

No. 22-915

**In The Supreme Court of the
United States**

UNITED STATES OF AMERICA, PETITIONER,
v.
ZACKEY RAHIMI, RESPONDENT.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

**BRIEF OF RELIGIOUS LEADERS AND
ORGANIZATIONS AS *AMICI CURIAE*
IN SUPPORT OF PETITIONER**

KATHERINE L. ST. ROMAIN
FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON LLP
801 Seventeenth Street,
N.W.
Washington, D.C. 20006
(202) 639-7000

EMILIE B. COOPER
COUNSEL OF RECORD
LAURA ISRAEL SINROD
LUCRETIA C. BUNZEL*
FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON LLP
ONE NEW YORK PLAZA
New York, NY 10004
(212) 859-8000
Emilie.Cooper@friedfrank.com
* *Admission pending in the State
of New York*
Counsel for Amici Curiae

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
INTEREST OF <i>AMICI CURIAE</i>	1
INTRODUCTION AND SUMMARY OF THE ARGUMENT	10
ARGUMENT	14
I. We Will Not Stand Idly By	14
II. We Are Sad, God	20
CONCLUSION	34

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Dist. of Columbia v. Heller</i> , 554 U.S. 570 (2008).....	11
<i>Kanter v. Barr</i> , 919 F.3d 437 (7th Cir. 2019).....	10
<i>National Rifle Ass’n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives</i> , 700 F.3d 185 (5th Cir. 2012).....	10-11
Statutes	
18 U.S.C. § 922(g)(8) ... 1, 11, 13-14, 17, 20, 22, 25, 27, 29-30, 34	
Other Authorities	
Ami Novoryta, Testimony Before The House Committee on Education and Labor Subcommittee on Civil Rights and Human Services (Mar. 22, 2021)	12-13
<i>2009 Georgia Domestic Violence Fatality Review</i> , Georgia Commission on Family Violence (2009).....	15
Faith Trust Institute, <i>A Commentary on Religion and Domestic Violence</i> (2010)	19
<i>Gun Violence, Gospel Values: Mobilizing in Response to God’s Call</i> , 219th General Assembly Presbyterian Church (2010)	16

Jacquelyn C. Campbell et al., <i>Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study</i> , 93 AM. J. PUB. HEALTH 1089 (2003).....	34
JWI, <i>Clergy Guide on Domestic Abuse</i> (2020)	17
JWI, <i>Passover Dedication for Women</i>	34
<i>Lifting Our Light in the Darkness</i> , Nuns Against Gun Violence (Jun. 2023)	15
N.Y. Office of the Prevention of Domestic Violence, <i>Domestic Violence and Faith Communities: Guidelines for Leaders</i> (2016)	18-19
Rabbis David Lerner & Menachem Creditor, Rabbinical Assembly <i>Dover Emet</i> Statement on Gun Violence	11
Statement of Cardinal Blase J. Cupich, Archbishop of Chicago (May 17, 2023)	12
Therese Wilson-Favors, <i>Prayer for Peace in Our Communities</i> (2016)	20
U.K. Home Office, <i>Homicides, Firearm Offences and Intimate Violence 2008/09</i> (Jan. 2010)	31
<i>When I Call for Help: A Pastoral Response to Domestic Violence Against Women</i> , United States Conference of Catholic Bishops (2002).....	18
Y. Rahman et. al, <i>In Their Names: Tracking Muslim Domestic Homicide</i> , Peaceful Families Project (2023) (manuscript submitted for publication)...	24

INTEREST OF *AMICI CURIAE*¹

Amici Curiae are faith-based organizations, and leaders within those organizations, with a shared commitment to promoting the safety of domestic violence victims, including by supporting the removal of guns from the hands of violent domestic abusers. This promotion of safety includes support for the protections provided by 18 U.S.C. § 922(g)(8), which prohibits the possession of firearms by individuals subject to domestic-violence protective orders. Despite theological differences, *Amici Curiae* are united in their belief that these protections are critical to fortifying the safety of and support for victims, their children, their families, and their communities.

Amicus Curiae Jewish Women International (“JWI”) is the leading Jewish organization working to end domestic violence through prevention programs, survivor support, and advocacy. Founded in 1897 as B’nai B’rith Women (“BBW”), JWI’s mission shifted in 1988, when one of its members was shot and killed by her estranged husband outside a federal building where both she and her abuser had been employed. This shocking murder spurred JWI to break the silence about domestic abuse in the Jewish community.

¹ Pursuant to Rule 37.6, *Amici Curiae* certify that no counsel for a party authored this brief in whole or in part and that no person or entity, other than *Amici Curiae* or their counsel, has made a monetary contribution to its preparation or submission. A complete list of *Amici Curiae* is included as Appendix A.

JWI provides training, education, networking, peer support, advocacy, and resources to staff and volunteers serving domestic violence survivors. They are founders and conveners of the Interfaith Coalition Against Domestic and Sexual Violence; the Clergy Taskforce to End Domestic Abuse in the Jewish Community; the National Alliance to End Domestic Abuse; and the Jewish Gun Violence Prevention Roundtable. In response to gaps identified in its 2021 Needs Assessment of Jewish Domestic Violence Survivors and Advocates, JWI established the National Collaborative of Jewish Domestic Violence Programs and the National Center on Domestic and Sexual Violence in the Jewish Community. In 2022, the Department of Justice Office on Violence Against Women (“OVW”) awarded a training and technical assistance grant to JWI to advise OVW grantees on engaging faith communities in domestic violence prevention work.

Amicus Curiae Archdiocese of Chicago Domestic Violence Outreach (“ACDVO”) expresses its mission in three words: awareness, service, and prevention. ACDVO and its leadership seek to shine a light on the dynamics and dangers of intimate partner violence. During a Homily on Domestic Violence, ACDVO’s Reverend Charles W. Dahm O.P. preached:

The church rejects all forms of domestic violence and urges women to protect themselves and their children, even if that means a separation and divorce from their abusers. Our church must help protect

them and assist them in freeing themselves from the violence.

