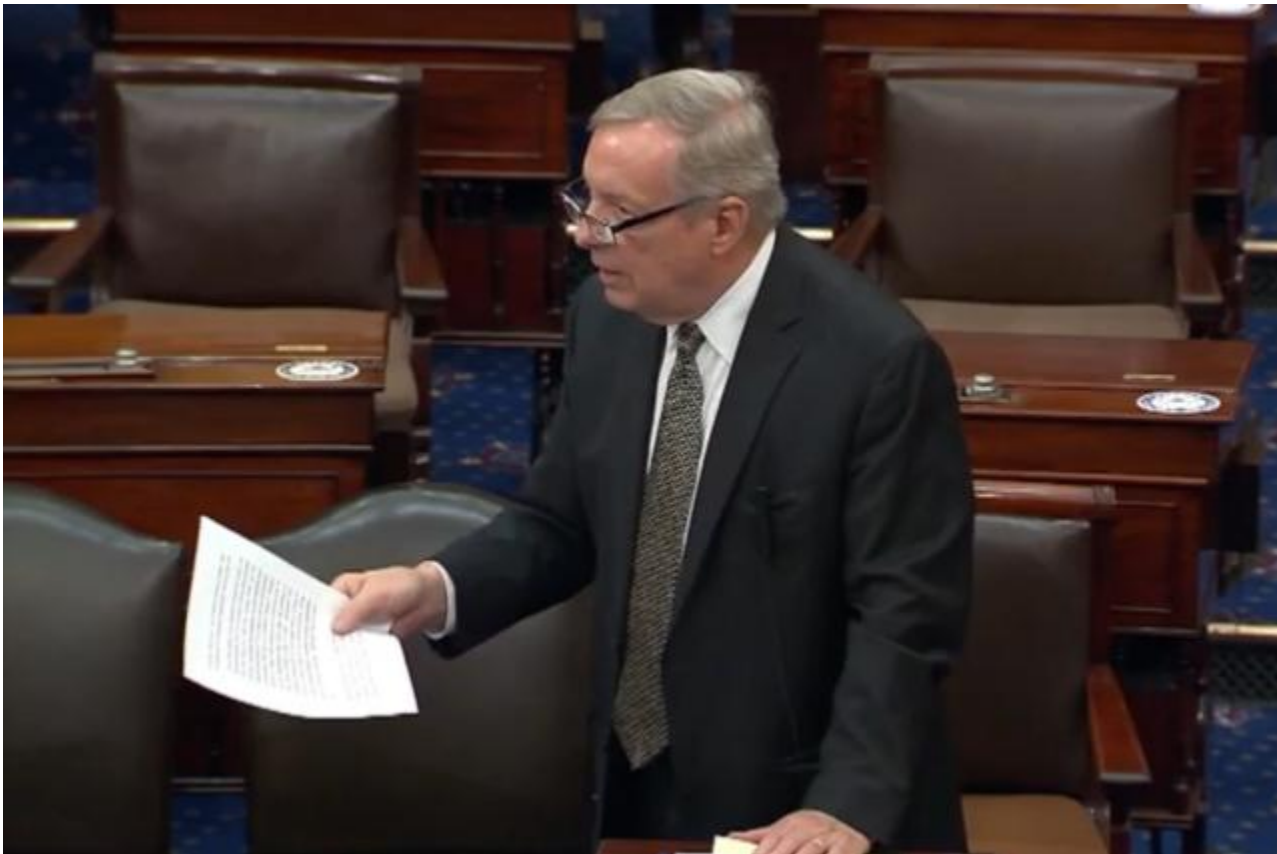


# **Durbin, Members Of Congress File Amicus Brief Opposing Legal Challenge To Federal Law Prohibiting Domestic Violence Offenders From Possessing Firearms**

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CHICAGO – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, joined U.S. Senator Richard Blumenthal (D-CT), U.S.

Representative Mike Thompson (D-CA), and 17 other senators and 151 Members of Congress in filing an amicus brief in opposition to the constitutional challenge to the federal law prohibiting individuals under domestic violence restraining orders from possessing firearms.

In a bicameral brief to the Supreme Court in *United States v. Rahimi*, the members call on the Supreme Court to set a clear standard allowing Congress to pass laws that keep the American people safe. The brief follows a [full committee hearing](#) in March, which examined how the new standard set by the *Bruen* decision is endangering public safety as the country faces a gun violence epidemic.

“The Supreme Court’s decision in *Bruen* has caused chaos in lower courts. The new radical framework established in *Bruen* has enabled judges to cherry-pick from history and overturn statutes on a whim. Now, even the most common sense gun safety laws are in question, such as prohibiting gun possession by domestic violence offenders,” said Durbin. “Our ask from the Court here is direct: set a clear standard that allows Congress to pass laws to protect public safety, consistent with our Constitutional powers.”

“Domestic violence restraining orders which prohibit gun possession are neither a novel nor partisan idea – they are a straightforward legal tool to protect survivors at the moment when their abusers are most dangerous. Forty-three states – red, purple, and blue – and Congress have all passed some form of this prohibitor with the same objective: keeping domestic violence survivors and their family members alive,” Blumenthal said. “There is absolutely no sane legal argument for striking down this law.”

The defendant in *United States v. Rahimi* was suspected of five shootings in Texas between 2020 and 2021. Police searched his home and found multiple firearms. He was subject to a domestic violence restraining order – which prohibited him from owning a firearm under federal law – and was prosecuted for violation of that law. The Fifth Circuit agreed to rehear his case following the Supreme Court’s decision in *Bruen*, applied the new “history and tradition” legal test, and found that the federal statute was not sufficiently similar to historical law to be constitutional.

