

No. 20-843

In The
Supreme Court of the United States

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NEW YORK STATE RIFLE &
PISTOL ASSOCIATION INC., ET AL.,

Petitioners,

v.

KEVIN P. BRUEN, IN HIS OFFICIAL CAPACITY AS
SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.,

Respondents.

—◆—
**On Writ Of Certiorari To The
United States Court Of Appeals
For The Second Circuit**

—◆—
**BRIEF FOR THE INDEPENDENT WOMEN'S
LAW CENTER AS *AMICUS CURIAE*
SUPPORTING PETITIONERS**

—◆—
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INTEREST OF THE *AMICUS CURIAE*¹

Independent Women’s Law Center (“IWLC”) is a project of Independent Women’s Forum (“IWF”), a non-profit, non-partisan 501(c)(3) organization founded by women to foster education and debate about legal, social, and economic issues. IWF promotes policies that advance women’s interests by expanding freedom, encouraging personal responsibility, and limiting the reach of government. IWLC supports this mission by advocating—in the courts, before administrative agencies, in Congress, and in the media—for individual liberty, equal opportunity, and respect for the American constitutional order.

IWLC and IWF believe that the Second Amendment secures a personal right to carry a firearm outside the home for purposes of self-defense. This right is especially important for individuals for whom a firearm is the great equalizer: women.

**INTRODUCTION AND
SUMMARY OF ARGUMENT**

Theresa Kingsbury was driving north from Connecticut to New York in the early morning hours when

¹ No counsel for a party authored any part of this brief; no party or party’s counsel made a monetary contribution intended to fund the preparation or submission of this brief; and no person other than *amicus curiae*, its members, or its counsel made a monetary contribution to this brief’s preparation or submission. All parties consented to the filing of this brief.

two cars forced her to the shoulder of a deserted road. She was alone and had \$5,000 in cash, transporting it from one ski shop to another. She appeared an easy mark. Two men approached her vehicle, one brandishing a hammer. Theresa raised her loaded handgun and the men fled. Caitlyn Kelly, *Blown Away: American Women and Guns*, 1 (Pocket Books 2004).

Peggy Landry was out with friends for dinner in New Orleans one evening. When they returned to their vehicle a man shoved a revolver through the open window and pressed it against her friend's head demanding money and jewelry. As the women began to pull off their jewelry, Peggy reached for her Smith & Wesson .38 and pointed it at the man. He left. *Id.*

DaShana Street, a Black woman, bought her first gun in June 2020. She works in retail and began to fear for her safety when over 100 nearby businesses were damaged following the death of George Floyd. She was also worried by the circumstances of Breonna Taylor's death. "You can't even sit in the comfort of your own home," she said. After purchasing her firearm—a pink Glock 43 handgun—DaShana took a firearms class and obtained a concealed carry permit. Now, she always has her firearm with her, either holstered to her belly band or on the nightstand. It has given her more job flexibility, allowing her to deliver orders at night in her side hustle. "It's like my child," she said. "It gives me a sense of safety and security. I was really nervous about the idea of carrying a gun. But now, it's like the new normal." Ko Bragg, *The new normal: Women and LGBTQ+ people are buying guns in 2020*, The 19th

(Nov. 3, 2020), <https://19thnews.org/2020/11/women-lgbtq-buying-guns-2020/>.

Carmon Whitehead’s protective order against her ex-husband proved useless. Despite the order, he poured sugar in her gas tank, punctured her tires, and cut her telephone lines. When he showed up at her door one evening (again in violation of the protective order), she raised a .357 Magnum, pointed it in his direction, and fired beyond him. He hasn’t violated the order since. Kelly, *supra* at 1.

For a variety of reasons, women remain more vulnerable than men to violent crime—both crime committed by strangers and crime committed by people they know. Several realities may cause women to choose to carry a firearm to protect themselves and their families: (1) Women disproportionately bear the brunt of domestic violence;² (2) about one in four will experience contact sexual violence, physical violence, or stalking by an intimate partner in their lifetime;³ (3) academic studies have shown that civil protective orders can be ineffective;⁴ and (4) criminals may select women as prey because they believe them to be an easy

² Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief*, Centers for Disease Control and Prevention (2018), <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>.