As a community of faith we want to reach out to every victim of domestic violence. Many of you know someone who is experiencing domestic violence. You need to assure them they do not deserve such abuse. Tell them you are concerned about their safety and their children's and they have a right to be safe. We need to listen to them and respect their decisions, but assure them that we will support them whenever they decide to leave their abuser.

Your pastor wants to form a ministry to victims of domestic violence right here so that our community of faith reflects the compassion of Jesus. Everyone in our area should know that our parish is a safe haven for those who suffer any form of abuse in their homes.

Amicus Curiae Bishops United Against Gun Violence is a group of more than 100 Episcopal bishops working to curtail the epidemic of gun violence in the United States. These bishops believe in a God of life in the face of death who calls their church to speak and act decisively against the unholy trinity of poverty, racism, and violence. In the struggle against these evils, Bishops United Against Gun Violence offers four contributions: public liturgy, spiritual support, sound teaching, and persistent advocacy, including for common sense gun safety

measures that enjoy the support of gun owners and non-gun owners alike, such as handgun purchaser licensing, background checks on all gun purchasers, restrictions on gun ownership by domestic abusers, classification of gun trafficking as a federal crime, encouragement for the development of “smart gun” technology, federal funding for research into gun violence prevention strategies, and safe storage of firearms.

Amicus Curiae Central Conference of American Rabbis (“CCAR”) is the Reform rabbinic professional leadership organization that instills excellence in the Reform Jewish rabbinate. The oldest and largest rabbinic organization in North America, the CCAR strengthens the Jewish community by providing religious, spiritual, ethical, and intellectual leadership and wisdom for 2,200 rabbis who serve more than 2 million Reform Jews. Its unique contribution is to apply Jewish values to a contemporary life and gun violence prevention is integral to that vision.

Amicus Curiae HOPE Family Services at the Resurrection Project (“HOPE”) provides a range of services aimed at addressing and preventing domestic violence in the Latinx community, including through individual counseling and support groups for women in abusive relationships, partners who cause harm, and children who witness violence in their homes; healthy marriage and relationship workshops and counseling for couples and families; depression and anxiety support through individual counseling and support groups; parenting workshops; and case management and referral services.

Amicus Curiae In His Presence Outreach Center and its founder Pastor Mack organize and coordinate with local service providers to assist the community through a holistic approach by providing hope, resources, and tools to bring restoration and healing, including to victims of domestic violence and their families and communities. For example, In His Presence Outreach Center coordinated donations of stuffed animals to the Sheriff's Office Teddy Bear Partnership. Through that partnership, Domestic Violence Deputies give the teddy bears to children they encounter on the scene of domestic violence or disorder. Pastor Mack also counsels domestic violence victims.

Amicus Curiae Interfaith Coalition Against Domestic & Sexual Violence² is a national coalition, representing millions of congregants and constituents from diverse religious communities and moral and ethical commitments, seeking to end violence against women. The Interfaith Coalition Against Domestic & Sexual Violence was first convened in 2007 to unite the collective energies and visions of faith communities to advance federal domestic violence legislation. Today, the Coalition also works to advocate for legislation that addresses sexual violence, international violence against women, funding for anti-gender-based violence programs, and a variety of other issues. The Interfaith Coalition Against Domestic & Sexual Violence recognizes that

² A full list of the members of the Interfaith Coalition Against Domestic & Sexual Violence is included in Appendix A to this brief.

domestic violence survivors often turn to their religious leaders and houses of worship for support, guidance and refuge during times of abuse.

Amicus Curiae Nuns Against Gun Violence is a coalition of Catholic Sisters and their allies that affirms the value of human life through prayer, education, and advocacy for common-sense, evidence-based gun violence prevention. Nuns Against Gun Violence was founded in April 2023 to bring together congregations of Catholic sisters to speak with a united voice against the crisis of gun violence and, in its short tenure, has built a collaboration of more than 60 communities that share resource and plan advocacy efforts.

Amicus Curiae Peaceful Families Project, Inc., is a 21-year-old organization that represents the United States Muslim community and addresses domestic violence in that community from a faith-based perspective through training, research, resource development, and affiliated partnerships. Peaceful Families Project encourages a holistic approach to addressing domestic violence through collaboration with faith and community leaders, community members, social service professionals, activists, educators, mental health providers, medical professionals, attorneys, and youth leaders. Peaceful Families Project is currently collecting data for a national research project called *In Their Names*. The data will serve to raise awareness and increase knowledge about domestic homicides in the Muslim community.

Amicus Curiae Rabbinical Assembly is the international association of Conservative rabbis. Since its founding in 1901, Rabbinical Assembly has been the creative force shaping the ideology, programs, and practices of the Conservative movement, and is committed to building and strengthening the totality of Jewish life. Rabbis of Rabbinical Assembly serve congregations throughout the world, and also work as educators, officers of communal service organizations, and college, hospital, and military chaplains. Rabbinical Assembly recognizes that acts of gun violence, whether perpetrated against the Jewish community or not, are shattering the peace and sanctity of our lives at an alarming rate. Given the inherent worth of each person, each created in the Divine Image, Conservative rabbis embrace the commandment to not stand idly by the blood of our neighbors. Rabbinical Assembly is committed to defending gun violence prevention efforts. Further, as rabbis and Jewish leaders, member of Rabbinical Assembly are often called upon to comfort the mourners, to provide resources for those affected by these events, and to act to ensure that future tragedies are avoided.

