
NETWORK TO END DOMESTIC VIOLENCE,
THE NATIONAL DOMESTIC VIOLENCE
HOTLINE, THE DOMESTIC VIOLENCE LEGAL
EMPOWERMENT AND APPEALS PROJECT
(DV LEAP), LEGAL MOMENTUM
(Additional *Amici* Continued On First Page)
IN SUPPORT OF PETITIONER**

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INTEREST OF *AMICI CURIAE* ¹

Amici include numerous non-profit organizations devoted to remedying domestic violence through legal, legislative, and policy initiatives, as well as organizations providing advocacy and legal and counseling services to survivors of domestic violence. *Amici* collectively have hundreds of years of experience working with survivors of domestic violence, including undertaking extensive efforts to improve the justice system's response to victims of domestic violence.

Amici are deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent and the context in which Congress framed the prohibition, as well as the resulting impact on victims of domestic violence. For these reasons, therefore, *Amici* are submitting this brief in support of the Petitioner.²

SUMMARY OF THE ARGUMENT

The Lautenberg Amendment, 18 U.S.C. § 922(g)(9), prohibits gun possession by anybody who has been convicted of a “misdemeanor crime of domestic violence,” and defines that term to include any offense

¹ Pursuant to Sup. Ct. R. 37.6, *Amici Curiae* state that no counsel representing a party authored this brief in whole or in part, and no person or entity other than the *Amici Curiae* or their counsel made a monetary contribution to the preparation or submission of this brief.

² Pursuant to Sup. Ct. R. 37.3(a), counsel of record for both Petitioner and Respondent have consented to the filing of this brief through the blanket consents that each has lodged with the Clerk. The identities and interest of *Amici* are described in the Appendix to this brief.

that has, as an element, the use or attempted use of “physical force.” As this Court has previously explained, the meaning of “physical force” is dependent on context. The context of the Lautenberg Amendment is inconsistent with the Fourth, Sixth, Ninth and Tenth Circuit’s restrictive interpretations, which effectively read the words “violent” or “strong” into the statute.

The context of the statute is, rather, consistent with the position adopted by the First, Eighth and Eleventh Circuits, which hold that the Lautenberg Amendment applies to convictions under state laws proscribing battery committed through any kind of “physical force,” including “offensive contact” or the infliction of “bodily injury.” First, the statute applies to defendants convicted of “misdemeanor” crimes, and as this Court has previously determined, the common law gives a specialized legal usage to the word “force” as an element of misdemeanor battery, holding this element to be satisfied by even the slightest offensive touching.

Second, the Lautenberg Amendment applies to defendants convicted of crimes of “domestic violence,” which is a broad term of art. It denotes a spectrum of abusive behavior committed by intimate partners for purposes of coercion and control. Such abuses frequently include the use of “force” at levels criminalized by typical misdemeanor battery statutes. An interpretation of the Lautenberg Amendment that excludes these common acts of domestic violence is therefore at odds with the plain meaning of the statutory language. It is also inconsistent with Congress’s purpose to keep guns out of the hands of abusers who are likely to escalate their violent behavior.

ARGUMENT

I. “Domestic Violence” Is A Broad Phenomenon Consisting Of A History And Pattern Of Abuse That Is Not Limited To Single Acts Of “Strong” Or “Violent” Physical Force.

18 U.S.C. § 922(g)(9) prohibits the possession of firearms by anybody who has been convicted of a misdemeanor crime of “domestic violence.” The operative phrase is a term of art that denotes a broad social phenomenon. Thus, the inclusion of the phrase “domestic violence” in the Lautenberg Amendment frames the firearm possession ban within the specific social problem Congress intended to combat and provides the essential context for interpreting related language, including the phrase “physical force” under 18 U.S.C. § 921(a)(33)(A)(ii).³

³ When interpreting statutory language, “[u]ltimately, context determines meaning.” *Johnson v. United States*, 559 U.S. 133, 139 (2010). This principle applies even when interpreting the same word in the same or a related statute. *See Atlantic Cleaners & Dyers, Inc. v. United States*, 286 U.S. 427, 433 (1932) (“[The] presumption that identical words used in different parts of the same act are intended to have the same meaning . . . is not rigid and readily yields whenever there is such variation in the connection in which the words are used as reasonably to warrant the conclusion that they were employed in different parts of the act with different intent.”); *Gen. Dynamics Land Sys., Inc. v. Cline*, 540 U.S. 581, 594-97 (2004) (depending on context, term “age” in Age Discrimination in Employment Act carries different meanings); *Robinson v. Shell Oil Co.*, 519 U.S. 337, 343-44 (1997) (depending on context, term “employees” in Title VII of Civil Rights Act carries different meanings).

A. “Domestic violence” involves a spectrum of behaviors – including but not limited to physical force – intended to exert power and control over an intimate partner.

“Domestic violence” does not necessarily involve “strong and violent physical force,”⁴ although it can and all-too-frequently does. Rather, as the phrase is widely and commonly used in both the United States and other countries, “domestic violence” denotes a spectrum of behaviors committed by spouses and other intimate partners.⁵ It is distinguished from generic “violence” not so much by the *nature* of the abusive conduct as by its *purpose*: at bottom, “domestic violence is about gaining control of another person.”⁶

⁴ *United States v. Castleman*, 695 F.3d 582, 588 (6th Cir. 2012); cf. *Johnson*, 559 U.S. at 140 (in context of statute imposing penalties for predicate “violent felon[ies],” interpreting phrase “physical force” to mean “*violent* force—that is, force capable of causing physical pain or injury to another person” (emphasis in original)).

⁵ While domestic violence also plagues the elderly and children, this brief focuses on intimate partner violence. Relatedly, while women may perpetrate domestic violence, and violence also occurs in same-sex relationships, the vast majority of victims are women and their attackers are men. See, e.g., Shannan Catalano, Bureau of Justice Stats., U.S. Dep’t of Justice, *Special Report: Intimate Partner Violence, 1993-2010*, NCJ 239203 at 1 (Nov. 2012) (approximately four in five victims of domestic violence are female). Accordingly, this brief describes domestic violence in terms of female victims and male attackers.

⁶ Alafair S. Burke, *Domestic Violence as a Crime of Pattern and Intent: An Alternative Reconceptualization*, 75 Geo. Wash. L. Rev. 552, 569 (2007); see Evan Stark, *Coercive Control* 5 (2007) (hereinafter, “Stark, *Coercive Control*”) (articulating “coercive control” theory of domestic violence, which frames “woman battering . . . as a course of calculated, malevolent conduct

Domestic violence is an “ongoing strategy of intimidation, isolation, and control that extends to all areas of a woman’s life, including sexuality; material necessities; relations with families, children, and friends; and work.”⁷

deployed almost exclusively by men to dominate individual women by interweaving repeated physical abuse with three equally important tactics: intimidation, isolation, and control”).

⁷ Evan Stark, *Re-Presenting Woman Battering: From Battered Woman’s Syndrome to Coercive Control*, 58 Alb. L. Rev. 973, 986 (1995); see also *Domestic Violence*, U.S. Dep’t of Justice, Office on Violence Against Women, <http://www.ovw.usdoj.gov/domviolence.htm> (last visited Nov. 18, 2013) (hereinafter, “USDOJ Office on Violence Against Women”) (defining “domestic violence” as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner”); Home Office (U.K.) and AVA, *Information for Local Areas on the Change to the Definition of Domestic Violence and Abuse 2* (March 2013), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/142701/guide-on-definition-of-dv.pdf (hereinafter, “U.K. Home Office”) (defining “domestic violence and abuse” as “[a]ny incident or pattern of incidents of controlling, coercive or threatening behavior, violence or abuse” against intimate partners or family members); U.N. Children’s Fund, *Domestic Violence Against Women And Girls*, Innocenti Digest, June 2000, at 7, available at <http://www.unicef-irc.org/publications/pdf/digest6e.pdf> (hereinafter, “UNICEF”) (identifying causes of “domestic violence” as “socioeconomic forces, the family institution where power relations are enforced, fear and control over female sexuality, belief in the inherent superiority of males, and legislation and cultural sanctions that have traditionally denied women and children an independent legal and social status”).

The meaning of “domestic violence” is necessarily broad, then, because the words describe a broad reality.⁸ Over time, and according to the circumstances, the domestic violence inflicted by a particular abuser on a particular victim may include a wide variety of acts, all calculated to exert power and gain (or maintain) control over the victim.⁹ “Domestic violence is about power and control. It is not just about hitting or punching.”¹⁰ It can be “strongly” physical, but it may also include weaker forms of physical force and contact, or even non-physical behaviors—indeed, it may encompass any “physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame,

⁸ This reality is both broad and pervasive. Each year, approximately 1.5 million women are raped and/or physically assaulted by a current or former intimate partner in the United States. Patricia Tjaden and Nancy Thoennes, U.S. Dep’t of Justice, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey* iii (July 2000). Approximately 22.1% of women report having been physically assaulted by an intimate partner during their lifetime. *Id.* at 10.

⁹ See Burke, *supra* note 6, at 570 (“To obtain or maintain control over their intimate partners, batterers do not limit themselves to physical abuse.”).

¹⁰ *Domestic Violence*, Tenn. District Attorney’s Gen. Conf., <http://www.tndagc.org/dv.htm> (last visited Nov. 18, 2013).

hurt, injure or wound someone.”^{11,12} Accordingly, as between any given abuser and his victim, the reality

¹¹ USDOJ Office on Violence Against Women, *supra* note 7; *see also* U.K. Home Office, *supra* note 7, at 2 (stating that “domestic violence and abuse” encompasses psychological, physical, sexual, financial and emotional abuse); UNICEF, *supra* note 7, at 2 (including within definition of “domestic violence” physical abuse, sexual abuse, psychological abuse, economic abuse and acts of omission); Council of Europe, Convention on Preventing and Combating Violence Against Women and Domestic Violence art. 3(b), Nov. 5, 2011, CETS No. 210 (defining “domestic violence” to mean “all acts of physical, sexual, psychological or economic violence that occur within the family domestic unit or between former or current spouses or partners”). This understanding of “domestic violence” is widely accepted; for example, state domestic violence statutes often define the term to include activities not marked by physical violence, such as burglary, trespass, harassment and stalking, when directed against the victim of abuse. *See, e.g.*, Del. Code Ann., tit. 10, § 1041; 750 Ill. Comp. Stat. 60/103; Ind. Code Ann. § 35-31.5-2-76; N.J. Stat. Ann. § 2C:25-19; R.I. Gen. Laws § 12-29-2; Utah Code Ann. § 77-36-1; Wash. Rev. Code § 10.99.020. And, some explicitly define the term with reference to its underlying coercive dynamic. *See, e.g.*, Colo. Rev. Stat. § 18-6-800.3.

¹² A vivid illustration of the roots of domestic violence and the variety of abuse it involves can be found in a widely used instrument that visually represents the “pattern of actions that an individual uses to intentionally control or dominate his intimate partner.” Domestic Abuse Intervention Programs, *Wheel Gallery*, Home of the Duluth Model, <http://www.theduluthmodel.org/training/wheels.html> (last visited Nov. 18, 2013). On the so-called “Power and Control Wheel,” the words “power and control” appear in the center of a wheel, with the behaviors commonly employed to exert such power and control—intimidation, emotional abuse, isolation, denying and blaming, children, male privilege, economic abuse, and coercion and threats—representing the spokes. *Id.* The words “physical and sexual violence” are written around the perimeter, “hold[ing] it all together” as the rim. *Id.*

of “domestic violence” may include such conduct as ridicule and name-calling; excessive monitoring of a woman’s behavior, repeated accusations of infidelity, and controlling with whom she has contact; verbal threats directed at the woman herself or at her family, children or friends; stalking behaviors; spitting, scratching, biting, grabbing, restraining, slapping, punching or kicking; choking; threatening or using a knife or gun; and rape or other forms of sexual coercion.¹³

Thus, while “domestic violence” frequently is marked (or comes to be marked) by a “high degree of physical violence,”¹⁴ it is by no means limited to such behavior. It includes non-physical behavior and, even when it turns physical, it frequently occurs—in a very real and consequential way—without “strong” or “violent” physical force or “serious physical injury.” Indeed, studies demonstrate that “most physical assaults committed against women . . . by intimates are relatively minor and consist of pushing, grabbing, shoving, slapping, and hitting.”¹⁵ Such “minor”

¹³ See Anne L. Ganley, *Understanding Domestic Violence, in Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers* 14, 18-24 (2d ed. 1996), available at http://www.futureswithoutviolence.org/userfiles/file/HealthCare/improving_healthcare_manual_1.pdf (last visited Nov. 18, 2013); see also Michele C. Black et al., Nat’l Ctr. for Injury Prevention and Control, Ctrs. for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report* 37 (Nov. 2011) (measuring broad range of conduct in national survey on prevalence of intimate partner violence).