³ *Id.*

⁴ Department of Justice, *Civil Protective Orders, A Guide For Improving Practice*, <https://www.justice.gov/file/852781/download>. (“Studies reveal that between 30% and 77% of victims report that the process and act of receiving the order ends the violence.”). That means that 70 to 33% of orders are *not* effective.

target.⁵ As one author put it, “[f]rom puberty onward, women of all ages unconsciously tailor their lives, activities and work to accommodate the very real threat of violence and crime.” Kelly, *supra* at 5-6.

Further, because of their relative size, women are often at a self-defense disadvantage. Carrying a gun “is one of the few ways a woman can level the field if someone large and adrenaline-charged is determined to do her lethal harm.” *Id.* at 5. Police and self-defense experts thus agree that a firearm can “level[] the field in a life-threatening confrontation.” *Id.* at 11. For this simple reason, the Second Amendment right to bear arms outside the home is especially important to women.

◆

ARGUMENT

I. The Second Amendment Right To Self-Defense Extends Beyond The Home.

The Second Amendment right to self-defense extends beyond the home. And for good reason. “A woman who is being stalked or has obtained a protective order against a violent ex-husband is more vulnerable to being attacked while walking to or from her home than when inside.” *Moore v. Madigan*, 702 F.3d 933, 937 (7th Cir. 2012) (Posner, J.). In fact, more than 50% of rapes occur outside of the home—in parking garages, parks,

⁵ Thomas Warren Tharpe, *Female Victims’ Perceptions of Civil Protection Order Effectiveness in Rural Tennessee*, Walden Dissertations and Doctoral Studies (2019).

and streets, for example. Kelly, *supra* at 11. As a result, women “ha[ve] a stronger self-defense claim to be allowed to carry a gun in public than the resident of a fancy apartment building (complete with doorman) has a claim to sleep with a loaded gun under her mattress.” *Moore*, 702 F.3d at 937.

To start with its text, the Second Amendment provides “a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II. “The plain text of the Second Amendment does not limit the right to bear arms to the home.” *Kachalsky v. County of Westchester*, 701 F.3d 81, 89 n.10 (2d Cir. 2012). Rather, the Second Amendment secures the right not only to “keep” arms but also to “bear” them. The Second Amendment thus codifies two distinct rights. To limit the right to bear arms to self-defense within the home would impermissibly “conflate ‘bearing’ with ‘keeping.’” *Drake v. Filko*, 724 F.3d 426, 444 (3d Cir. 2013) (Hardiman, J., dissenting).

The Second Amendment’s reference to “carry” arms “guarantee[s] the individual right to . . . carry weapons in case of confrontation.” *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008). “At the time of the founding, as now, to ‘bear’ meant to ‘carry.’” *Id.* at 584. As this Court explained in *Heller*, the “natural meaning of ‘bear arms,’” means to “‘wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person.’” *Id.* (quoting *Muscarello v. United States*, 524

U.S. 125, 143 (1998) (Ginsburg, J., dissenting) (quoting *Black's Law Dictionary* 214 (6th ed. 1998)). Thus, the Second Amendment right of self-defense protects the right to “carry [a gun] for a particular purpose—confrontation.” *Id.*

Because confrontation is not limited to the home, neither is the Second Amendment right to carry a weapon for self-defense. Rather, a “right to bear arms . . . implies a right to carry a loaded gun outside the home.” *Moore*, 702 F.3d at 937. “One needn’t point to statistics to recognize that the prospect of conflict—at least, the sort of conflict for which one would wish to be ‘armed and ready’—is just as menacing (and likely more so) beyond the front porch as it is in the living room.” *Peruta v. City of San Diego*, 742 F.3d 1144, 1152 (9th Cir. 2014), *rev’d*, *Peruta v. City of San Diego*, 824 F.3d 919, 924-25 (2016). Indeed, as Judge Posner has noted, “a Chicagoan is a good deal more likely to be attacked on a sidewalk in a rough neighborhood than in his apartment on the 35th floor of the Park Tower.” *Moore*, 702 F.3d at 937.

The right to keep and bear arms for self-defense “could not rationally have been limited to the home” in the eighteenth century. *Moore*, 702 F.3d at 937. At the time of the Second Amendment’s enactment, “the familiar image that ‘bear arms’ would have painted is one of an eighteenth-century frontiersman, who ‘from time to time [would] leave [his] home to obtain supplies from the nearest trading post, and en route one would be as much (probably more) at risk if unarmed as one

would be in one's home unarmed.'” *Peruta*, 742 F.3d at 1152 (quoting *Moore*, 702 F.3d at 936).