Amicus Curiae Rabbinical Council of America (“RCA”) is an organization of Orthodox rabbis founded in 1935 to further devotion to God, His people, His Torah, and its precepts and values. To that end, it supports and promotes the personal, financial, and professional welfare and development of its member rabbis, as individuals and as a whole. It expresses to Jewish and general society the outlook of traditional Jewish law and thought regarding contemporary issues. It encourages productive citizenship among

Jews, championing their rights everywhere. As part of that mission, RCA embraces its mandate to interact with and to effect positive changes in all of human society, in keeping with the view of Rabbi Joseph B. Soloveitchik (in “Confrontation”) that Jews must “stand shoulder to shoulder with civilized society... and members of other faith communities... committed to the general welfare and progress of mankind determined to participate in every civic, scientific, and political enterprise[, as we] feel obligated to enrich society with our creative talents and to be constructive and useful citizens.”

Amicus Curiae Sisters of Mercy of the Americas Justice Team (“Mercy”) is the justice arm of a congregation of religious women that serve over 3,000 sisters in the United States, Latin America, Guam, and the Philippines. Mercy is committed to serving the poor and to addressing the root causes of systemic injustices, particularly around Mercy’s identified ‘Critical Concerns,’ including concerns over violence. Mercy’s desire for nonviolence spurs its members to action for peacemaking and to change systems and structures, including those resulting in the public health crisis of gun violence in the United States. Mercy’s Critical Concern for Women calls its members to be especially aware of the ways that women experience this violence and to advocate for the rights of women and girls. Mercy’s Critical Concern of Racism reminds its members of the reality that women of color are more likely to be fatally shot by an intimate partner and that a nonviolent society cannot be achieved without addressing systemic racism and structural oppression. Further, Mercy knows that access to firearms increases the likelihood

of physical harm or death for women experiencing domestic violence, particularly for Black, Indigenous, and Latinx women. These effects are not limited to intimate partners, but ripple out to families and communities, increasing the cycle of violence and trauma. Mercy supports efforts to strengthen these gun safety measures that promote peace and put an end to the needless death at the hands of these weapons.

Amicus Curiae Sisters of St. Francis of Philadelphia is a community of over 300 Catholic women who follow the teachings of St. Francis and St. Clare. The Sisters of Francis stand against all forms of gun violence and wish to strengthen legal protections for victims of domestic violence. The Sisters of St. Francis strive to live in loving relationship and service with all people and creations.

Amicus Curiae Sojourners is a committed group of Christians who work together to live a gospel life that integrates spiritual renewal and social justice. Sojourners seek to model Christ's love by prioritizing survivors in communities of faith: protecting their bodies, believing their stories, funding opportunities for their healing, and creating a culture of communal care. They put their faith into action by advocating for legislation that addresses sexual violence and promotes protections for victims of domestic and sexual violence. In 2018, Sojourners, in partnership with We Will Speak Out and IMA World Health, commissioned a study of 1,000 pastors, asking them a range of questions about their thoughts and actions around domestic and sexual violence. This survey was part of an effort to ascertain the level

of understanding of pastors about these issues. Sojourners has created an online resource of over 150 sermons on domestic and sexual violence submitted by pastors and parishioners across the country.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

“History is consistent with common sense: it demonstrates that legislatures have the power to prohibit dangerous people from possessing guns.” *Kanter v. Barr*, 919 F.3d 437, 451 (7th Cir. 2019) (Barrett, J., dissenting).

Amici Curiae are faith-based organizations, and leaders within those organizations, with a shared commitment to promoting the safety of domestic violence victims, including by supporting the removal of guns from the hands of violent domestic abusers. Violent domestic abusers are undoubtedly within the group of “dangerous people” who Justice Barrett singled out in *Kanter*. It is “common sense,” to quote Justice Barrett, to limit the right to bear arms in a manner that will ensure that those arms are kept out of the hands of violent domestic abusers. Moreover, as Justice Barrett noted, in this area, there is no conflict between history and common sense.

Insofar as violent domestic abusers cause “real danger of public injury,” disarming them is compatible with the view, expressed by “at least some members of the founding generation,” that “disarming select groups for the sake of public safety [is] compatible with the right to arms specifically and

with the idea of liberty generally.” *National Rifle Ass’n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, 700 F.3d 185, 200-01 (5th Cir. 2012) (citation omitted). Disarming violent domestic abusers is also consistent with Justice Scalia’s statement in *Heller* that “[l]ike most rights, the right secured by the Second Amendment is not unlimited” and that there is no constitutional right to “keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Dist. of Columbia v. Heller*, 554 U.S. 570, 636 (2008).

Applying this common-sense approach, the Court should hold that 18 U.S.C. § 922(g)(8), also known as the Gun Control Act’s firearm prohibitor, is constitutional and thus properly prohibits those who are subject to domestic-violence protective orders from possessing firearms.

Not surprisingly, many religious leaders have spoken to their congregants and their communities about the danger posed by guns in the hands of violent domestic offenders. As a statement by members of Rabbinical Assembly emphasized, “[g]uns in the hands of those who should not have them affect all of us as neighbors across America.” Rabbis David Lerner & Menachem Creditor, Rabbinical Assembly *Dover Emet* Statement on Gun Violence, https://www.rabbinicalassembly.org/sites/default/files/public/social_action/guncontrol/ra_dover_emet_statement_on_gun_violence.pdf. That statement cited the Book of Leviticus as a source for their view, and specifically stressed the verse that one must not “stand idly by the blood of your neighbor.” *Id.* In

other words, clergy view the public health emergency of domestic violence through a unique lens — through the lens of how God wants us to lead our lives and the responsibility that God imposes on us to protect the lives of others.

As the Archbishop of Chicago has emphasized:

In order to uproot our culture of violence, in which so many seem to prioritize the right to bear arms over the right to life, we must learn to see one another in a deeper way. Not as avatars of this or that ideology. Not as competitors in a kind of team sport looking to put points on the board. But rather, as members of the same human family who deserve respect. For religious believers, we trace that conviction to our belief that God created all of us in his image. It is my fervent prayer that as the United States continues to be brutalized by this wave of gun violence, we as a people may come to see one another with the eyes of God, with love.