¹⁴ See *Castleman*, 695 F.3d at 589

¹⁵ Tjaden & Thoennes, *supra* note 8, at 11; see Black, *supra* note 13, at 43 and Table 4.8 (reporting that approximately 30.3% of American women have been slapped, pushed or shoved by

physical contact is nevertheless classic domestic violence: abusive in intent and effect; physically and psychologically damaging; and predictive of continuing and increasing levels of physical force. As one commentator has noted, such acts may seem relatively *de minimis* in the abstract, but assume a special significance in the context of an abusive relationship: “[A]ll slaps, kicks, and other physical acts, are not the same. Some are more frightening than others, especially if accompanied with a certain look on the man’s face Others, are qualitatively different in the type of slap, the length of time the choke hold is held or other differences in an act”¹⁶ Again, the common denominator of these acts—regardless of their perceived degree of severity—is the underlying intent of the abuser to send a message to the victim that she is under his control.

B. “Domestic violence” is marked by a pattern of abusive behavior that often escalates in frequency and severity over time.

One hallmark of domestic violence is that it grows out of, and serves to perpetuate, a dynamic of power and control between intimate partners. Another,

intimate partner in their lifetime and that 24.3% have experienced severe physical violence by intimate partner); Stark, *Coercive Control*, *supra* note 6, at 94-95 (observing that “survey and point of service research indicate that the vast majority of domestic violence is either noninjurious or causes injuries that are minor from a medical or criminal justice standpoint”).

¹⁶ Lenore A. Walker, *The Battered Woman’s Syndrome* 123 (3d ed. 2007). “In fact, the appearance of abuse as minor is the direct byproduct of applying a definition [of domestic violence] that disaggregates frequent assaults into discrete incidents, measures abuse by incident-specific harms, and ignores the cumulative impact of multiple assaults on individual victims.” Stark, *Coercive Control*, *supra* note 6, at 95.

related characteristic is that this underlying dynamic often drives the abusive partner into a series or pattern of escalating behaviors: the first incident of abuse is typically not the last, and when less abusive tactics no longer have the intended effect, they are replaced with more abusive acts.¹⁷ The results of the National Violence Against Women Survey demonstrate that approximately 65.5% of women physically assaulted by an intimate are victimized multiple times by the same partner.¹⁸ Nearly twenty percent of respondents to that survey recalled ten or more incidents of physical assault by the same partner occurring per year, with the average number of assaults per year nearly seven.¹⁹

Domestic violence, then, cannot and should not be identified by any one discrete incident, as generic “violence” may be viewed; rather, domestic violence is “a variety of abusive acts, occurring in multiple episodes over the course of the relationship,” each of which is connected to the others and builds upon them.²⁰ It is marked by the abuser’s use of “a wide

¹⁷ See, e.g., Lisa D. May, *The Backfiring of the Domestic Violence Firearms Ban*, 14 Colum. J. Gender & L. 1, 3 (2005) (noting that “[d]omestic violence is typically characterized ‘by a pattern of abusive behavior . . . which escalates in frequency and severity over time’” (citation omitted)); Natalie Loder Clark, *Crime Begins at Home: Let’s Stop Punishing Victims and Perpetuating Violence*, 28 Wm. & Mary L. Rev. 263, 291 (1987) (“The first instance of violence . . . is usually short and not terribly severe. . . . Later in the pattern of violence, however, the same victim faces a serious threat to life and health, and may be . . . too afraid to change the situation alone.”).

¹⁸ Tjaden & Thoennes, *supra* note 8, at 39.

¹⁹ *Id.* at 39 and Exhibit 11.

²⁰ Ganley, *supra* note 13, at 18.

range of coercive behaviors that result in a wide range of consequences, some physically injurious and some not,” but all aimed at achieving control over the victim.²¹ Accordingly, over time, an abuser may change tactics, increasing the use and severity of physical violence or relying on other forms of abuse, to employ “the tactics that are most useful in gaining control.”²² Regardless of the precise contours of abuse, however, the result is cumulative; due to the ongoing and continuous nature of domestic violence, “[o]ne battering episode builds on past episodes and sets the stage for future episodes,”²³ instilling “the fear of future assaults by a known assailant” into the victim.²⁴ “Even the language used to describe the experience of domestic violence reflects its frequent and prolonged nature. We say that a woman who has been assaulted by her husband is ‘battered’ or ‘beaten,’ or has been subjected to ‘domestic violence,’ suggesting a general status or a continued phenomenon. In contrast, when a person has been assaulted by a stranger or casual acquaintance, we say he has been ‘attacked’ or ‘assaulted,’ or has gotten into a ‘fight,’ suggesting a one-time act of violence, not violence more generally.”²⁵

²¹ *Id.*

²² *Id.* at 23.

²³ *Id.* at 18.

²⁴ *Id.* at 17-18 (noting that “[p]erpetrators refer to past episodes (e.g., ‘Remember the last time?’) and make threats about future abuse as a way to maintain control”); *see also* Stark, *Coercive Control*, *supra* note 6, at 99-101 (describing continuous and ongoing nature of abuse).

²⁵ Burke, *supra* note 6, at 568.

Congress was concerned with the extreme—and extremely dangerous—role that firearms play in this pattern when it enacted Section 922(g)(9). The statutory phrase “misdemeanor crime of domestic violence” denotes behavior—e.g., shoves, slaps, physical restraint—that falls squarely on the spectrum of domestic violence: committed for fundamentally violent purposes of coercion and control and carrying with it a significant risk of recurrence and escalation. The Lautenberg Amendment, along with 18 U.S.C. § 922(g)(8), reflects the reality that even “less violent” forms of domestic violence—the kind of “offensive touching” that is commonly prosecuted as a misdemeanor, or even non-physical threats or harassment that may prompt only a civil protection order—will almost certainly repeat and worsen over time; both statutes serve to mitigate the special risk of escalation into lethal violence that exists when the abuser has access to firearms.²⁶

C. The likelihood that “domestic violence” will escalate from any point on the spectrum to more extreme levels of physical violence is reliably predicted by the presence of certain risk factors, most notably, the abuser’s access to firearms.

Congress acted rationally and in response to a well-documented problem—indeed, a problem of crisis proportions. “The United States has the highest rate of [intimate partner homicide] than any industrialized

²⁶ See May, *supra* note 17, at 5-6 (reviewing legislative history and concluding that Sections 922(g)(8) and (9) “grew out of the same recognition: domestic violence offenders with access to firearms pose an intolerable danger” and “both serve the same purpose: removing firearms from the hands of those likely to use them in domestic disputes”).

country,” with “approximately 1,200 women . . . killed by their current or former intimate partner during each year of the 21st century.”²⁷ Approximately 70% of female murder victims “were physically abused before their deaths by the same intimate partner who killed them.”²⁸

Researchers have discovered, moreover, that the risk of lethal escalation is dependent not only on the level of violence that has occurred so far—e.g., whether the abuser has to date engaged in verbal threats or “offensive touching,” as opposed to “strong” physical abuse such as punches and kicks—but on whether the circumstances include the presence of other risk factors.²⁹ Factors known to exacerbate the risk of lethal escalation include drug and alcohol use, unemployment and financial difficulties, mental illness and suicidal tendencies, and whether the victim has a child by another man.³⁰

²⁷ Jacquelyn C. Campbell et al., *The Danger Assessment: Validation of a Lethality Risk Assessment Instrument for Intimate Partner Femicide*, 24 J. Interpers. Violence, April 2009, at 654-56 (hereinafter, “Campbell, *The Danger Assessment*”) (citation omitted) (noting that this number rises to approximately 1,400 to 1,750 when data for femicides committed by former boyfriends is included).

²⁸ 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, 1091 (2003) (hereinafter, “Campbell, *Risk Factors*”) (interviewing proxies of 220 intimate partner femicide victims identified through police or medical examiner records).

²⁹ *Id.* at 1090-91 and Table 3.

³⁰ *Id.* These factors have been compiled under a rubric called the Danger Assessment, created in the 1980s as “a clinical and research instrument . . . designed to assist battered women in assessing their danger of being murdered (or seriously injured)

One of the most significant risk factors for escalation to the lethal extreme of the domestic violence spectrum is gun possession by the abuser.³¹ More than anything else, “[g]uns . . . turn domestic violence into domestic homicide.”³² In 2011, 61% of all female homicide victims were murdered by a husband or intimate acquaintance (defined as a common-law husband, ex-husband or boyfriend).³³ “Of the females killed with a firearm, nearly two-thirds were murdered by male intimates.”³⁴ Studies demonstrate that the presence of a gun in the house increases the probability—making it *six times more likely*—that an abused woman will be killed.³⁵

Guns are exceptionally dangerous in the hands of domestic abusers even when they are not used to kill. For example, victims who survive physical assaults involving the use of firearms are very frequently injured, and their injuries are frequently serious.³⁶

by their intimate partner or ex-intimate partner.” See Campbell, *The Danger Assessment*, *supra* note 27, at 657-58 and Figure 1. As discussed in the next section, the Danger Assessment (or some variation thereof) is now used as part of a strategy to identify and intervene in abusive relationships with a high risk of lethal escalation.

³¹ Jacquelyn C. Campbell et al., *Assessing Risk Factors for Intimate Partner Homicide*, 250 NIJ J., Nov. 2003, 14, 16 (hereinafter, “Campbell, *Assessing Risk Factors*”).

³² Violence Policy Ctr., *When Men Murder Women: An Analysis of 2011 Homicide Data: Females Murdered by Males in Single Victim / Single Offender Incidents* 1 (Sept. 2013).

³³ *Id.* at 3.

³⁴ *Id.* at 6.

³⁵ Campbell, *Assessing Risk Factors*, *supra* note 31, at 16.

³⁶ See generally Kathryn Ann Farr, *Battered Women Who Were “Being Killed and Survived It”: Straight Talk From Survivors*, 17

And, abusers will often brandish firearms even when they do not fire them, an act that occurs far too frequently and that—when used to exert control over a victim—itself constitutes domestic violence.³⁷ Moreover, even an abuser’s threats to use guns are strongly correlated with his propensity to cause physical harm: one study has found that “women who were threatened or assaulted with a gun or other weapon were 20 times more likely than other women to be murdered.”³⁸ For all of these reasons, in his Senate statements in support of the Lautenberg Amendment, Senator Paul Wellstone (D-MN) appropriately observed that “often, the only difference between a battered woman and a dead woman is the presence of a gun.”³⁹

D. Acceptance of a broad definition of “domestic violence,” and an understanding of the risk factors for lethal escalation, are crucial elements of a successful strategy for intervening in high risk cases.

This understanding of domestic violence—as a recurring and escalating spectrum of behaviors,

Violence & Victims 267, 275-78 (2002) (detailing victims’ stories of having survived near-lethal domestic violence). As one study has reported, of the population of women living in a household with a gun, approximately 5% had been shot at by their partners. Susan B. Sorenson & Douglas J. Wiebe, *Weapons in The Lives of Battered Women*, 94 Am. J. of Pub. Health, Aug. 2004, at 1414.