Based on text and history, the Supreme Court has thus twice confirmed that the Second Amendment confers a right to bear arms for self-defense. Those decisions suggest that right “is as important outside the home as inside.” *Moore*, 702 F.3d at 942.

In *District of Columbia v. Heller*, this Court held that “[t]he Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense.” 554 U.S. at 570. And this Court’s decision in *McDonald v. City of Chicago* teaches that the American colonists believed the right to keep and bear arms for self-defense to be “among those fundamental rights necessary to our system of ordered liberty.” 561 U.S. 742, 778 (2010).

The “central component” of the Second Amendment is the right to self-defense, *Heller*, 554 U.S. at 599, which necessarily “take[s] place wherever [a] person happens to be,” whether in a living room or parking garage. Eugene Volokh, *Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda*, 56 UCLA L. Rev. 1443, 1515 (2009). In the words of Judge Posner, “[t]o confine the right to be armed to the home is to divorce the Second Amendment from the right of self-defense described in *Heller* and *McDonald*.” *Moore*, 702 F.3d at 937.

This Court's jurisprudence, moreover, assumes that the right to carry a weapon for self-defense is not limited to the home. For instance, while the *Heller* Court noted that "the need for defense of self, family, and property is *most acute*" in the home, 554 U.S. 628 (emphasis added), "that doesn't mean it is not acute outside the home," *Moore*, 702 F.3d at 935. Indeed, that "the Second Amendment protects a personal right to keep and bear arms for lawful purposes, *most notably* for self-defense within the home," *McDonald*, 561 U.S. at 780 (emphasis added), suggests the right also exists beyond the home.

Similarly, *Heller* went to great lengths to clarify that "laws forbidding the carrying of firearms in sensitive places such as school and government buildings" are valid under the Second Amendment. 554 U.S. at 626. "Were the right restricted to the home, the constitutional invincibility of such restrictions would go without saying." *Peruta*, 742 F.3d at 1153. But because the right to carry a weapon for self-defense extends outside the home, this Court found it necessary to specify the limited locations where the right to carry firearms might be constitutionally circumscribed. See *Heller*, 554 U.S. at 626.

In short, "[T]he right to bear arms includes the right to carry an operable firearm outside the home for the lawful purpose of self-defense." *Id.* at 1166.

II. Women Especially Benefit From The Right To Carry A Firearm For Self-Defense Outside The Home.

A firearm is a powerful equalizer that makes it possible for a woman to defend herself from a physically more powerful attacker. As Justice Alito has noted, a weapon can help a woman defend herself from an abuser who outweighs her by as much as 100 pounds. *See Caetano v. Massachusetts*, 577 U.S. 411, 413 (2016) (Alito, J., concurring).

The Second Amendment protects the fundamental right of women to protect themselves against physical threats that restraining orders and other government interventions are powerless to prevent. This right is essential outside the home where women are most vulnerable.

A. Women Are Subject To Violence That Civil Protection Orders Do Not Always Address.

According to the National Crime Victimization Survey, approximately 2,772,070 violent incidents were perpetrated against women in 2019. *Bureau of Justice Statistics Releases Results From 2019 National Crime Victimization Survey*, Department of Justice (Sept. 24, 2020), <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>.⁶ Just over half, 51%, of all violent incidents were

⁶ The rate of violent victimization excluding simple assault against women was 7.0 per 1,000 women aged 2 or older. *Bureau of Justice Statistics Releases Results From 2019 National Crime*

committed against a female victim. *Id.* The FBI's Crime in the United States Report concludes that 2,991 women were murdered in 2019 (over 20% of the total). *2019 Crime in the United States*, FBI Unified Crime Reporting (2019), <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-1.xls>. And during their lifetime, about one in four women will “experience[] contact sexual violence, physical violence, and/or stalking by an intimate partner.” Smith, et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief*, Centers for Disease Control and Prevention (2018), <https://www.cdc.gov/violenceprevention/pdf/2015-data-brief508.pdf>. Because almost half (46%) of violent crimes against women do *not* get reported to the police, the total number of violent victimizations of women is estimated to be higher than these statistics reveal. Gary Kleck, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. Crim. L. & Criminology 150, 178 (Fall 1995).