Statement of Cardinal Blase J. Cupich, Archbishop of Chicago (May 17, 2023), <https://www.archchicago.org/en/statement/-/article/2023/05/17/statement-of-cardinal-blase-j-cupich-archbishop-of-chicago-on-the-u-s-supreme-court-refusing-to-block-assaultweapons-ban-in-illinois>.

Further, in households experiencing domestic violence, “[s]urvivors are often isolated due to cultural

factors, language barriers, lack of familial support, and lack of awareness of their lawful protections. Moreover, they have inadequate support once they leave the abusive situation.” Ami Novoryta, Testimony Before The House Committee on Education and Labor Subcommittee on Civil Rights and Human Services (Mar. 22, 2021), https://edworkforce.house.gov/uploadedfiles/3.22.21_ami_novoryta_written_final.pdf. Survivors and their families therefore frequently turn to the faith-based communities and the faith leaders with whom they feel most comfortable. These leaders hold positions of profound trust and community awareness, which are often unattainable from other sources, including law enforcement and the justice system.

Thus, *Amici Curiae* are uniquely positioned to shed light on the problem 18 U.S.C. § 922(g)(8) is designed to address. The stories *Amici* share demonstrate their first-hand experiences with the dangerousness of domestic offenders.

Through their counseling of families outside the legal system, the religious leaders quoted herein provide a unique perspective on the practical implications of gun violence prevention measures on ordinary Americans, as well as the faith communities that support them. These stories, and the guidelines for addressing domestic violence that they follow illustrate (i) why persons subject to domestic violence restraining orders should be prohibited from possessing firearms, (ii) the substantial harm the victims and their community face from domestic violence abusers, and (iii) the critical need for this

Court to reverse the decision below and find that 18 U.S.C. § 922(g)(8) is constitutional.

ARGUMENT

I. We Will Not Stand Idly By

Almighty God,

I come before you,
once again,
after another shooting.

I am sad, God.

So I ask you
to receive into your loving care the souls of those who
were killed,
to care for those who were wounded or hurt in any
way,
to console the family members and friends of those
who died or were wounded,
to strengthen the hands of the rescue workers,
medical professionals and caregivers

* * *

I am tired, God.

I'm tired of the unwillingness to see this as an
important issue.

I'm tired of those in power who work to prevent any
real change.

I'm tired of those who say that gun violence can't be
reduced.

All this makes me tired.
But I know that the tiredness I feel is your
tiredness.
It's the same tiredness that Jesus felt after his own
struggles against injustice
that led him to fall asleep on the boat with his
disciples.

“Sad, Tired, and Angry: A Prayer in the Face of Gun
Violence” by Father James Martin.³

“[D]uring a trauma, victims are five times more likely to seek the aid of clergy than any other professional. Clergy are people they know and trust.” *2009 Georgia Domestic Violence Fatality Review*, Georgia Commission on Family Violence, at 33 (2009), <http://georgiafatalityreview.com/reports/report/2009-report/>. Outreach to a rabbi, chaplain, cantor, imam, priest, or pastor may appear to some victims to be the only option available. Recognizing the unique position that spiritual leaders hold in their communities, as well as the prevalence of gun violence among domestic abusers, clergy have mobilized to protect victims from violent offenders. Faith-based organizations are seeking additional avenues of protection to prevent the harm and trauma inflicted on families by abusive partners with access to firearms. Their efforts indicate that additional, not fewer, protections against violent offenders are necessary to avert an escalation to deadly encounter.

³ *Lifting Our Light in the Darkness*, Nuns Against Gun Violence (Jun. 2023), <https://franciscanaction.org/wp-content/uploads/2023/06/June-2-Prayer-Service-printable-1.pdf> (ellipsis added).

To further this goal, many religious organizations have published guides to assist clergy in better identifying and responding to domestic abuse. *See e.g., Gun Violence, Gospel Values: Mobilizing in Response to God's Call*, 219th General Assembly Presbyterian Church (2010), https://www.pcusa.org/site_media/media/uploads/acs/wp/pdf/gun-violence-policy.pdf. These materials serve as toolkits for faith-based leaders navigating instances of abuse and violence, and for congregants and community members who are experiencing crisis. These guides, which span religious practices, follow faith principles to direct the role of clergy involvement in addressing abusive domestic behavior.

The wide-ranging tools in these guides are both ancient and contemporary. However, they all recognize the epidemic of domestic abuse and many highlight the understanding that clergy are uniquely positioned to be on the front lines.

The most important thing we as clergy can do is to listen intently to a person's story. The isolation of abuse causes a tremendous sense of being unheard – unheard not only by a partner but by friends, community and even by God. Telling their story takes great courage, and we may be the first to hear it; our listening is a sacred, spiritual task. By simply listening we have validated a person's experience and allowed their soul to expand. Sitting with those who have been abused, learning about their spiritual practices and beliefs, and

communicating our feelings of hope help individuals to summon their inner resources.

JWI, *Clergy Guide on Domestic Abuse* (2020), <https://www.jwi.org/clergy-guide-on-domestic-abuse>.

An overarching goal of these guides is to increase awareness around the public safety threat posed by violent domestic offenders. Catholics For Family Peace, an initiative of a nonprofit organization that promotes the well-being of families, serves as a national center that provides trainings and educational resources on domestic violence. Dr. Sharon O'Brien, the Executive Director, spoke in support of Section 922(g)(8), recognizing that:

As people of faith, our primary concern is the victim and any children harmed by domestic violence. In addition, we acknowledge that domestic violence clearly harms the community — first, the public safety officers who responded to the call, family and friends of the people harmed, the people within the local community — they are all affected by a domestic violence murder.