³⁷ The same study reports that, of the population of women living in a household with a gun, 64.5% had experienced a partner using the gun “to scare, threaten, or harm her.” *Id.*

³⁸ Campbell, *Assessing Risk Factors*, *supra* note 31, at 16.

³⁹ 142 Cong. Rec. S10,378 (daily ed. Sept. 12, 1996) (statement of Sen. Wellstone).

subject to exacerbation by known risk factors—is crucial to its management and to the prevention of extreme and lethal outcomes.⁴⁰ It enables law enforcement agencies, social scientists and public health workers to identify abusers and victims at highest risk for escalated physical violence, including domestic homicide, and to intervene at appropriate times, in ways calculated to defuse the risk and protect the victim.⁴¹ One recently developed—and measurably successful—intervention strategy involves multi-disciplinary “high-risk teams,” which coordinate the efforts of social services and non-profit agencies with “those of local police departments, hospitals, state legislatures, and the courts to prevent domestic-violence homicide.”⁴² These high-risk teams employ a

⁴⁰ See generally Albert R. Roberts & Beverly Schenkman Roberts, *A Comprehensive Model for Crisis Intervention with Battered Women and Their Children*, in *Handbook on Domestic Violence Intervention Strategies: Policies, Programs, and Legal Remedies* 365, 365-70 (Albert R. Roberts ed., 2002) (describing physical, emotional and psychological outcomes of abuse to introduce chapter on intervention strategies).

⁴¹ See, e.g., Campbell, *Risk Factors*, *supra* note 28, at 1089 (“[O]ne of the major ways to decrease intimate partner homicide is to identify and intervene with battered women at risk.”).

⁴² Rachel Louise Snyder, *A Raised Hand*, *The New Yorker*, July 22, 2013, at 35 (reporting on formation of high-risk team by Jeanne Geiger Crisis Center in Amesbury, Massachusetts). First developed by the Maryland Network Against Domestic Violence, an *Amici* organization, and the Jeanne Geiger Crisis Center in Massachusetts, this multi-disciplinary model is appearing in more and more jurisdictions across the country. See *Lethality Assessment Program*, Maryland Network Against Domestic Violence, <http://mnadv.org/lethality/> (last visited Nov. 18, 2013) (and materials provided therein); *What Is The High Risk Team Model*, Jeanne Geiger Crisis Ctr., <http://www.jeannegeigercrisiscenter.org/dvhrtn.html?pg=03> (last visited Nov. 18, 2013) (hereinafter, “Jeanne Geiger Crisis Ctr.”); Diane L. Rosenfeld,

lethality assessment instrument, such as the Danger Assessment⁴³ or related protocol, to screen for potential lethality; when responses indicate a high risk of escalation, they then develop a case-specific response, including the coordinated and ongoing monitoring and containment of the offender.⁴⁴ Among other things, these teams may obtain protective orders on behalf of the victim; suspend or provide supervision for visits between the abuser and his children; move the victim and her children to safe locations, or arrange for the police to drive by and check in at the victim's home; train the victim to deal with emergencies; provide the abuser with counseling for

The High Risk Team Model and GPS Offender Monitoring: Stopping DV in Its Tracks, 17 Domestic Violence Rep. 33, 34 (Feb./March 2013) (noting that Jeanne Geiger Crisis Center “has provided training to over 3,000 [sites] across the country on danger assessments and creating High Risk Teams . . .”). Recognizing the success of this model, the United States Congress codified it in March 2013 by adding “multidisciplinary high-risk teams focusing on reducing domestic violence and dating violence homicides” to the Grants to Encourage Arrest and Enforce Protection Orders program of the Violence Against Women Act. See Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 102(a), 127 Stat. 54, 71 (2013) (codified as 42 U.S.C. § 3796hh(b)(22)). That same month, the Department of Justice also awarded \$2.3 million to twelve cities and counties in ten states to implement the strategy under its new Domestic Violence Homicide Prevention Demonstration Initiative. Press Release, The Office of the Vice President, The White House, Vice President and Attorney General Holder Announce Grants to Help Reduce Domestic Violence Homicides (March 13, 2013), *available at* <http://www.whitehouse.gov/the-press-office/2013/03/13/vice-president-biden-and-attorney-general-holder-announce-grants-help-re>.

⁴³ See note 30.

⁴⁴ Jeanne Geiger Crisis Ctr., *supra* note 42; see also Rosenfeld, *supra* note 42, at 33-34.

anger management and substance abuse, and train him in behavior control methods; and in extreme cases, and where local laws allow, they may seek short-term protective custody of an abuser.⁴⁵ Last but not least, the high-risk teams will use federal laws such as Sections 922(g)(8) and (9), as well as similar state statutes, to deny high-risk abusers access to firearms, which are implicated in so many domestic homicides.⁴⁶

The goal of this multi-faceted approach is to keep the victim as safe as possible for as long as possible, and certainly until the risk of extreme violence has subsided. (Research shows that a particularly “high-risk time for escalation . . . is at the point when a woman decides to separate, or actually separates, from her abusive partner.”⁴⁷ In fact, “[e]vidence suggests that when women are killed by an intimate, they are more likely to be living away from their partner at the time.”⁴⁸) When it succeeds, this identify-and-intervene strategy nips the pattern of domestic violence in the bud, interrupting it *before* it rises to the level of “strong” or “violent” physical force, up to and including homicide.⁴⁹

⁴⁵ See e.g., Snyder, *supra* note 42, at 40 (describing Jeanne Geiger Crisis Center high-risk teams).

⁴⁶ See *id.* (noting that, “[i]n Massachusetts, as in most states, if the abuser has a gun it can be confiscated when a restraining order is issued”).

⁴⁷ Mary Ann Dutton, *Understanding Women’s Responses to Domestic Violence: A Redefinition of Battered Woman’s Syndrome*, 21 Hofstra L. Rev. 1191, 1212 (1993).

⁴⁸ *Id.*

⁴⁹ The success of these programs is evident in the numbers: using this approach, Maryland has reduced its domestic violence homicide rate by 34% in the past five years and, since 2005, the

The chances of a successful intervention are maximized, therefore, when the various intervention strategies can be deployed at a relatively early stage—e.g., when the abuser has engaged in threats or harassment, or committed the kind of “offensive” contact that is criminalized by misdemeanor battery statutes, but has not yet escalated the abuse to “seriously violent” levels. The ability to deprive early-stage abusers of access to firearms—the power conferred specifically by the Lautenberg Amendment, along with Section 922(g)(8)—is of course a key element of this multi-faceted approach. Effective enforcement of Section 922(g)(9), therefore, is crucial to the continued success of this highly-promising strategy.

II. Congress Enacted Section 922(g)(9) To Close A Loophole In Federal Law And To Prevent Domestic Homicides Committed By Abusers In Possession Of Firearms.

A. Before 1996, Congress had enacted gun-control laws that limited possession of firearms by domestic abusers at both ends of the domestic violence spectrum.

When Congress passed the Lautenberg Amendment in 1996, it understood that gun possession is a

Jeanne Geiger Crisis Center has intervened in 106 high-risk cases and has had no domestic violence homicides. *Factsheet: The Obama Administration’s Commitment to Reducing Domestic Violence Homicides*, The White House (March 13, 2013), available at http://www.whitehouse.gov/sites/default/files/docs/dv_homicide_reduction_fact_sheet.pdf. Even outside of this high-risk team model, studies suggest that certain types of community-based intervention services – such as those offered by crisis hotlines, women’s groups, social workers, and psychotherapists – yield positive outcomes for battered women. Roberts & Roberts, *supra* note 40, at 366 (citations omitted).

significant predictor of homicide for all domestic abusers, not just those who have already escalated to “strong” or “violent” force. After all, Congress had previously enacted Section 922(g)(8), which bans gun possession by abusers who are civilly restrained from “harassing, stalking or threatening an intimate partner,” among other things⁵⁰—forms of domestic violence that can occur without *any* physical contact between abuser and victim. If Congress saw fit to deny guns to abusers who have not yet engaged in physical abuse, then it certainly grasped what experience has established: that guns create a lethal risk when possessed by offenders across the domestic violence spectrum.⁵¹

Of course, by the time it passed the Lautenberg Amendment, Congress had also proscribed gun possession by domestic abusers convicted of felonies, as part of the general statutory ban against felons-in-possession codified by 18 U.S.C. § 922(g)(1). As of 1996, then, federal law restricted gun possession by abusers at both ends of the spectrum—those convicted of felonies, which presumably involved “strong” or “violent” physical force, and those subject to civil protective orders based on non-physical forms of domestic violence such as verbal threats, harassment and stalking and other conduct that places an intimate partner in reasonable fear of bodily injury.

⁵⁰ 18 U.S.C. § 922(g)(8).

⁵¹ See 142 Cong. Rec. S10,378 (daily ed. Sept. 12, 1996) (statement of Sen. Lautenberg) (“[d]omestic violence, no matter how it is labeled, leads to more domestic violence”).

B. Until 1996, there were significant loopholes in the statutory regime.

This arrangement, however, left a gap in coverage—or more precisely, it left two gaps. First, Section 922(g) did not cover a large number of extremely violent abusers, who could and arguably should have been prosecuted as felons, but had nevertheless been convicted only under misdemeanor statutes. Senator Lautenberg described this phenomenon when he introduced the legislation that became Section 922(g)(9):

[M]any people who engage in serious spousal or child abuse ultimately are not charged with or convicted of felonies. At the end of the day, due to outdated laws or thinking, perhaps after a plea bargain, they are, at most, convicted of a misdemeanor. In fact, most of those who commit family violence are never even prosecuted. ***But when they are, one-third of the cases that would be considered felonies, if committed by strangers, are instead filed as misdemeanors.*** The fact is that in many places domestic violence is not taken as seriously as other forms of brutal behavior. Often acts of serious spouse abuse are not even considered as felonies.⁵²

⁵² 142 Cong. Rec. S10,377-78 (daily ed. Sept. 12, 1996) (statement of Sen. Lautenberg) (emphasis added); *see also* 142 Cong. Rec. S10,380 (daily ed. Sept. 12, 1996) (statement of Sen. Feinstein) (“[W]e already prohibit convicted felons from possessing a firearm. But it is an unfortunate fact that many domestic violence offenders are never convicted of a felony. Outdated or ineffective laws often treat domestic violence as a lesser offense.”).

Though nominally misdemeanants, offenders in this category were at least as dangerous as those convicted of felonies. Indeed, from the perspective of their victims, they were indistinguishable from those convicted of felonies. And yet, for want of an accurate label, federal law allowed them to keep their firearms and failed to mitigate the risk that they would use those guns against the same victims they had already been convicted of abusing.

Second, neither Section 922(g)(1) nor Section 922(g)(8) covered abusers who had been convicted of committing acts of domestic violence in the middle of the spectrum—perhaps not involving “strong” physical force but nevertheless prosecutable under statutes that echo or incorporate the common law by criminalizing “offensive touching” or causing “bodily injury.” Although misdemeanors under law, these assaults and batteries are, in fact, classic acts of domestic violence: they characterize an all-too-familiar pattern of abuse that captures offensive contacts like pushing, slapping, and shoving, and often escalates over time into more violent actions, all aimed at exerting power and control over the victim. The victim of such a “misdemeanor” assault may not yet have been subjected to strong or violent physical force, but like all victims of domestic abuse she is exposed to the risk of escalated violence, especially when the situation involves other exacerbating factors—for example, when the abuser has ready access to firearms.

In terms of the force involved and the injuries likely to occur, abusers who have committed these misdemeanor assaults and batteries are already more “violent” than many offenders covered by Section 922(g)(8). Yet even as Section 922(g)(8) banned gun

possession by abusers who had been restrained from threats or harassment involving no physical contact, nothing in federal law addressed the danger of leaving guns in the hands of convicted misdemeanants who had actually committed acts of physical domestic violence.