Statistics on stalking are also eye opening. The 2016 Stalking Victimization report issued by the Bureau of Justice Statistics in April 2021 found that 2,673,140 women aged 16 or older experienced stalking victimization in the last year. Jennifer L. Truman & Rachel E. Morgan, *Stalking Victimization, 2016*, Bureau of Justice Statistics (Apr. 2021), <https://bjs.ojp.gov/content/pub/pdf/sv16.pdf>. Approximately 62% of stalking behaviors had ceased, but only 5.4% because

Victimization Survey, Department of Justice (Sept. 24, 2020), <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>.

the victim obtained a protective order. *Id.* at 9. Another 19.6% stopped because someone intervened. *Id.*

Violence against women is especially harrowing when it is committed by someone close to the victim. The National Intimate Partner and Sexual Violence Survey (NISVS) revealed that well over one-third of women nationwide (36.4%) had experienced domestic violence, physical violence, or stalking. Smith et al., *supra*. What's more, according to homicide data from 2015, over ninety percent (93%) of women who were murdered by men knew their killer. *When men murder women: An analysis of 2015 homicide Data*, Violence Policy Center (2017), <http://www.vpc.org/studies/wmmw2017.pdf>. In 64% of those cases, the killer was either a spouse or an intimate acquaintance. *Id.* "For women in abusive relationships, separating from the abuser heightens the risk of lethal violence." Thomas Warren Tharpe, *Female Victims' Perceptions of Civil Protection Order Effectiveness in Rural Tennessee*, Walden Dissertations and Doctoral Studies 14 (2019) (citation omitted).

As these statistics demonstrate, domestic violence affects millions of women from all walks of life every single year. According to the Centers for Disease Control and Prevention, such violence represents a "significant public health issue." *Preventing Intimate Partner Violence*, Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>. Academic studies describe domestic violence against women as a tragic phenomenon "in which abusers may view women as weak, vulnerable,

and in a position that allows them to be exploited.” Tharpe, *supra* at 3 (citing Susmitha, *Domestic Violence: Causes, Impact, and Remedial Measures* 46(4) Social Change (2016)).

Protective orders are not a domestic violence panacea. As Justice Alito explained in *Caetano v. Massachusetts*, restraining orders may “prove[] futile.” 577 U.S. at 413 (Alito, J., concurring). There are approximately 1.2 million civil protection orders issued annually. Maureen Sheeran & Emilie Meyer, *Civil Protection Orders: A Guide for Improving Practice*, National Council of Juvenile and Family Court Judges, <https://www.justice.gov/file/852781/download>. While civil protective orders are the court system’s way of protecting at-risk women—they are not foolproof. Academic studies have questioned the effectiveness of such orders. Tharpe, *supra* at 6 (citing Troshynski et al., *Civil Protection Orders* (2015)). A 2002 study, for instance, found that the violation rate of civil protective orders was an astounding 40%. Brian H. Spitzberg, *The Tactical Topography of Stalking Victimization and Management* 3(4) *Trauma, Violence, and Abuse* 261 (2002). That means that two out of five women are approached by those whom they are supposed to be protected from.

Similarly, a 2019 study on the effectiveness of civil protection orders in rural areas concluded that the majority of participants “perceived civil protection orders as ineffective in discouraging future incidents of domestic violence.” Tharpe, *supra* at i. Seven of the ten women involved in the study believed that a civil

protection order is “just a piece of paper without inherent power on its own.” *Id.* at 119. In fact, of the ten women in the study, seven abusive former male partners defied civil protection orders. *See id.*

One participant explained that the order gave her some peace of mind but ultimately was not effective: “It’s a sense of protection in my mind. But at the same time, it scares me to have just a piece of paper because they can do whatever they want, and that piece of paper is not going to save you. But my gun will.” *Id.* at 120. This woman continued, saying “Get educated, and get your permit to carry, to protect yourself. Because a lot of women say, ‘Well, he’s not going to hurt me, I have an order of protection.’ Well, the order of protection is signed by a judge on a piece of paper. It’s not going to save you when the time comes. It’s always important to do what you have to protect yourself, and to remember that piece of paper is just a piece of paper.” *Id.*

B. More Women Are Purchasing Firearms To Protect Themselves And Their Families.

Perhaps as a result of the statistics cited above, women increasingly are choosing to protect themselves and their families through gun ownership. According to a 2017 Pew Research survey, 22% of women own a firearm themselves. Kim Parker et al., *America’s Complex Relationship With Guns*, Pew Research Center 2 (June 22, 2017), <https://www.pewresearch.org/>

social-trends/2017/06/22/americas-complex-relationship-with-guns/. And 45% of women who do not currently own a firearm said they could see themselves doing so at some point. *Id.*