Reflecting on the clergy's role, Dr. O'Brien stated that "clergy are in a perfect position to promote ways that protect life and ensure the safety of all."

The United States Conference of Catholic Bishops acknowledges “the critical role that the Church can play,” as “[m]any abused women seek help first from the Church because they see it as a safe place.” *When I Call for Help: A Pastoral Response to Domestic Violence Against Women*, United States Conference of Catholic Bishops (2002), <https://www.usccb.org/topics/marriage-and-family-life-ministries/when-i-call-help-pastoral-response-domestic-violence>. Guidance developed for its first responders — Priests, Deacons, and Lay Ministers — encourages them to “[l]isten to and believe the victim’s story, [h]elp her to assess the danger to herself and her children,” and “become familiar with and follow the reporting requirements of their state.” *Id.*

It is not just religious organizations who have provided guidance for faith-based leaders. States too recognize that victims often turn first to their spiritual leaders in times of turmoil for counseling, support and safety. *See e.g.*, N.Y. Office of the Prevention of Domestic Violence, *Domestic Violence and Faith Communities: Guidelines for Leaders* (2016), https://www.ny.gov/sites/default/files/atoms/files/Domestic_Violence_Guidebook_for_Faith_Leaders.pdf. The New York guide, for example, recognizes that:

[i]t is critical that faith leaders understand and accept their role as a supportive and loving guide without giving orders or making decisions for the victim about what ‘should’ and

‘should not’ happen. It is also important that faith leaders understand how abusers often misuse scriptures to convince victims that abuse is an accepted – and expected – part of their faith.

Id. at 9. The New York Guide encourages faith leaders to refer victims seeking to get an order of protection to local domestic violence service providers. *Id.* at 10. It also acknowledges that “[f]aith communities can play a significant role in holding abusers accountable,” including by encouraging the abuser to “[t]ake orders of protection seriously” and “to comply completely with any court order.” *Id.* at 12, 14.

Additionally, “[t]he minister/rabbi/imam can most effectively help domestic violence victims and offenders by referring to and cooperating with secular resources. When combined both provide a balanced approach that deals with specific external, physical, and emotional needs while addressing the larger religious, ethical and philosophical issues.” Faith Trust Institute, *A Commentary on Religion and Domestic Violence*, at 4 (2010), <https://www.faithtrustinstitute.org/resources/articles/Commentary.pdf>.

Clergy recognize the epidemic of domestic violence and understand the crucial role they can play as trusted leaders in their communities. This interfaith consensus has inspired faith organizations around the country to educate and train their clergy

to identify and intervene before violent domestic abusers can gain access to a gun and take a partner's — or child's — life. These efforts from the front lines illustrate the importance of limiting firearm access for violent domestic offenders codified in 18 U.S.C. § 922(g)(8).

II. We are Sad, God

Surrounded by violence and
cries for justice, we hear your voice telling us what is
required . . .

*“Only to do justice and to love goodness,
and to walk humbly with your God” (Mi 6:8)*

“Prayer for Peace in Our Communities,” Therese
Wilson-Favors⁴

While their religions are different — different theologies, different leaders, different perspectives, and different ways of worshiping — the spiritual leaders within distinct faith-based communities share sadness, fatigue, and anger. Their stories center around dangerous domestic violence abusers and the fear they instilled in their victims. Sometimes victims' stories result in safety and protection. Sometimes victims' stories remain undecided. Sometimes victims' stories have ended, told now on the pages of this brief and in their obituaries.

⁴ Therese Wilson-Favors, *Prayer for Peace in Our Communities* (2016), <https://www.usccb.org/sites/default/files/2020-09/16-056-prayer-for-peace-prayer-card.pdf>.

These stories reflect that often the first place a victim turns in times of trouble and turmoil is to spiritual leadership. Religious leaders can provide counsel, support, and safe harbor. They also provide a familiar face who may know generations of family and their personal stories and struggles. As the moral pillars of their communities, and holding the confidence of their congregants, clergy can serve as a conduit to law enforcement for those who are unfamiliar with the legal system or fear that police involvement may escalate an already dangerous situation. Clergy know all too well the victims, their families, the abusers, and the enduring scars left on their communities when the split-second decision to use a gun is made. Spiritual leaders are uniquely situated to remember and retell these tragedies.

Pastor Mack, founder of the Christian-based In His Presence Outreach Center, has for over a decade supported countless individuals who have deliberated over whether to seek an order of protection against their domestic partner. Pastor Mack has found that “when a victim comes to a pastor, there’s an understanding that the pastor has her best interest at heart and that there is some level of confidentiality. There is trust. People understand that it is a safe place and whatever is shared won’t be shared somewhere else.”

Families in Pastor Mack’s communities have been devastated by gun violence in all forms — domestic violence, gang violence, accidents, and other tragedies — and are familiar with the backlogs facing severely understaffed and overburdened police

departments. The prohibition created by 18 U.S.C. § 922(g)(8), which limits a known perpetrator of domestic violence's ability to purchase a firearm, is crucial to the safety of a victim and her community. Because "protective orders only protect the individual if they can call the police and they can get there on time," the extra protection offered by a revocation of the right to carry or purchase firearms is vital.

Over her many years of counseling families in crisis, Pastor Mack has learned that when a person fears for their safety because their abuser has easy access to firearms, the circumstances warrant exponentially more caution. Pastor Mack advises victims of abuse that "if somebody tells you that they have a gun, they want you to know for a reason. They have in their mind that they may have intentions on using it. Emotions can get high and a person can fire off that gun unintentionally too. You can just have a verbal altercation and then it escalates really quickly." Pastor Mack immediately refers individuals confronting such situations to law enforcement to seek an order of protection.