C. The Lautenberg Amendment was enacted to close these loopholes completely and without limitation.

The purpose of the Lautenberg Amendment was to fill these gaps. Section 922(g)(9) was “enacted in order to remedy the nationwide problem that those convicted of a felony involving domestic assault were prohibited from firearms possession while those convicted of a misdemeanor involving domestic assault were not.”⁵³ The purpose of the Amendment, moreover, was to enact a comprehensive remedy that “would establish a policy of zero tolerance when it comes to guns and domestic violence.”⁵⁴ As Senator Lautenberg and two of his colleagues summed up the legislative history in an amicus brief they submitted to this Court in 2008: “[It] leaves no doubt that the intent behind the Amendment was to close—*completely and without limitation*—the loophole in the current law that allowed domestic abusers to possess firearms when properly convicted under misdemeanor statutes for their acts of abuse.”⁵⁵

⁵³ *United States v. Barnes*, 295 F.3d 1354, 1364 (D.C. Cir. 2002).

⁵⁴ 142 Cong. Rec. S10,377 (daily ed. Sept. 12, 1996) (statement of Sen. Lautenberg).

⁵⁵ Brief *Amici Curiae* of United States Senators Frank R. Lautenberg, Dianne Feinstein, and Patty Murray in Support of

III. The Lautenberg Amendment Bans Gun Possession By Abusers Who Have Been Convicted Of “Misdemeanor Crimes Of Domestic Violence” Under Statutes That Criminalize “Offensive Touching” And/Or Contact That Causes “Bodily Injury.”

A. The split in the circuits.

To achieve this broad purpose, the Lautenberg Amendment banned gun possession by offenders convicted of “misdemeanor crimes of domestic violence,”⁵⁶ and defined that term to include any offense under state, federal or tribal law that has, as an element, the use or attempted use of “physical force.”⁵⁷

Three circuits have correctly interpreted “misdemeanor crime of domestic violence” to include offenses proscribed by statutes that permit conviction upon proof of “offensive touching” or contact that causes “bodily injury”—i.e., the kind of misdemeanor assault and battery statutes that are commonly used to prosecute domestic abusers in many states.⁵⁸ These

Petitioner at 9, *United States v. Hayes*, 555 U.S. 415 (2009) (No. 07-608) (emphasis added).

⁵⁶ 18 U.S.C. § 922(g)(9).

⁵⁷ 18 U.S.C. § 921(a)(33)(A).

⁵⁸ *United States v. Griffith*, 455 F.3d 1339 (11th Cir. 2006) (Georgia simple battery statute that criminalized “intentionally mak[ing] physical contact of an insulting or provoking nature” with another person); *United States v. Nason*, 269 F.3d 10 (1st Cir. 2001) (Maine misdemeanor assault statute that made it a crime to cause “bodily injury” or “offensive physical contact”); *United States v. Smith*, 171 F.3d 617 (8th Cir. 1999) (Iowa misdemeanor statute defined assault as any act “intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another”).

circuits all took Congress at its word, and reasoned that neither “offensive touching” nor “bodily injury” can be inflicted without a measure of “physical force.”

Three circuits, on the other hand, have decided that “physical force,” as used in the Lautenberg Amendment, actually means “violent physical force,” and thus excludes misdemeanors committed under statutes that criminalize “offensive touching” and other acts involving what they saw as *de minimis* “physical force.”⁵⁹ And the Sixth Circuit, in the case under consideration, held that “physical force,” as used in the Lautenberg Amendment, does not apply to abusers convicted under a state statute that requires proof of “bodily injury;” the Sixth Circuit reasoned that because such laws do “not require proof of a serious physical injury,” they authorize convictions where the defendant has caused only “a minor injury” while “using less than strong physical force.”⁶⁰

⁵⁹ *United States v. White*, 606 F.3d 144 (4th Cir. 2010) (Virginia statute interpreted to prohibit any offensive touching); *United States v. Hays*, 526 F.3d 674 (10th Cir. 2008) (Wyoming statute prohibiting “rude, insolent or angry touching”); *United States v. Belless*, 338 F.3d 1063 (9th Cir. 2003) (same Wyoming statute). See also *Flores v. Ashcroft*, 350 F.3d 666 (7th Cir. 2003) (interpreting “physical force” in similarly-worded federal immigration statute to mean force that is “violent in nature,” and holding that Indiana misdemeanor battery statute did not require proof of such force when it criminalized “intentional touching” done in “a rude, insolent, or angry manner”).

⁶⁰ *Castleman*, 695 F.3d at 590.

B. Section 922(g)(9) and Section 921(a)(33)(A)(ii) are clear in context, and extend the scope of the Lautenberg Amendment to misdemeanor convictions for “domestic violence” under statutes that require proof of “offensive touching” and “bodily injury.”

The Lautenberg Amendment is not limited by its terms, and should not be constricted by judicial interpretation, to predicate offenses that require proof of “violent” or “strong” physical force. There is no need to graft qualifying adjectives onto the statute or to otherwise “alter the plain language of what Congress has written.”⁶¹ When read in context, the phrase “physical force” means exactly what it says: that Section 922(g)(9) applies to abusers convicted of misdemeanor crimes of domestic violence under predicate laws that can be satisfied by proof of *any* physical force, including “offensive touches” or contact that causes “bodily injury.”

And context, of course, is crucial. In *Johnson v. United States*,⁶² this Court interpreted the phrase “physical force” in 18 U.S.C. § 924(e)(2)(B), a statute that enhances punishment for certain defendants who have three previous convictions for a “violent felony.” While ruling that, as used in the “violent felony” statute, “the phrase ‘physical force’ means *violent* force,”⁶³ the Court disclaimed any intention to determine the meaning of the same phrase elsewhere—and specifically not in the Lautenberg Amendment. Rather, having emphasized that “[u]ltimately, context determines meaning” in matters

⁶¹ *Griffith*, 455 F.3d at 1345.

⁶² 559 U.S. 133 (2010).

⁶³ *Id.* at 140 (emphasis in original).

of statutory interpretation,⁶⁴ the Court said that “[w]e have interpreted the phrase ‘physical force’ only in the context of the statutory definition of ‘violent felony.’ We do not decide that the phrase has the same meaning in the context of defining a *misdemeanor* crime of domestic violence.”⁶⁵

In statutes as in other settings, “words are chameleons, which reflect the color of their environment.”⁶⁶ Thus, as *Johnson* suggests, it is entirely possible and proper for the same words to have different meanings when used in different statutory contexts.⁶⁷ The phrase “physical force” has a different meaning in Section 921(a)(33)(A)(ii) than it does in the “violent felony” statute because of two crucial differences in context: (i) the Lautenberg Amendment is not concerned with “violent” crimes, but with crimes of “domestic violence,” and (ii) the Lautenberg Amendment is not concerned with felonies, but with misdemeanors.

Domestic Violence vs. Violence. When it passed the Lautenberg Amendment, Congress was not concerned with the level of physical force that might qualify as “violence” when committed at arm’s length between strangers. It was concerned, rather, with the pervasive problem of *domestic* violence—that is, with the abuse inflicted by one intimate partner on another for purposes of coercion and control. This is a crucial distinction. “To an outside observer, domestic violence may look like stranger-to-stranger violence (e.g.,

⁶⁴ *Id.* at 139.

⁶⁵ *Id.* at 143-44 (emphasis in original).

⁶⁶ *Comm’r of Internal Revenue v. Nat’l Carbide Corp.*, 167 F.2d 304, 306 (2d Cir. 1948).

⁶⁷ See note 3.

punching, slapping, kicking, choking),” but “the intimate context of domestic violence shapes the way in which both the perpetrator and the victim relate to and are affected by the violence.”⁶⁸

It is in this “intimate context” that the meaning of the Lautenberg Amendment must be discerned. As described above, “domestic violence” is a broad term of art. It denotes any kind of abusive behavior committed by one intimate partner to gain or maintain power and control over the other intimate partner. The sort of “physical force” that might not be described as “violent” in another context—a shove, a slap, unwelcome physical restraint—is nevertheless “domestic violence.” Indeed, such “offensive touching” is exactly the sort of “minor contact” that characterizes the early phases of physical domestic abuse, before escalating over time into more violent actions and sometimes—especially where the abuser has access to firearms—culminating in domestic homicide.

The Fourth, Sixth, Ninth, and Tenth Circuits missed the implications of the Lautenberg Amendment’s focus on “domestic violence.” For example, to support its holding that “mere impolite behavior” is not what Congress had in mind when it defined misdemeanor crimes of “domestic violence,” the Ninth Circuit offered the incongruously non-domestic image of Vice President Richard Nixon jabbing Nikita Khrushchev in the chest “with his pointed finger as he expostulated with his face inches away.”⁶⁹ Nixon’s jab may not have been “violent” in its peculiar context, but if replicated between intimate partners in the context of an abusive relationship, and

⁶⁸ Ganley, *supra* note 13, at 17.

⁶⁹ *Belless*, 338 F.3d at 1068.

inflicted for purposes of coercion and control, the gesture would certainly constitute “domestic violence.” To say that Congress did not have this level of “physical force” in mind when it enacted the Lautenberg Amendment, therefore, is to ignore the most essential feature of the statutory context: the problem it was explicitly enacted to solve.⁷⁰

Misdemeanor vs. Felony. In *Johnson*, this Court acknowledged “a more specialized legal usage of the word ‘force:’ its use in describing one of the elements of the common-law crime of battery. . . .”⁷¹ “The common law held this element of ‘force’ to be satisfied by even the slightest offensive touching.”⁷² But the Court found it “unlikely that Congress would select as a term of art defining ‘violent felony’ a phrase that the common law gave peculiar meaning only in its definition of a misdemeanor” where nothing in the statute under consideration suggested that “physical

⁷⁰ The Tenth Circuit likewise misplaced the hypothetical emphasis by expressing concern about applying the Lautenberg Amendment to the kind of defendant who commits a misdemeanor battery when, “in the midst of an argument, a wife might angrily point her finger at her husband and he, in response, might swat it away with his hand.” *Hays*, 526 F.3d at 679. At worst, the Tenth Circuit’s illustration embodies the disturbingly retrograde view that there are “two sides to the story” in cases of domestic violence. At best, the scenario is unrealistic and therefore irrelevant: local law enforcement officials are unlikely to spend their limited resources prosecuting a genuinely *de minimis* battery. See *Gonzales v. Duenas-Alvarez*, 549 U.S. 183, 193 (2007) (“to find that a state statute creates a crime outside the generic definition of a listed crime in a federal statute requires more than the application of legal imagination to a state statute’s language”).

⁷¹ 559 U.S. at 139.

⁷² *Id.* (citations omitted).

force,” as used there, should “be given its common-law misdemeanor meaning.”⁷³

Here, again, the context is decidedly different. Because the common-law meaning of “force” applies only to misdemeanors, it does “not fit” a statute that imposes penalties for the commission of a “violent felony.”⁷⁴ On the other hand, the common-law usage fits perfectly into a statutory definition of “misdemeanor crime.” The fit is especially snug because, as a practical matter, the misdemeanor statutes used in many states to prosecute domestic violence implicitly or explicitly incorporate the very same common-law usage of “force” to include “even the slightest offensive touching.”⁷⁵

Indeed, in this context, it would be odd to assume that Congress did *not* import the common-law usage into the statute. Why would the legislature explicitly define “misdemeanor crime” in terms of “physical force,” but silently exclude from that definition the meaning commonly given to the concept of “force” in misdemeanor statutes? Just as it would be incongruous to interpret a statute that addresses “domestic violence” in a way that effectively reads the word “domestic” *out* of Section 922(g)(9),⁷⁶ it defies

⁷³ *Id.* at 141.