The number of women purchasing firearms continues to rise. The National Shooting Sports Foundation estimates, based on retailer surveys, that 40% of first-time gun buyers in 2020 were women. *Firearm Retailer Survey First Time Gun Buyers During Covid-19*, The National Shooting Sports Foundation (May 2020), <https://www.nssf.org/wp-content/uploads/2020/06/FirstTimeResearch.pdf>. There were 8.4 million new or first-time gun buyers in 2020 and roughly 3.3768 million new female gun owners in 2020. *Taking Stock of Record-Setting 2020 Firearm Year*, The National Shooting Sports Foundation (Jan. 7, 2020), <https://www.nssf.org/articles/taking-stock-of-record-setting-2020-firearm-year/>.

Women purchase guns primarily for protection. The 2020 NSSF survey revealed that personal protection was the primary reason gun owners of both genders were buying firearms. *Firearm Retailer Survey First Time Gun Buyers During Covid-19*, The National Shooting Sports Foundation (May 2020), <https://www.nssf.org/wp-content/uploads/2020/06/FirstTimeResearch.pdf>. And according to the Pew Research Center, while a large proportion of both men and women (roughly two-thirds) view protection as a major reason to own a firearm—an even higher number of women (71%) did so. Kim Parker et al., *supra* at 2.

Women are joining shooting clubs to practice and receive firearms training in unheard of numbers. In July 2020, the women's shooting club, A Girl & A Gun ("AG & AG") conducted a survey of more than 6,000 members which showed that 43% of women joined AG & AG to practice self-defense skills. Robyn Sandoval, *Why Are Women Buying Guns?* (Aug. 20, 2020), <https://www.agirlandagun.org/why-are-women-buying-guns/>. A Girl & A Gun reported a 150% increase in memberships in July 2020 over the previous year. Robyn Sandoval, *A Girl & A Gun Women's Shooting League Delivers Crucial Pro-Gun Voters* (July 31, 2020), <https://www.agirlandagun.org/women-are-vital-to-2020-elections/>. And an AG & AG survey showed that 40% of respondents had been involved in firearms training for less than one year, and more than half involved for five years or less. Sandoval, *Why Are Women*, *supra*. It also found that 92% of women members were in the process of obtaining or already had obtained either a concealed or open carry permit. *Id.*

Women represent 26.4% of concealed carry permit holders in 2020 across the fourteen states that track permits by gender. John R. Lott Jr., *Concealed Carry Permit Holders Across the United States*, Crime Prevention Research Center 29 (Sept. 21, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3703977. Given that there are about 8.4 million permit holders in these states, that means that there are approximately 2.22 million female permit holders. *Id.* The number of women with concealed carry permits has risen dramatically in the last decade. Economist John

Lott notes that in the seven states where gender data is available for both 2012 and 2019-2020 “the number of permits increased by 204% for women and by 101% for men,” with Black females obtaining permits at the fastest rate. *Id.* at 30.

In sum, women are buying firearms in record numbers and learning how to use their weapons for purposes of self-defense, motivated by the belief that they need to be equipped to protect themselves and their families.

C. In Their Own Words: Women Who Use Firearms For Self-Defense.

In *Caetano v. Massachusetts*, Justice Alito describes a harrowing incident between Jaime Caetano and her abusive former boyfriend. 577 U.S. at 413 (Alito, J., concurring). Jaime had obtained numerous restraining orders—all of which proved useless—and her friend gave her a stun-gun for self-defense. *Id.* at 413. One night after leaving work, she found her ex-boyfriend “waiting for [her] outside.” *Id.* He “‘started screaming’ that she was ‘not gonna [expletive deleted] work at this place’ anymore because she ‘should be home with the kids’ they had together.” *Id.* As Justice Alito describes the incident:

Caetano’s abuser towered over her by nearly a foot and outweighed her by close to 100 pounds. But she didn’t need physical strength to protect herself. She stood her ground, displayed the stun gun, and announced: “I’m not

gonna take this anymore. . . . I don't wanna have to [use the stun gun on] you, but if you don't leave me alone, I'm gonna have to."