In addition to victims, congregants contemplating lethal domestic violence have turned to Pastor Mack in their darkest moments. Recently, an individual sought out Pastor Mack in the process of a divorce. After leaving a rehabilitation center, the individual discovered his soon to be ex-wife was seeing another man. "He called me and said he wanted to kill his wife. I knew he had access to guns. I had to talk him down off that ledge and we were able to reach out to his family. When there's a gun, a bad

decision can turn tragic and then the trauma and the impact affects multiple generations.”

Pastor Mack recounted the tragic death of one young woman killed by a violent ex-partner, and noted that the perpetrator “had so badly assaulted other women that he was in relationships with that one woman was unrecognizable.”

Pastor Mack spends substantial time walking parishioners through the state legal system so that they understand their rights and the often complex and time-consuming court process. The assurance that, once the protective order is in place, the offender will be forced to surrender his firearms, goes a long way to build trust. It signals to victims that they are making the right decision and that the justice system takes them seriously. Pastor Mack described one such situation for an immigrant victim of abuse:

[I]t was very scary for her because back in Cameroon, they do things differently in that women don't have a voice. Women are still considered to be like property. [In this case, the husband] was not only beating on her here, but he was intimidating her family [back in her village in Cameroon]. [We] were able to help her and her daughter as well. He made threats, but we were able to get that protective order. We were able to get her to trust us and the system and move past that and get her protective order... in a lot of these cases people don't speak up, a lot of women are

scared to even go and get a protective order because people threaten them with guns.

Pastor Mack has also stood beside secondary victims of gun violence — the family members left behind after a senseless tragedy. Having seen the ripple effects of a gun in the hands of a violent offender, she urges common sense limitations on gun possession: “Guns shatter people’s worlds. Guns don’t just take the victim, but guns take everybody else. The secondary victims are the mothers, the fathers, the children of that person whose life was taken...”

Dr. Denise Z. Berte is the Executive Director of Peaceful Families Project, a 21-year-old national organization focused on family violence in the Muslim community. Peaceful Families Project has initiated a national campaign entitled *In Their Names*, which, among other goals, seeks to uphold the legacy of Muslim women who have been killed as a result of domestic violence. Dr. Berte reported that research conducted through *In Their Names* has identified that in the last eighteen months there have been **25 reported cases** of domestic violence in the national Muslim community, resulting in **37 lost lives**. **86%** of those cases involved a firearm. **65%** of those cases were homicide-suicides, where the abuser killed his partner and sometimes others, and then killed himself. *See* Y. Rahman et. al, *In Their Names: Tracking Muslim Domestic Homicide*, Peaceful Families Project (2023) (manuscript submitted for publication).

Included in those 25 cases, is the case that sparked the *In Their Names* project. Dr. Berte describes that case as follows:

The victim was a pillar of the Dallas community and a teacher in an Islamic school. She had a year-long escalation of violence with a man she was divorcing, [including that] he had slashed her tires and tried to drown her. In the community – even the men – none of them wanted to associate with him and so we looked away. She was very beloved in the community and he was clearly spiraling out of control. So they just kind of looked away...

My understanding, is that she did apply for an order of protection, but it was denied....

And what happened was he walked into the house, where her mother and her father, her parents, were staying with her for her protection. That was the level that it was. And he went in and shot her mother, her, their daughter who was 6, and then himself.

Had a protective order been granted, Section 922(g)(8) may have stopped this violent domestic abuser from purchasing or possessing a gun and ammunition. Instead, four more people from the Muslim community were killed. Finding the firearms prohibition under 18 U.S.C. § 922(g)(8)

unconstitutional would remove one of the key protections on which women who seek and receive a protective order rely.

Pastor Joe Barber has served as a pastor at St. Luke's Baptist Church in San Antonio, Texas for 18 years. He also serves as an alcohol and drug abuse counselor and HIV intervention specialist in the San Antonio area. In these roles, he has witnessed violence inflicted on women by their partners and spouses, and women have disclosed to him the violence they faced at home at the hands of their partners. He recalled, "we would sit down and they would share with me how their boyfriend pistol whipped them."

Within his own congregation, Pastor Barber described confronting an incident of violent domestic abuse while evaluating a parishioner for candidacy as deacon in the church:

I'll never forget. We were having a meeting and his wife came into the fellowship hall of the church and beckoned me over. I noticed her husband's demeanor change. I could tell she wanted to talk about something. She said "I need to speak with you," and when I told her to give me one moment, she said "I need to tell you something now. I might as well tell you all. You are examining my husband for deacon, but how are you going to help this man from coming home and beating me."

Pastor Barber knew this man carried a gun and was later told that he had threatened to use it on his wife. “He told her ‘I’m going to kill you.’ He had pulled the gun out and put it on the table in front of her and said ‘where do you think you’re going?’ He brandished the weapon to show her what he was capable of doing.” On several occasions, “he would track her down at a relative’s place, in her mother’s house, kick down the door and drag her home.”

The woman was able to successfully divorce her husband and obtain a protective order. But these actions led to the man to make further threats against her life. Even with the protective order, she lived in fear. On at least one occasion, the man followed her to church and parked down the street, requiring Pastor Barber and others to walk the woman to her car as a sign of intervention and protection. Eventually, for her safety, she and her children fled San Antonio. They did not return for five years.

This man blamed Pastor Barber and other church leaders for the dissolution of his marriage. He threatened the lives of St. Luke’s leaders, forcing the congregation to increase security. Pastor Barber recounted, “I saw his weapon, and he would say, ‘Pastor if you weren’t a man of God I would put a cap in you.’ But because I’m clergy and he has respect for the title of pastor, he has not yet acted on that desire.” It is the potential for lethal consequences from this story and others like it that have led Pastor Barber to support the prohibitions on gun ownership provided by 18 U.S.C. § 922(g)(8). Pastor Barber

believes that he, his congregants, and the larger community would be safer if guns were removed from the hands of violent domestic offenders against whom a qualifying order had been issued.