⁷⁴ *Id.* at 139-40.

⁷⁵ See, e.g., *Castleman*, 695 F.3d at 590 (predicate Tennessee statute required “proof of just some physical injury, regardless of how slight”); *White*, 606 F.3d at 148 (Virginia assault and battery offenses “incorporate the common law crime”); *Hays*, 526 F.3d at 678-79 (Wyoming statute “follows the common-law rule”). In this context, the “common-law term of art should be given its established common-law meaning.” *Johnson*, 559 U.S. at 139.

⁷⁶ See *Griffith*, 455 F.3d at 1345.

common sense to interpret a statute enacted to cover “misdemeanor crimes” in a way that effectively reads the word “violent” *into* the phrase “physical force.”

C. The Fourth, Sixth, Ninth, and Tenth Circuits’ interpretation of “physical force” would frustrate legislative intent.

Policy and purpose are elements of context, too. Judicial interpretations of statutes “must give practical effect to Congress’s intent, rather than frustrate it.”⁷⁷ Thus, for example, this Court’s decision in *United States v. Hayes*,⁷⁸ rested in part on its recognition that an unduly narrow construction of the “domestic relationship” element of Section 921(a)(33)(A)(ii) would “frustrate Congress’s manifest purpose,” rendering the Lautenberg Amendment “a dead letter’ in some two-thirds of the States from the very moment of its enactment.”⁷⁹ The Court found it “highly improbable” that Congress meant to extend Section 922(g)(9)’s firearm possession ban to domestic abusers in only a relatively few states.⁸⁰

The narrow construction of “physical force” by the Fourth, Sixth, Ninth, and Tenth Circuits is equally improbable. It, too, would restrict the scope of the Lautenberg Amendment along arbitrary geographic lines. As this Court noted in *Hayes*, the domestic abusers targeted by Section 922(g)(9) are “routinely prosecuted under generally applicable assault or

⁷⁷ *United States v. Heckenliable*, 446 F.3d 1048, 1051 (10th Cir. 2006).

⁷⁸ 555 U.S. 415 (2009).

⁷⁹ *Id.* at 426-27.

⁸⁰ *Id.* at 427.

battery laws.”⁸¹ But the generic assault and battery statutes of about half the states do not draw distinctions between degrees of “force.”⁸² These laws either are silent on the matter, and have been interpreted to incorporate common-law concepts,⁸³ or else they explicitly codify the common-law elements of “offensive touching,” causing “bodily injury,” or both.⁸⁴ Any abuser convicted under one of these statutes—no matter how egregiously “violent” the behavior that prompted his prosecution—will be exempt from Section 922(g)(9).

As interpreted by the Fourth, Sixth, Ninth, and Tenth Circuits, therefore, the Lautenberg Amendment will not close the loophole that existed in pre-1996 law as Congress intended—“completely and without limitation.” Section 922(g)(9) rather, will fill the pre-existing gap only incompletely and in a geographically haphazard manner. Victims in some states will benefit from the protection of Section 922(g)(9), but in many other states the Lautenberg Amendment will again be rendered a “dead letter.” Victims of “misdemeanor” domestic violence in those jurisdictions will remain exposed to the special kind of risk—and will continue to live with the special kind of fear—that arises when one’s abuser has access to firearms. The difference, moreover, will depend on the technical wording of the statute under which an

⁸¹ *Id.*

⁸² See Petition for Writ of Certiorari at 14, *Castleman*, No. 12-1371 (May 17, 2013).

⁸³ See, e.g., *White*, 606 F.3d at 148 (Virginia statute “incorporate[s] the common law crime of ‘assault and battery’ without statutory modification or restriction”).

⁸⁴ See, e.g., Tenn. Code. Ann. §39-13-101.

abuser happened to be prosecuted, not on the nature of his conduct or on the quantifiable risk of lethal escalation. This cannot be what Congress intended when it passed the Lautenberg Amendment.⁸⁵ It would not have acted to close a loophole by drafting a statute that left that loophole open in at least half of the United States.

Interpretations of a statute that would produce such “absurd results are to be avoided if alternative interpretations consistent with the legislative purpose are available.”⁸⁶ Here, the United States has proposed just such an alternative, along the lines already drawn by the First, Eighth and Eleventh Circuits. This interpretation is logically sound, linguistically coherent, and fully consistent with the legislative purpose. The *Amici Curiae* urge the Court to “stick to the common sense approach,”⁸⁷ and to allow Section 922(g)(9) to do the important work that Congress enacted it to do.

⁸⁵ See *Nijhawon v. Holder*, 557 U.S. 29, 40 (2009) (rejecting statutory interpretation that would leave provision with little application, because it was doubtful that “Congress would have intended [the law] to apply in so limited and so haphazard a manner”).

⁸⁶ *Griffin v. Oceanic Contractors, Inc.*, 458 U.S. 564, 575 (1982).

⁸⁷ *Griffith*, 455 F.3d at 1345.

CONCLUSION

For the foregoing reasons, the *Amici Curiae* respectfully request that this Court REVERSE the decision of the Court of Appeals for the Sixth Circuit.

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APPENDIX

APPENDIX**IDENTITIES AND INTERESTS OF
*AMICI CURIAE***

The following organizations respectfully submit this brief as *Amici Curiae* in support of Petitioner, and urge this Court to overturn the decision of the Sixth Circuit.

The **National Network to End Domestic Violence (NNEDV)** is a not-for-profit organization incorporated in the District of Columbia in 1995 (www.nnedv.org) to end domestic violence. As a network of the 56 state and territorial domestic violence and dual domestic violence sexual assault Coalitions and their over 2,000 member programs, NNEDV serves as the national voice of millions of victimized women, children and men. Working with federal, state and local policy makers and domestic violence advocates throughout the nation, NNEDV helps identify and promote policies and best practices to address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. Additionally, NNEDV serves as a leading voice among various national domestic violence groups and, in that capacity, currently co-chairs the Domestic Violence and Guns Working Group of the National Task Force to End Sexual and Domestic Violence Against Women. NNEDV, which was instrumental to congressional enactment and eventual implementation of the Violence Against Women Acts of 1994, 2000, 2005 and 2013, is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in

contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **National Domestic Violence Hotline (NDVH)** is a not-for-profit organization incorporated in Texas in 1996 (www.ndvh.org) to assist victims of domestic violence to find safety, support, and appropriate services. The NDVH's dedicated advocates and staff have been the vital link to safety for women, men, children and families affected by domestic violence, responding to calls 24 hours a day, 7 days a week, and 365 days a year. Currently answering more than 22,000 calls and online contacts per month, the NDVH provides confidential, one-on-one support to each caller, offering crisis intervention, options for next steps and direct connection to resources for immediate safety. The NDVH makes referrals to over 5,000 agencies and resources in communities all across the country. The NDVH is a member of the national Steering Committee of the National Task Force to End Sexual and Domestic Violence, which provides a collective national voice for federal, state and local policy makers and domestic violence advocates. The NDVH has responded to over 3 million calls for help since first opening the national hotline, and many of these calls are motivated by the victims' fears of firearm violence at the hands of their intimate partners. These calls inform the NDVH's efforts to work with other national organizations to promote policies and best practices to address victim safety and support. Additionally, the NDVH serves as the co-chair (with NNEDV) of the Domestic Violence and Guns Working Group of the National Task Force to End Sexual and Domestic Violence Against Women. The NDVH, on behalf of the millions of callers who have reached out to them since 1996, is interested in ensuring that the Lautenberg Amendment remains a

robust tool for protecting the safety of victims of misdemeanor crimes of domestic violence.

The **Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)** was founded in 2003 by a leading domestic violence lawyer and scholar. DV LEAP provides a stronger voice for justice by fighting to overturn unjust trial court outcomes, advancing legal protections for victims and their children through expert appellate advocacy, training lawyers, psychologists and judges on best practices, and spearheading domestic violence litigation in the United States Supreme Court. DV LEAP is committed to ensuring that courts understand the realities of domestic violence and the law when deciding cases with significant implications for domestic violence litigants. DV LEAP has co-authored *amicus* briefs in numerous state courts and to the United States Supreme Court in *Town of Castle Rock, Colo. v. Gonzalez*; *Davis v. Washington*; *Hammon v. Indiana*; *Giles v. California*; *United States v. Hayes*; *Abbott v. Abbott*; *Florence v. Board of Chosen Freeholders*; and *Robertson v. Watson* (concerning enforcement of protection orders). DV LEAP is a partnership of the George Washington University Law School and a network of participating law firms.

Legal Momentum, the Women's Legal Defense and Education Fund, is the nation's oldest legal advocacy organization for women. Legal Momentum advances the rights of all women and girls by using the power of the law and creating innovative public policy. Legal Momentum was one of the leading advocates for passage in 1994 of the landmark Violence Against Women Act, as well as its subsequent reauthorizations, all of which have sought to redress the historical inadequacy of the justice system's

response to domestic and sexual violence. Legal Momentum has also represented survivors of domestic and sexual violence, and provided technical assistance materials to the public in housing and employment discrimination-related cases, and matters stemming from the violence. Legal Momentum is also a partner in the National Resource Center on Workplace Responses to Domestic and Sexual Violence (www.workplacesrespond.org), a consortium funded by the U.S. Justice Department in order to help employers proactively adopt workplace violence-related policies and support employees who are experiencing domestic or sexual violence.

The **Arizona Coalition Against Domestic Violence (AzCADV)** was formed in 1980 to unite concerned citizens and professionals to increase public awareness about the issue of domestic violence, enhance the safety of and services for victims of domestic violence, and reduce the incidents of domestic violence in Arizona families. Our mission is to lead, to advocate, to educate, to collaborate, and to end domestic violence in Arizona. AzCADV is based in Arizona and has significant, statewide presence. We are a nongovernmental, non-profit membership organization that works with more than 170 members and allies to carry out our mission. Each year, AzCADV documents homicides, suicides and deaths that occur as a result of domestic violence. Every year, deaths related to guns outnumber all other causes of death by a significant margin, and account for roughly 60% of all domestic violence related deaths in a single year. This has been the case for at least the last 5 years. We recently published a report on the connection between gun violence and domestic violence in Arizona, have served on the Arizonans Against Gun Violence Coalition, and have worked with

Mayors Against Illegal Guns to advocate for background checks on all firearms purchases. AzCADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Arkansas Coalition Against Domestic Violence (ACADV)** has served both rural and urban areas of Arkansas since its inception in 1981 (www.domesticpeace.com). Our membership consists of domestic violence service providers and others who demonstrate support for the philosophy, goals and objectives of the ACADV. The mission of the ACADV is to eliminate domestic violence and promote healthy families. As a Coalition, our goals are to: strengthen the existing support systems serving victims and their children; develop legislation that provides legal protection to victims; promote public policies which meet the needs of victims; pursue funding for programs working with victims and their children; and provide training for the public and those working with victims.

In certain jurisdictions within our state, victims are still in eminent danger of bodily injury or physical harm even if their aggressor has been ordered to surrender their weapons and ammunitions; this, due to proxy relationships. In other words while abusers do not physically possess firearms, they still have ample access by proxy. In addition, some jurisdictions are leery to issue orders of protection during hunting season, thus minimizing the victim's claim of imminent danger of bodily injury or physical harm. Most recently, it was brought to our attention as a

Coalition that in divorce cases where domestic abuse has been present, a judge has ordered no firearms in the home when children are present, until the children complete a hunter's education course. The ACADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **California Partnership to End Domestic Violence (the Partnership)** is the federally recognized State Domestic Violence Coalition for California. Like other Domestic Violence Coalitions throughout the United States and territories, the Partnership is rooted in the battered women's movement and the values that define this movement, including working toward social justice, self-determination and ending the oppression of all persons. The Partnership has a 30-year history of providing statewide leadership, and has successfully passed over 100 pieces of legislation to ensure safety and justice for domestic violence survivors and their children. We believe that by sharing expertise, advocates and legislators can end domestic violence. Every day we inspire, inform and connect all of those concerned with this issue, because together we're stronger.