It worked. Jaime's ex-boyfriend "got scared and he left [her] alone." *Id.*

Jaime Caetano is not alone in her felt need to carry a firearm for self-defense:

- Danielle King, a doctoral student and health policy fellow for the Congressional Black Caucus Foundation, purchased a firearm this year for protection. Danielle and her husband were the victims of a home invasion. Her husband held the bedroom door shut as the intruder slammed against it, shattering the frame. Danielle called the police. It took officers more than 45 minutes to respond. And when they arrived, they accused Danielle and her husband of being the intruders. Danielle explains: "I had come to believe that I had two choices: take steps to protect myself, or become a victim. I decided I needed to be armed." With the purchase of her revolver three days later, she says "we are protected." Danielle King, *Police Won't Protect a Black Woman Like Me. So I Bought a Gun*, The Washington Post (May 28, 2021), <https://www.washingtonpost.com/outlook/2021/05/28/black-woman-gun-owner-police/>.
- Geneva Solomon is the co-owner of Redstone Firearms, a gun store in Southern

California that is dedicated to making gun ownership accessible to first-time gun owners. Thirteen years ago, Solomon, who is Black, ended an abusive relationship and purchased a gun. “I have to be able to protect my daughter at whatever expense,” she explained. Ko Bragg, *supra*.

- Robyn Sandoval is the executive director of A Girl and A Gun. Formerly anti-gun, Sandoval thinks “it’s important that [she] tell members of Congress that the moms that make demands to take my rights don’t speak for moms like me.” “There’s a lot of moms like me,” she continued, “who are safe, law-abiding proficient firearms advocates. We want the ability to protect our families.” *Id.*
- Jessica in California explains owning a firearm: “I was a victim of a home invasion when I was 16 years old, I had a gun pointed at my head. Ever since that happened, I promised myself that I would not be a victim again. I have two small children and my goal is to know how to use a pistol, rifle, and shotgun proficiently in case I experience the same scenario.” Robyn Sandoval, *Why Are Women Buying Guns?* (Aug. 20, 2020), <https://www.agirlandagun.org/why-are-women-buying-guns/>.
- Theresa in Nevada says of owning a firearm, “I’ve never felt the need to own a gun or want a one. However, with the extreme levels of crime, every individual should

learn to protect themselves. With our political leaders allowing the police to be torn apart, this made me feel the need to step up and take measures for my protection.” *Id.*

- Jan in Michigan says, “As a child my family lived in inner-city Detroit in the heart of the 1967 riots. We lived as hostages night after night under a 3:00 PM curfew everyday. Detroit has never recovered. More recently, the rioters came down my street [in] Kalamazoo, Michigan. I decided that I have to defend myself and not allow myself to be a sitting duck.” *Id.*
- Rita in Texas says, “I was a Hospice nurse [and] worked in some bad areas so thought I would feel safer with some protection, but never learned how to use a gun. Now I live in an area that isn’t really safe and I wanted to learn how to use it and maybe be able to get my concealed carry license.” *Id.*

These women’s stories are not merely anecdotal. A report from the CDC concludes that “[s]elf-defense can be an important crime deterrent.” *Priorities for Research to Reduce the Threat of Firearm-Related Violence*, National Research Council 15-16 (2013). The report, commissioned by former President Barack Obama, noted that “almost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000

to more than 3 million per year.” *Id.* at 15. The report also found that defensive gun use is consistently effective in preventing injury: “[s]tudies that directly assessed the effect of actual defensive uses of guns (*i.e.*, incidents in which a gun was ‘used’ by the crime victim in the sense of attacking or threatening an offender) have found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies.” *Id.* at 16.

Even though too many women face the threat of violence, New York declares the threats women face generally insufficient to obtain a concealed carry permit. Under New York law, “a generalized desire to carry a concealed weapon” even to “protect one’s person and property does not constitute ‘proper cause.’” *Application of O’Connor*, 585 N.Y.S.2d 1000, 1003 (Co. Ct. 1992) (quoting 38 RCNY Chapter 5, § 5–03). The bar for obtaining a permit is high. A woman who wishes to obtain a concealed carry permit in order to protect herself is required to “demonstrate a special need for self-protection distinguishable from that of the general community.” *Bernstein v. Police Dep’t of City of New York*, 85 A.D.2d 574, 574 (1981).

New York’s restrictive gun laws cannot be reconciled with the text of the Second Amendment—which guarantees to women as well as men the right to carry a firearm for purposes of self-defense.



CONCLUSION

This Court should reverse the judgment of the court of appeals.

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