Reverend Monsignor Michael T. Mannion is chaplain for New Jersey state police and fire departments and divisions of the Federal Bureau of Investigations, and a counselor to communities that have witnessed the dangers presented by domestic violence. He highlighted the danger faced by domestic violence victims immediately after they obtain a restraining order:

Ironically enough, I find that the restraining order, which is meant to be a protection, can be a trigger of the perpetrator who is really insanely connected to his own power. He thinks, 'she is not gonna have control over me. I'm gonna kill her and no restraining order is going to stop me.' And the gun is very much an instrument of that dynamic. I feel that it's dangerous enough where there has been an abuse, especially physical and violent, but then that restraining order just triggers so many other issues in that perpetrator's life. He thinks, 'I am going to win this one. I'll show her, even if I go to jail the rest of my life, I'll show her.'

Monsignor Mannion explained that from his experience, in these situations, it is not just the woman who has filed the protective order that is in

danger, because the abuser “might not find her. But he’ll find her sister. Find her mother or brother or her dad. He says, ‘I can’t kill her, I can’t find her. But I’ll take out somebody else’ and the family is part of the dynamic.” And, while the abuser may find another way to harm the victim or family, “the gun certainly makes it easier. The gun is an easy way, in an instant, in a moment, to kill somebody. And he might regret that decision ten seconds later, but that is too late.”

Monsignor Mannion highlighted that the heightened danger immediately after a woman obtains the protective order is why it is so important to “have some kind of extra law and protection structure set up.” This is the exact type of protection that 18 U.S.C. § 922(g)(8) provides, which helps prevent the assault before it is too late by making it harder for the abuser to obtain a gun.

Reverend Dr. Susan Ward Diamond, lead pastor at the Florence Christian Church (Disciples of Christ), leads a congregation that is deeply devoted to lifting up community members through acts of service. The Florence Christian Church has addressed homelessness, food insecurity, child protection and childcare. That spirit of advocacy was, in many ways, informed by a devastating act of gun violence in the congregation of a church in Montgomery, Alabama, where Pastor Susan served for eleven years earlier in her career.

On November 13, 2009, a church member and her daughter were shot and critically injured by the mother’s ex-boyfriend, another church member, after a domestic dispute. Pastor Susan drove 90 miles to

hold vigil at the hospital where the daughter was being treated for gunshot wounds to her arms, while her colleague stood vigil at the other local hospital where the mother nearly lost her life; she recovered but was left a probable quadriplegic. The tragedy devastated the family and the larger community. Pastor Susan reflected, “after this incident in Alabama, [the survivor] and I talked, and she said, ‘ya know, I came to church Saturday before this happened and no one was there.’” Pastor Susan laments that absence. “If I could’ve prevented anything terrible that happened, I sure would have. When people do open up [to clergy], they do because it’s safe to do so. I do not judge.”

It is not uncommon for people in Pastor Susan’s Kentucky community to own firearms, but the church prohibits weapons from being carried into the building. “There is a passage in Scripture — those who will live by the sword, die by the sword. There’s a story that Peter chops off someone’s ear and Jesus says, ‘no, put your sword away.’” Knowing how prevalent gun ownership is, and how quickly guns can turn a domestic dispute deadly, Pastor Susan supports the prohibitions on gun ownership by domestic offenders with qualifying orders provided under 18 U.S.C. § 922 (g)(8): “It should be law of the land. It is the most dangerous time for a woman when she places a restraining order against her husband or partner. We know that.”

Rabbi Bruce E. Kahn, who is currently serving a lifetime appointment as Rabbi Emeritus at Temple Shalom in Chevy Chase, Maryland, started counseling a 32-year old single mother of five young

children less than two years ago. Although he was trained in a Jewish theological seminary, Rabbi Kahn supports individuals from a range of religious backgrounds, viewing the preservation of safe, loving families, as a tenet that unites all faiths. He provides spiritual guidance, pastoral care, and financial support to families in need in the local community, regardless of their faith. The decades that Rabbi Kahn spent as United States Navy Chaplain also prepared him for the task of counseling individuals of all denominations. A local women's mentoring organization referred the young woman to Rabbi Kahn believing that his philosophy, temperament, and pastoral counseling would be a steadying force in her life. When Rabbi Kahn was introduced to the mother, a woman of Christian faith, she "was suffering in an inordinate way."

The mother described to Rabbi Kahn years of physical, verbal, and emotional abuse at the hands of her former partner, resulting in a diagnosis of post-traumatic stress disorder. The mother told Rabbi Kahn about a brutal attack that occurred in 2021. While she was holding her newborn, the abuser senselessly beat her and choked her. Refusing to drop the baby, the mother did not defend herself. Rabbi Kahn recalled that the mother was barely recognizable in pictures taken after the attack.

After the abuser assaulted the mother, he left her home and stabbed another woman. Domestic abuse has a higher rate of repeat victimization than any other crime, accounting for 76% of all incidents. *See* U.K. Home Office, *Homicides, Firearm Offences and Intimate Violence 2008/09* (Jan. 2010). Both

women who he attacked filed charges. For both assaults, the abuser was sentenced to a scant 18 months of incarceration.

Almost immediately upon release from prison, and despite a parole order prohibiting contact, the abuser called the young mother. He threatened her and demanded to see his children. He repeatedly sent texts threatening her life and the life of her friends and families. He told her that prohibiting him from seeing his children was a sign of disrespect, and that he would teach her respect “by shooting and killing her, and anybody she was with.” The mother was terrified. She would not go outside. She would not let her children go outside. Rabbi Kahn vividly remembers the mother’s palpable anxiety and terror in this period. But, with the assistance of Rabbi Kahn, she was moved to a hotel in a neighboring state.