The Partnership's mission and work are focused on protecting the safety of domestic violence victims and their children and holding batterers accountable. The Partnership recognizes the deadly intersection of domestic violence and possession of firearms and has worked to support state and federal laws to keep guns out of the hands of domestic violence offenders. The

Partnership is concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will have a negative resulting impact on victims of domestic violence.

The **Colorado Coalition Against Domestic Violence (CCADV)** is a non-profit statewide membership organization whose mission is to inspire Colorado to end domestic violence. CCADV was established in 1978 as the statewide voice for victims of domestic violence and advocacy organizations, and currently represents over 40 domestic violence programs and allied organizations. Through training, technical assistance, and policy and systems advocacy, CCADV offers comprehensive support of member programs' ability to effectively serve diverse survivors of domestic violence (over 50,000 individuals each year).

CCADV has a long history of advocating for and supporting laws and policies that affect victims of domestic violence, including those which reduce homicides through domestic violence firearms prohibitions. CCADV was instrumental in the enactment and implementation of Senate Bill 13-197, which mandates Colorado courts to enforce federal domestic violence firearms prohibitions and to order prohibited abusers to relinquish their firearms and ammunition. Studies reveal that the presence of firearms significantly increases the lethality of domestic violence incidents; lethality increases further when there has been a history of domestic violence, whether such abuse involved a misdemeanor or felony charge. Policies that prohibit abusers from purchasing firearms and that disarm abusers already in possession of firearms, such as Senate Bill 13-197, are associated with reductions in intimate partner

homicides. CCADV is troubled by limitations to the class of misdemeanants who will be disqualified from firearm purchase and possession under the Sixth Circuit's interpretation of the Lautenberg Amendment and the lethal impact such an interpretation will have on victims of domestic violence. The proper resolution of this case is therefore a matter of substantial interest to CCADV and to its members.

The **Connecticut Coalition Against Domestic Violence (CCADV)** is a not-for-profit statewide organization that works to improve social conditions and lead Connecticut's response to domestic violence through policy, advocacy, public awareness, technical assistance and training (www.ctcadv.org). CCADV envisions being the state's leading authority and key agent of change for member agencies and systems that serve victims of domestic violence. Working with federal, state and local policy makers and domestic violence advocates throughout the nation, CCADV helps identify and promote policies and best practices to address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. According to the 2013 Connecticut Domestic Violence Fatality Review Report, firearms remain the most frequently used weapon in intimate partner homicides. Between 2000 and 2011, 66 people in Connecticut were killed by an intimate partner who used a gun. Connecticut law prohibits individuals subject to restraining or protective orders (excluding ex-parte restraining orders) from possessing firearms. Those individuals must either surrender their firearms to law enforcement or sell them to a federally-licensed firearms dealer. While recently enacted gun safety laws in Connecticut will make it more difficult for prohibited persons to obtain firearms from private

sellers, more work must be done at the federal level to keep guns out of the hands of domestic abusers.

The **Delaware Coalition Against Domestic Violence (DCADV)**, founded in 1994, is a statewide, nonprofit organization of domestic violence agencies, allied organizations, and supportive individuals. DCADV serves as an “umbrella” organization to many Delaware domestic violence programs, including shelters, hotlines, and victim support/advocacy programs. Over the past 18 years, DCADV’s efforts have focused on enhancing the services, legal remedies, and resources available to assist victims of domestic violence while increasing public awareness about the terrible cost of domestic violence in our society, where it is estimated that one in four women will be victimized in her lifetime. DCADV has also seen the state of Delaware receive a ranking as high as second in the nation in the rate of intimate partner violence homicides, most of which were committed with firearms. As Delaware’s state domestic violence coalition, DCADV works to address and prevent this critically important problem.

The **DC Coalition Against Domestic Violence (DCCADV)** is a not-for-profit organization founded in 1986 and incorporated in the District of Columbia. As the federally recognized territorial coalition, DCCADV is a membership organization of 12 primary-purpose domestic violence service providers in D.C. DCCADV works to improve the criminal justice response to domestic violence on behalf of those programs and the 30,000 victims they serve each year. D.C. law does not name misdemeanor domestic violence assault, instead all domestic violence-related assaults are charged as “simple assault” and Congress intended for victims of those crimes to be protected by the Lautenberg

Amendment. DCCADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Florida Coalition Against Domestic Violence (FCADV)** is the non-profit organization that serves as the statewide membership association for Florida's 42 certified domestic violence centers. FCADV recognizes that domestic violence is grounded in an abuse of power by the perpetrator and reinforced through power and control, and serves as the primary representative of survivors of domestic violence and their children in the public policy arena. FCADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, and will result in increased danger for victims of domestic violence.

The **Georgia Coalition Against Domestic Violence (GCADV)** is a not-for-profit organization incorporated in the state of Georgia representing 52 local-level domestic violence shelters and non-residential programs throughout the state. Tracing our roots back to 1980, GCADV brings together member agencies, allied organizations and supportive individuals who are committed to ending domestic violence. Guided by the voices of survivors, we work to create social change by addressing the root causes of this violence. GCADV leads advocacy efforts for responsive public policy and fosters quality,

comprehensive prevention and intervention services throughout the state.

As a part of its public policy and systems advocacy efforts, GCADV works to address the high domestic violence homicide rate in Georgia. Currently, Georgia ranks 12th in the nation for the rate at which women are killed by men, and we know that roughly 75 percent of our domestic violence homicides are committed using firearms. Prohibiting access to firearms by those who have been convicted of domestic violence crimes is critical in reducing domestic violence homicides. As such, GCADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Hawaii State Coalition Against Domestic Violence (HSCADV)** is a not-for-profit organization and a statewide partnership of domestic violence programs and shelters, incorporated in the state of Hawai'i in 1980. HSCADV is comprised of the directors of spouse abuse shelters and psycho-educational counseling programs for victims and perpetrators of spouse abuse on each of the islands, as well as the Victim Witness Assistance Division of the Honolulu Prosecutor's Office, Legal Aid Society of Hawaii, Hawaii Immigrant Justice Center, and the Domestic Violence Action Center. Working with all major state and local systems in Hawai'i, HSCADV highlights the concerns of the domestic violence community and identifies gaps and best practices to address the needs of victims to maintain safety. HSCADV is troubled by the Sixth Circuit's

interpretation of the Lautenberg Amendment in *United States v. Castleman*, as it fails to acknowledge Congress's intent to provide safety for women and children within their own homes. Domestic violence is one of the most prevalent causes of lethality to women in our country and it would be a miscarriage of justice to decrease the protections to victims under this Amendment by narrowing the class of misdemeanants subject to this federal prohibition.

The **Idaho Coalition Against Sexual & Domestic Violence** is a non-profit organization incorporated in the State of Idaho in 1982 (www.engagingvoices.org) dedicated to engaging voices to create change in the prevention, intervention and response to domestic violence, relationship abuse, stalking and sexual assault. As a membership organization of twenty-six community-based domestic and sexual violence programs and an additional fifty-six governmental and non-governmental organizational allies, the Idaho Coalition Against Sexual & Domestic Violence energizes and activates people, organizations, and communities around the shared vision of compassionate communities with justice, equity and respect for all girls and women, boys and men and a future without violence. The Idaho Coalition Against Sexual & Domestic Violence builds the capacity of programs, organizations and systems to provide safe, accessible and trauma-informed services. The Idaho Coalition Against Sexual & Domestic Violence developed and implemented the Idaho Risk Assessment of Dangerousness to address recidivism and lethality as a best practice for the criminal justice system. The Idaho Coalition Against Sexual & Domestic Violence is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will

limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Illinois Coalition Against Domestic Violence** is a non-profit organization working to prevent domestic violence across the state of Illinois. The Coalition is a member of the National Network to End Domestic Violence, along with 56 other state and territorial domestic violence coalitions. We provide years of expertise in training, advocacy and technical assistance to and on behalf of 53 member shelters and programs in the state of Illinois. We have followed the progression of *United States v. Castleman* with great interest, and we join the NNEDV in their concern that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession and therefore will adversely affect victims of domestic violence in Illinois and across the country.

The **Indiana Coalition Against Domestic Violence (ICADV)** is a not-for-profit organization incorporated in 1980 (www.icadvinc.org) to end domestic violence. ICADV is a statewide alliance of domestic violence and sexual assault programs, law enforcement, prosecutors, criminal justice agencies, faith-based organizations, and concerned individuals. We provide technical assistance, resources and training to those who serve victims of domestic violence; and advocate for social and systems change through public policy, public awareness and education. Additionally, ICADV helps implement policies and best practices to address victim lethality and the law enforcement and criminal justice system response to domestic violence, and to establish shelter-

based practices that enhance victim safety. In Indiana, 65% of domestic homicides are caused by a firearm. Many of those individuals should not have been able to possess a gun by federal and state prohibitions. ICADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Iowa Coalition Against Domestic Violence (ICADV)** is a non-profit organization, incorporated in the State of Iowa in 1985. ICADV provides educational and technical assistance to the domestic violence programs across Iowa, and also acts on a statewide and national level to promote public policy and legislative issues on behalf of battered women and their children. ICADV's purpose is to eliminate personal and institutional violence against women through support and programs providing safety and services to victims of domestic violence. ICADV recognizes that unequal power contributes to violence against women. Therefore, ICADV advocates social change, legal and judicial reform, and the end to all oppression. Since 1995, when the state began gathering data, 134 women, men, and children have been shot to death in domestic violence homicides. Many other victims endure threats and deadly games with firearms, terrifying experiences during which victims fear for their lives. ICADV continues to educate legislators and judges on the importance of keeping firearms out of the hands of batterers.

Jane Doe Inc. (JDI), the Massachusetts Coalition Against Sexual Assault and Domestic Violence, is a

statewide organization of about sixty member programs that provide direct services to victims and survivors of sexual and domestic violence. Guided by the voices of survivors, JDI brings together organizations and people committed to ending domestic violence and sexual assault, creating social change by addressing the root causes of this violence, and promoting justice, safety and healing for survivors. JDI advocates for responsible public policy, promotes collaboration, raises public awareness, and supports its member organizations to provide comprehensive prevention and intervention services.

The **Kentucky Domestic Violence Association** is a nonprofit organization founded in 1981 and incorporated in the State of Kentucky. It is dedicated to advocating for safety and justice for battered women and their children, and provides comprehensive services to families through fifteen shelter programs located across the state. Through our hotline, shelter, legal advocacy and community outreach endeavors, we have assisted battered women and their children in trying to establish their safety and stability. Domestic violence is a serious crime with tragic consequences for millions of women and children nationwide. It is well established that the presence of firearms in domestic violence situations threaten to exacerbate an already deadly crisis. Seventy-four percent of homicides in Kentucky are firearm deaths, and almost 40% of homicides occur between partners or family members. There are many compelling reasons for restricting the use and availability of firearms under circumstances like those of domestic violence; such reasons form the underpinnings of the federal gun restrictions associated with protective orders and criminal convictions. The Kentucky Legislature considered the implementation of a statute specifically addressing

crimes of domestic violence assault, and enacted KRS 508.032 in 2000. However, this statute only provides for penalty enhancement, based on the relationship between victim and defendant, for a third qualifying offense. The first two assaults would be charged under the general assault statute. Therefore, the Kentucky Legislature chose not to create a specific misdemeanor crime of domestic violence/assault. A decision by this Court that would allow convicted abusers in Kentucky to obtain and possess firearms because our state legislature chose not to enact a specific domestic violence statute, and instead left intact our misdemeanor assault offense that requires only a physical injury and not serious physical violence, would create a grave risk of harm to victims and their children. We therefore join the *amicus* brief submitted by the National Network to End Domestic Violence in support of the United States.

The **Louisiana Coalition Against Domestic Violence** is the federally designated statewide coalition of shelters, non-residential programs and individuals working to end domestic violence in Louisiana. Our programs serve people from everywhere in Louisiana and who come from all backgrounds. We oppose violence as a means of control over others and support equality in relationships. Our mission is to eliminate domestic violence through public education, systems change, social change, and public policy. We promote and strengthen quality comprehensive services for member programs and all individuals affected by domestic violence. The Louisiana Coalition Against Domestic Violence is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in

contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Maryland Network Against Domestic Violence (MNADV)** is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. The Network accomplishes this goal by providing education, training, resources, and advocacy to advance victim safety and abuser accountability. The MNADV is a nonprofit 501(c)(3) organization incorporated in Maryland in 1981.

The MNADV created the nationally recognized Lethality Assessment Program – The Maryland Model and has received an OVW Technical Assistance grant and a Homicide Prevention Demonstration Initiative award to provide training and technical assistance to participating jurisdictions throughout the United States. The MNADV has also created an innovative, county-based Domestic Violence Fatality Review Team Project that has established teams in 19 of 24 jurisdictions in Maryland.

Every year in Maryland, more than 50% of domestic violence homicides are committed with a firearm. The MNADV strongly supports restricting firearms possession by individuals convicted of misdemeanor crimes of domestic violence and has advocated actively for strong state legislation to prohibit the possession of firearms by domestic violence offenders. Limiting access to firearms will save lives.

The **Michigan Coalition to End Domestic and Sexual Violence (MCEDSV)** is a statewide membership organization (<http://www.mcedsv.org>)

whose members represent a network of more than 70 domestic and sexual violence programs and over 200 allied organizations and individuals. It has provided leadership as the statewide voice for survivors of domestic violence and sexual violence and the programs that serve them since 1978. The organization is dedicated to the empowerment of all of the state's survivors of domestic and sexual violence. Governed by a 12 member board of directors, the 15 member staff of professionals coordinates information sharing, technical assistance and advocacy for the Coalition's 76 member organizations. In addition, the MCEDSV undertakes special projects to enhance the work of its members and to advance the interests of domestic and sexual violence survivors in Michigan. MCEDSV has extensive experience in providing training and technical assistance regarding the issues of sexual assault, domestic violence, stalking and human trafficking, community-based solutions to ending violence, public policy advocacy, coalition building, and systems change. MCEDSV is known as a state and national leader in these areas. We are profoundly concerned about the intersection of firearm use and the safety of women and children in Michigan. MCEDSV is very concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic and sexual violence in Michigan and nationwide.

The **Missouri Coalition Against Domestic and Sexual Violence (MCADSV)** is a not-for-profit organization incorporated in Missouri in 1980. As a membership organization of 125 programs providing domestic and sexual violence services, MCADSV

serves as the statewide advocacy, education and communications network to advance the prevention of violence against women and to address the needs of those victimized by the violence. MCADSV is recognized for its successes during the past 30 years in advocacy work with state, local and national policy makers to identify and promote policies and best practices to address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. MCADSV's current CEO worked with advocates and Congress members to draft the original Violence Against Women Act of 1994 and continues to participate in national policy leadership for the implementation of all subsequent reauthorizations of the Act. Therefore, MCADSV, on behalf of domestic violence victims in Missouri and all of the Missouri advocates and programs who serve them, is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The Minnesota Coalition for Battered Women, Inc. (MCBW) is a private, non-profit membership organization which serves as a statewide coalition of more than eighty local, regional and statewide grassroots organizations which provide shelter and services to battered women and their families. MCBW provides training and technical assistance for member programs, networking and support for battered women and community education to law enforcement, schools, the general public and others. The member organizations of MCBW, with consultation and assistance provided by MCBW, provide shelter and

legal advocacy every year to thousands of battered women.

The mission of MCBW is to end violence against battered women and their children. Resolution of the issues in *United States v. Castleman* will have an impact on domestic violence victims and on the criminal justice system's ability to provide effective protection and intervention on behalf of domestic violence victims in Minnesota. The interpretation of the Lautenberg Amendment will impact the classes of misdemeanants subject to the federal prohibition on firearm possession and widely impact victims of domestic violence.

The **Mississippi Coalition Against Domestic Violence (MCADV)** is a not-for-profit organization incorporated in the state of Mississippi in 1980 to bring about social change through advocacy for victims to end domestic violence. As a statewide organization with national connections with various entities in supporting the cause to end domestic violence, MCADV collaborates with the National Network to End Domestic Violence (NNEDV). We also work with federal, state and local policy makers and domestic violence advocates on issues affecting victims of domestic violence. MCADV stands with NNEDV, a leading voice among various national domestic violence groups, to address an issue with serious ramifications. We are deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Montana Coalition Against Domestic and Sexual Violence (MCADSV)** is a not-for-profit

organization incorporated in the state of Montana in 1986 (www.mcadsv.com). MCADSV is a statewide coalition of individuals and organizations working together to end domestic and sexual violence through advocacy, public education, public policy, and program development. Our mission is to support and facilitate networking among our member organizations while advocating for social change in Montana. MCADSV represents a majority of the state's domestic and sexual violence service providers and is the primary statewide organization providing training and technical assistance to these programs. MCADSV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The National Coalition Against Domestic Violence (NCADV), a national nonprofit organization founded in 1978 and incorporated in the state of Oregon, provides general information, referrals, and technical assistance to domestic violence service providers and serves as the primary representative of over 2,000 local programs, battered women and their children in the public policy arena. NCADV also provides extensive information and resources to the general public through our website at www.ncadv.org, Facebook and Twitter accounts. NCADV has been a strong and vocal advocate for better protections for victims of violence, particularly related to abusers' access to guns. NCADV is very concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contradiction to Congress's

intent, and the resulting impact on victims of domestic violence that interpretation may create.

The **Nebraska Domestic Violence Sexual Assault Coalition** is a nonprofit statewide advocacy organization committed to the prevention and elimination of domestic and sexual violence. The organization works to enhance safety and justice by changing the beliefs that perpetuate domestic violence and sexual assault. The Coalition supports and builds upon the services provided by its membership network of 21 local programs. The network of programs provided services to nearly 24,000 individuals during a recent 12 month period, including the provision of 70,500 emergency shelter beds for adults and children and answering 47,669 crisis line calls across the state.

The Nebraska Domestic Violence Sexual Assault Coalition is a member of the National Network to End Domestic Violence, and works hand in hand with NNEDV as well as other statewide coalitions to support survivors in a unified and collective approach for our nation. The Nebraska Domestic Violence Sexual Assault Coalition shares the concern of NNEDV and our partnering statewide coalitions that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Nevada Network Against Domestic Violence** is a not-for-profit organization incorporated in the State of Nevada in 1981 (www.nnadv.org) to end domestic violence. As a network of 11 of the state's 15 domestic violence programs NNADV serves as the statewide voice on domestic violence. Working with

federal, state and local policy makers and domestic violence advocates throughout the state, NNADV helps identify and promote policies and best practices to address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. Nevada has led the nation in the number of murders of women by men with handguns for five of the last seven years. This dubious honor heightens our concern that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV) is a not-for-profit organization committed to creating safe and just communities through advocacy, prevention and empowerment of anyone affected by sexual violence, domestic violence and stalking in New Hampshire. This mission is accomplished by the Coalition, which includes 14 independent community-based member programs, a board of directors, and a central staff working together to influence public policy on the local, state and national levels; ensure that quality services are provided to victims; promote the accountability of societal systems and communities for their response to sexual violence, domestic violence and stalking; and prevent violence and abuse before they occur. In 2012, NHCADSV member programs provided services to over 16,000 victims. NHCADSV has an interest in this case because it is committed to ensuring the safety of all victims of domestic violence perpetrated through the use of weapons.

The New Jersey Coalition for Battered Women (NJCBW) founded in 1977 and incorporated in 1979 is New Jersey's statewide coalition of domestic violence service programs and concerned individuals whose mission is to end domestic violence. NJCBW has expertise in providing information, resources, technical assistance and training to domestic violence programs, the public, and organizations involved with New Jersey's response to domestic violence. NJCBW advocates locally and statewide on a variety of policy matters, including legislation, to end domestic violence and has previously served as *amicus curiae* on a number of cases before the New Jersey Supreme Court. NJCBW believes that the Lautenberg Amendment and its prohibition on firearm possession for those convicted of domestic violence misdemeanors has saved numerous lives and that the Sixth Circuit's interpretation is not only erroneous but will also have serious implications for victims of domestic violence

The New Mexico Coalition Against Domestic Violence (NMCADV) is a 501(c)(3) organization that provides training, technical assistance, information, education, referrals and other support to domestic violence programs and stakeholders across New Mexico. We serve as the collective voice for victims of domestic violence and participate actively in systems change efforts statewide. The NMCADV has much reason to raise our collective voice in regards to *United States v. Castleman*. New Mexico's gun-death rate is 40 percent higher than the national average. In 2010, New Mexico had the seventh highest rate in the nation of women being killed by men – the majority of which occurred with a firearm. Children ages 0-19 are killed by guns at a rate almost 60 percent higher than the national average. We proudly join with this *amicus* brief because the majority of domestic violence

prosecutions are for misdemeanor offenses and because New Mexico's women and children need more, not less, protection from lethal violence.

The New York State Coalition Against Domestic Violence (NYSCADV) is a not-for-profit organization incorporated in the State of New York in 1978 (www.nyscadv.org). NYSCADV works to create and support the social change necessary to prevent and confront all forms of domestic violence. As a statewide network of over 100 local domestic violence member programs, NYSCADV achieves our mission through activism, training, prevention, technical assistance, legislative development, advocacy, and leadership development.

When intimate partner violence is combined with access to firearms, an already potentially lethal combination can be exacerbated. Homicide data from 2009 shows that in New York State, firearms were used in 25% of domestic violence homicides. While statistics and headlines speak mostly to victims of domestic violence murdered with guns, they do not account for the victims of domestic violence who are intimidated or threatened by guns and they do not account for victims of domestic violence that are assaulted by guns or those who survive gunshots. Because of this grim reality, NYSCADV has made it a priority to strengthen laws that relate to the intersection of firearms and domestic violence. Most recently, the NY SAFE Act of 2013 included provisions that strengthened New York State law dictating mandatory and permissive removal of firearms from people who have either a criminal court or family court order of protection issued against them under certain conditions.

NYSCADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence. Considering that the risk for serious injury or lethality increase when a firearm is involved, this provision must not be limited.

The North Carolina Coalition Against Domestic Violence (NNCCADV) is a not-for-profit organization incorporated in North Carolina in 1982 (www.nccadv.org) to end domestic violence. We represent and assist 50 member programs which serve victims of domestic violence. In addition, NCCADV has hundreds of individual members and other organizations. Working with federal, state and local policy makers and domestic violence advocates throughout the nation, NCCADV helps identify and promote policies and best practices to address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. NCCADV is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The North Dakota Council on Abused Women's Services (CAWS ND) is a non-profit membership-based organization incorporated in the state of North Dakota in 1978. CAWS ND is a dual coalition approaching its 35th anniversary growing from a loose network of five organizations to a membership of

twenty (20) direct service providers. The rich history of the organization includes not only the nurturing and subsequent growth of a direct service provider network but also a consistent presence working to help shape public policies and systems that are responsive to the needs and experiences of victims of domestic and sexual violence. Guns and domestic violence are a lethal combination. In North Dakota between 1992 and 2011, 53% of homicides involved domestic violence. Persons killed in domestic violence incidents were more likely to be killed with a firearm than those killed in non-domestic incidents. Between 1992 and 2011, abusers used firearms to murder 51 victims of domestic violence. Prohibiting access to firearms from offenders convicted of misdemeanor crimes of domestic violence is essential to providing much needed and often lifesaving protections for victims and survivors of domestic violence.