The abuser was undeterred. He continued attempting to contact the mother. He tried to find her through her circle of acquaintances. Somehow the abuser learned that the mother would go to her local Department of Human Services office to acquire benefits needed to feed her children. During one of these trips, the abuser kidnapped the mother and took her to a house where, for 24 hours, the abuser beat and raped her. Eventually, another woman in the house distracted the abuser, allowing the mother to escape.

It is telling that, upon this escape, rather than call 911 or a friend or family member, the mother called Rabbi Kahn. She went to a hospital in Maryland with the hope that her abuser would not

find her. The mother was resigned that unless the abuser was detained pending trial, far from a sure thing in her mind, she could not remain in the area and press charges, which were sure to aggravate the abuser. The mother believed that if she angered the abuser further, he would kill her. She believed that prosecutors would let him out pending trial. She believed that nothing would stop him from getting to her—no court orders, no ankle bracelets, nothing. And the mother did not trust local law enforcement to protect her. She was determined to leave the state before filing charges.

Rabbi Kahn is now working with the mother to help her leave DC and escape her abuser, who continues to threaten her safety and the safety of her children. He describes that:

The mother told me that she was going to commit suicide, and she couldn't take it anymore and asked what's the point of her life and she should leave it all up to God to sort it all out and take care of her children. I talked to her theologically about the purpose of her existence, and of course how much her kids need her. I was trying to help her so that she did not just give up.

The greatest gift that God gives us is life and you don't surrender your life without doing everything you can to save it and improve your circumstances so you can find out the rest of the gifts God gives you. Sometimes I just feel sent, *bashert* (destiny).

The story Rabbi Kahn tells is by no means resolved. Uncertainty still swirls around the family that Rabbi Kahn counseled: where will they live, could their lives ever be “normal” again, will the abuser ever stop tracking them. But so long as the abuser is subject to a qualifying protective order and Section 922(g)(8) is in place, he will fail a background check, meaning he cannot purchase a firearm. This preemptive protection is critical for victims of domestic violence, and for now, this may be the only form of protection about which this family of victims can be certain.

The federal law at issue here is meant to prevent domestic violence from further escalating into lethal gun violence. Protective court orders, like the parole order in this case, exist because we know that abusers who have committed this level of violence are all too likely to continue escalating up to lethality. Indeed, the presence of a firearm in the home increases the likelihood that domestic violence will escalate into a homicide by fivefold. *See* Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*, 93 AM. J. PUB. HEALTH 1089, 1092 (2003).

CONCLUSION

PASSOVER DEDICATION FOR WOMEN⁵

This cup of wine is dedicated to the women who do
not find

⁵ JWI, *Passover Dedication For Women*, <https://tinyurl.com/3knxwzdy>.

themselves embraced by a community, as we are
tonight.

Women who endure injury, humiliation, and
sexual assault and cannot talk about it.
Women who suffered unspeakable abuses and did
not live to tell.

This cup is for the shattered souls who never
dreamed
it would happen to them...
The women who stay to protect children, avoid
shame,
and bear the burden of *shalom bayit* (peace in the
home) in a home with no peace.
The women who stay because they have no place
to go.
The women who stay because they believe in love.
And the women who escaped, and now struggle to
find homes,
build skills, and support their families.

This cup is for the women from whom everything
has been taken –
their families, their friends, their homes, their
communities,
their dignity, and their lives.

On Passover, as we celebrate liberation, we
reaffirm our
commitment to make all women safe in their
homes and
in their relationships.

This cup is for the women who find this night is
no different
from any other night. They are our sisters, they
are ourselves,
and they are not alone.

Dated: New York, New York
August 21, 2023

Respectfully submitted,

By: /s/ Emilie B. Cooper
Emilie B. Cooper

Laura Israel Sinrod
Lucretia C. Bunzel*
One New York Plaza
New York, NY 10004
(212) 859-8000
Emilie.Cooper@friedfrank.com

Katherine L. St. Romain
801 17th Street, NW
Washington, DC 20006
(202) 639-7000

Counsel for *Amici Curiae*

**Admission pending in the State
of New York*

APPENDIX TABLE OF CONTENTS

Appendix A: List of *Amici Curiae* 1a

Appendix A: List of *Amici Curiae*

Jewish Women International

Archdiocese of Chicago Domestic Violence Outreach

Bishops Against Gun Violence

Central Conference of American Rabbis

Congregation of Our Lady of Charity of the Good

Shepherd, U.S. Provinces

Franciscan Peace Center of Clinton, Iowa

HOPE Family Services at The Resurrection Project

In His Presence Outreach Center

Interfaith Coalition Against Domestic & Sexual
Violence:

Clergy Task Force to End Domestic Abuse in
the Jewish Community

Episcopal Diocese of Maryland

Friends Committee on National Legislation

FaithTrust Institute

General Synod of the United Church of Christ

Hadassah

Jewish Community Relations Council of
Greater Washington

Jewish Council for Public Affairs

Karamah: Muslim Women Lawyers for
Human Rights

Muslim Public Affairs Council

National Advocacy Center of the Sisters of the
Good Shepherd

National Council of Catholic Women

National Council of Jewish Women

Network of Jewish Human Services Agencies

Peaceful Families Project, Inc.

Religious Action Center of Reform Judaism

Safe Havens Interfaith Partnership Against
Domestic Violence

Sikh Family Center

Sojourners

Unitarian Universalist Church

United Methodist Church, General Board of
Church & Society

Jewish Gun Violence Prevention Roundtable

National Collaborative of Jewish Domestic Violence
Programs

Nuns Against Gun Violence

Pastor Joe Barber

Peaceful Families Project, Inc.

Rabbinical Assembly

Rabbinical Council of America

Sisters of Mercy of the Americas Justice Team

Sisters of St. Francis of Philadelphia

Sojourners

Women's Rabbinic Network