The **Ohio Domestic Violence Network (ODVN)** is a not-for-profit organization incorporated in the state of Ohio in 1989 to end domestic violence. As a statewide coalition representing 213 member programs, ODVN serves as the statewide voice for victimized women, children and men. As Ohio's largest and most comprehensive resource on domestic violence, ODVN regularly provides information and serves as the link between key stakeholders, including members of the Ohio General Assembly, United States Congress, state agencies, justice system and healthcare profession, domestic violence programs and domestic violence survivors. Through training and technical assistance, ODVN strives to promote victim-centered, evidence-based, and trauma-informed policies, practices and services. Working toward the passage and implementation of the Violence Against Women Act in 1994 and its subsequent

reauthorization in 2000, 2005 and 2013, ODVN is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearms possession in contravention of Congress's intent as well as the potential negative and potentially fatal impact on victims of domestic violence.

The **Oklahoma Coalition Against Domestic Violence and Sexual Assault (OCAVSA)** is a not-for-profit organization incorporated in the State of Oklahoma in 1981, to end domestic violence and sexual assault. As the network of 30 state and tribal dual domestic violence sexual assault victim service agencies, OCADVSA serves as the state voice of thousands of victimized women, children and men. Working with federal, state and local policy makers and domestic violence advocates throughout the nation, OCADVSA helps identify and promote policies and best practices to address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. OCADVSA, which was actively involved in the enactment and eventual implementation of the Violence Against Women Acts of 1994, 2000, 2005 and 2013, is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Pennsylvania Coalition Against Domestic Violence (PCADV)** is a private non-profit organization working at the state and national levels

to eliminate domestic violence, secure justice for all victims, enhance safety for families and communities, and create lasting systems and social change. The first domestic violence coalition in the nation, PCADV was established in 1976 when a handful of grassroots women's groups in the state joined together to lobby for legal protections and to develop a network of services for victims of domestic violence. The Coalition has grown to a membership of 60 organizations across Pennsylvania providing shelters, hotlines, counseling programs, safe home networks, legal and medical advocacy projects, and transitional housing for victims of abuse and their children. Over the past three decades, these programs have offered safety and refuge to close to 2 million victims and their children from every corner of the Commonwealth.

PCADV and its members have long recognized that the removal of firearms from domestic violence perpetrators is crucial for victim safety. Perpetrators use guns to scare, threaten, and harm victims. A firearm in the home greatly increases the likelihood of intimate partner homicide and that statistic bears out in Pennsylvania. In Pennsylvania, firearms are the weapons of choice for domestic violence perpetrators. In 2011, Pennsylvania had 166 domestic violence related fatalities occur and 66% of those deaths involved a firearm. In 2012, 141 fatalities and 62% of those fatalities involved a firearm. PCADV consistently advocates for firearm restrictions that will reduce access to firearms by domestic violence perpetrators. The Lautenberg Amendment is one of the few effective firearms prohibitions for domestic violence perpetrators. Narrowing the interpretation to limit the classes of misdemeanants subject to its provisions will only serve to increase the continued

risk of homicide that perpetrators with firearms pose to victims of domestic violence.

The **Rhode Island Coalition Against Domestic Violence (RICADV)** is a not-for-profit organization incorporated in the State of Rhode Island in 1979 (www.ricadv.org) to end domestic violence in Rhode Island. As the statewide coalition, we represent the six independent nonprofit domestic violence agencies in the state (Blackstone Valley Advocacy Center, Domestic Violence Resource Center of South County, EBC Center, Sojourner House, Women's Center of RI, and the Women's Resource Center). We also represent our task force of survivors, SOAR (Sisters Overcoming Abusive Relationships). Together, our member agencies served over 9,400 victims of domestic violence last year, and answered over 13,000 helpline calls from victims, family members and community members seeking support, information and referrals. The RICADV promotes policies and legislation that address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. We have worked in concert with the National Network to End Domestic Violence and other advocacy organizations to promote federal legislation that protect victims and holds abusers accountable. The RICADV is deeply concerned that the Sixth Circuit's interpretation of the Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA)** is a statewide coalition made up of 23

domestic violence and sexual assault advocacy programs in South Carolina. Since 1981, SCCADVASA has been a leader in our state in representing the critical needs of survivors and their families. Our mission is to end domestic violence and sexual assault in South Carolina by influencing public policy, advocating for social change, and building the capacity of member programs, allied organizations, and communities across the state. Sadly, South Carolina was just ranked number one in the nation for the number of women killed by men (Violence Policy Center). Ninety-three percent of these reported homicides were murdered by someone they knew and 63% by an intimate partner. Fifty-two percent were killed with guns. SCCADVASA is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition of firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The South Dakota Coalition Ending Domestic and Sexual Violence (SDCEDSV) is a not-for-profit organization incorporated in the State of South Dakota in 1978 to end domestic violence and sexual assault. As a network of the 25 domestic and sexual violence shelter programs, SDCEDSV serves as the state voice of hundreds of victimized women, children and men. Working with federal, state and local policy makers and domestic violence advocates throughout the state and nation, SDCEDSV helps identify and promote policies and best practices to address victim lethality, advance victim safety and establish best practices for victimless and evidence-based prosecution of domestic violence offences. SDCEDSV, which was instrumental to congressional enactment

and eventual implementation of the Violence Against Women Acts of 1994, 2000, 2005 and 2013, is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

The **Tennessee Coalition to End Domestic and Sexual Violence** is a not-for-profit organization incorporated in the State of Tennessee in 1988 (www.tncoalition.org) to end domestic violence in the State of Tennessee. The Coalition is the statewide network of 5 domestic violence programs, rape crisis centers, individuals and allies working to end violence in Tennessee.

The Coalition actively works with state and local policy makers and domestic violence advocates throughout the state identifying and promoting policies and best practices to address victim safety. The Coalition is a member of the Domestic Violence State Coordinating Council, a state-wide council focusing on policy issues and training related to domestic violence victims. The Council is comprised of representatives from the courts, law enforcement, and social services.

Over the years, the Coalition has worked to ensure that perpetrators of domestic violence are properly denied possession of a firearm. The Coalition led the effort to ensure that respondents under order of protection or those convicted of a misdemeanor crime of domestic violence could not possess a firearm. The Coalition also worked with legislators on a felons-in-possession statute that specifically prohibited the

possession of firearms by those convicted of domestic violence crimes.

The Coalition believes that a restrictive reading of the language of the Tennessee domestic assault statute will result in an increased amount of victims being killed by their intimate partners, and defeat the intent of Congress to ensure that perpetrators of domestic violence are prohibited from possessing a firearm.

The **Virginia Sexual and Domestic Violence Action Alliance (VSDVAA)** is a not-for-profit organization incorporated in Virginia in 1981 (www.vsdvalliance.org) to create a Virginia free from sexual and domestic violence. We are Virginia's leading voice on sexual and domestic violence. Over the past 30 years, we built an extensive network of agencies and individuals to speak in a unified voice on issues related to sexual and domestic violence. Our membership includes advocates at local accredited domestic and sexual violence service agencies, survivors, attorneys, law enforcement officers, health professionals and community members.

Guns and domestic violence are a lethal combination. The Virginia Medical Examiner's 2010 report of a ten-year review of family and intimate partner homicide in Virginia revealed that 60.5% of all intimate partner violence homicide victims were killed with a firearm. Recognizing the significant risk that exists when a perpetrator of domestic violence has access to firearms, VSDVAA supports laws that prohibit the purchase, transport and possession of firearms for persons subject to protective orders and/or who have been convicted of assault and battery of a family or household member.

VSDVAA is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence. In Virginia, we've seen limits on the application of the federal prohibition on firearm possession following a similar decision in the Fourth Circuit. The Virginia State Police reported in 2012 that in the year following the Fourth Circuit's decision the number of transactions denied for prior domestic assault and battery convictions fell from approximately 500 to 80. Law enforcement, prosecutors, and advocates in Virginia are concerned about the resulting impact this will have on victim safety in the Commonwealth.

The Vermont Network Against Domestic and Sexual Violence is a not-for-profit organization incorporated in the State of Vermont in 1986 (www.vtnetwork.org) to end domestic and sexual violence. As a network of the 14 non-profit organizations providing direct services to victims of domestic and sexual violence, and providing communities with education and outreach to prevent domestic and sexual violence in Vermont, the Vermont Network Against Domestic and Sexual Violence serves as the statewide voice of thousands of victimized women, children and men. Working with federal, state and local policy makers and domestic violence advocates throughout the state, the Vermont Network Against Domestic and Sexual Violence helps identify and promote policies and best practices to advance victim safety, support offender accountability, and promote and support best practices for the prevention of domestic and sexual violence. Additionally, the Vermont Network Against Domestic and Sexual

Violence serves as a leading voice among various statewide groups and agencies and in that capacity currently collaborates with Governor Peter Shumlin's administration to create public policy around and access to firearm storage in domestic violence cases. The Vermont Network Against Domestic and Sexual Violence, which was instrumental to congressional enactment and eventual implementation of the Violence Against Women Acts of 1994, 2000, 2005 and 2013, is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.

Incorporated in 1981, the **West Virginia Coalition Against Domestic Violence (WVCADV)** is a statewide, non-profit organization dedicated to the elimination of domestic violence and to the transformation of social systems that support non-violence, accountability, and economic self-sufficiency in diverse family structures and intimate relationships. To achieve this end, the Coalition Statewide Office (the Coalition) coordinates efforts in public policy, legislative advocacy, resource development, public information, training programs, and collection and storage of aggregate data from member programs. The Coalition prioritizes raising public awareness regarding the devastating social, economic, cultural, personal, and spiritual impact of domestic violence; and works collaboratively at local, state, and national levels. The Coalition's fourteen member programs provide direct services to victims and operate outreach offices throughout the state. Direct service providers respond to the needs of victims on a 24-hour basis by providing the following

services: safe emergency housing, case management, peer counseling and group support, information and referral, advocacy, and victims' rights information. Each program's service area varies from two to eight counties and provides direct services through residential and outreach centers. The Coalition and member programs work together to develop a strong network of shared resources and support.

Firearms and domestic violence are a deadly combination. Abusers who gain access to firearms pose a lethal threat both to those they have abused and to the wider community. Firearms are the weapons of choice among abusers who kill their intimate partners and children in West Virginia. From October 1, 2012 through September 30, 2013, there were 20 domestic violence homicides in West Virginia. A firearm was used in 55% of the homicides. In a study conducted by Marshall University, researchers found that 51.4% of domestic violence victims believed that their abuser would use a firearm on them. Guns were also present during the abuse in 61 % of police reports filed.

End Domestic Abuse Wisconsin (End Abuse) is the leading voice for victims of domestic abuse in Wisconsin. End Abuse is a coalition of domestic violence victim programs, domestic violence survivors and individuals who share a common vision of ending domestic abuse in Wisconsin. End Abuse has consistently worked to promote more rigorous enforcement of firearm restrictions to disarm batterers and save lives. End Abuse and its members believe the Sixth Circuit's interpretation of the Lautenberg Amendment will eliminate or very severely limit the ability of that provision to protect victims of domestic violence in Wisconsin.

The **Wyoming Coalition Against Domestic Violence and Sexual Assault (WCADVSA)** is a not-for-profit organization incorporated in the state of Wyoming. Our mission is to end sexual and physical violence particularly towards women and children. All 24 local domestic violence sexual assault programs are members of our Coalition and we serve as the statewide voice of the victimized women, children and men who live in Wyoming. Working with federal, state and local policy makers and domestic violence and sexual assault advocates throughout the state, WCADVSA helps identify and promote policies and best practices to address victim issues. The WCADVSA is deeply concerned that the Sixth Circuit's interpretation of the Lautenberg Amendment will limit the classes of misdemeanants subject to the federal prohibition on firearm possession in contravention of Congress's intent, as well as the resulting impact on victims of domestic violence.