The members’ amicus brief focuses on centuries of Supreme Court precedent “that Congress enjoys considerable deference to pass the legislation it sees fit.”

The brief also argues that the Fifth Circuit’s “insistence on an exact historical match for 18 U.S.C. 922(g)(8) is contrary to this Court’s pronouncements in *Bruen* and in prior Second Amendment decisions. If allowed to stand, this reasoning will serve to allow courts to substitute their policy judgments for those of Congress.”

For almost three decades, it has been unlawful for a person to possess firearms if that individual is subject to a court order that restrains such individual from harassing, stalking, or threatening an intimate partner or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury. These court orders are better known as DVROs or domestic violence protective orders.

When it comes to domestic violence, the consequences of the Fifth Circuit's decision will no doubt be lethal. Domestic and intimate partner violence is made all the more deadly when firearms are involved. The presence of a firearm in the home increases the likelihood that domestic violence escalates into a homicide by fivefold. When compared to domestic or intimate partner violence incidents that involve other weapons or bodily force, those involving firearms are 12 times more likely to result in death. In fact, firearms are used to commit more than half of all intimate partner homicides in the United States, approximately 600 women who are shot to death by intimate partners each year.

The full text of the members' brief is [available here](#).

In addition to Durbin and Blumenthal, the brief was signed by Majority Leader Chuck Schumer (D-NY) and U.S. Senators Tammy Baldwin (D-WI), Cory Booker (D-NJ), Ben Cardin (D-MD), Chris Coons (D-DE), Dianne Feinstein (D-CA), Kirsten Gillibrand (D-NY), Mazie Hirono (D-HI), Tim Kaine (D-VA), Edward J. Markey (D-MA), Patty Murray (D-WA), Bernie Sanders (I-VT), Jeanne Shaheen (D-NH), Chris Van Hollen (D-MD), Peter Welch (D-VT), Sheldon Whitehouse (D-RI), and Ron Wyden (D-OR).

In addition to Thompson, the brief was signed by Leader Hakeem Jeffries (D-NY-08), Speaker Emerita Nancy Pelosi (D-CA-11) and U.S. Representatives Alma S. Adams (D-NC-12), Pete Aguilar (D-CA-33), Colin Z. Allred (D-TX-32), Jake Auchincloss (D-MA-04), Becca Balint (D-VT-AL), Nanette Diaz Barragán (D-CA-44), Donald S. Beyer, Jr. (D-VA-08), Earl Blumenauer (D-OR-03), Lisa Blunt Rochester (D-DE-AL), Suzanne Bonamici (D-OR-01), Brendan F. Boyle (D-PA-02), Shontel M. Brown (D-OH-11), Julia Brownley (D-CA-26), Cori Bush (D-MO-01), Salud Carbajal (D-CA-24), Tony Cárdenas (D-CA-29), André Carson (D-IN-07), Matt Cartwright (D-PA-08), Greg Casar (D-TX-35), Ed Case (D-HI-01), Sean Casten (D-IL-06), Kathy Castor (D-FL-14), Joaquin Castro (D-TX-20), Sheila Cherfilus-McCormick (D-FL-20), Judy Chu (D-CA-28), Katherine M. Clark (D-MA-05), Yvette D. Clarke (D-NY-09), James E. Clyburn (D-SC-06), Gerald E. Connolly (D-VA-11), J. Luis Correa (D-CA-46), Joe Courtney (D-CT-02), Jason Crow (D-CO-06), Danny K. Davis (D-IL-07), Madeleine Dean (D-PA-04), Diana DeGette (D-CO-01), Suzan K. DelBene (D-WA-01), Mark DeSaulnier (D-CA-10), 3a, Lloyd Doggett (D-TX-37), Anna G. Eshoo (D-CA-16), Adriano Espaillat (D-NY-13), Dwight Evans (D-PA-03), Lizzie Fletcher (D-TX-07), Bill Foster (D-IL-11), Valerie P. Foushee (D-NC-04), Lois Frankel (D-FL-22), Maxwell Alejandro Frost (D-FL-10),

Robert Garcia (D-CA-42), Sylvia R. Garcia (D-TX-29), Dan Goldman (D-NY-10), Jimmy Gomez (D-CA-34), Josh Gottheimer (D-NJ-05), Al Green (D-TX-09), Raúl M. Grijalva (D-AZ-07), Jahana Hayes (D-CT-05), Brian Higgins (D-NY-26), Jim Himes (D-CT-04), Jared Huffman (D-CA-02), Sheila Jackson Lee (D-TX-18), Sara Jacobs (D-CA-51), Pramila Jayapal (D-WA-07), Henry C. “Hank” Johnson, Jr. (D-GA-4), Sydney Kamlager-Dove (D-CA-37), Marcy Kaptur (D-OH-09), William R. Keating (D-MA-09), Robin L. Kelly (D-IL-02), Daniel T. Kildee (D-MI-08), Derek Kilmer (D-WA-06), Andy Kim (D-NJ-03), Raja Krishnamoorthi (D-IL-08), Greg Landsman (D-OH-01), John B. Larson (D-CT-01), Barbara Lee (D-CA-12) 4a , Susie Lee (D-NV-03), Mike Levin (D-CA-49), Ted W. Lieu (D-CA-36), Zoe Lofgren (D-CA-18), Stephen F. Lynch (D-MA-08), Seth Magaziner (D-RI-02), Doris Matsui (D-CA-07), Lucy McBath (D-GA-07), Jennifer L. McClellan (D-VA-04), Betty McCollum (D-MN-04), Morgan McGarvey (D-KY-03), James P. McGovern (D-MA-02), Gregory W. Meeks (D-NY-05), Robert J. Menendez (D-NJ-08), Grace Meng (D-NY-06), Kweisi Mfume (D-MD-07), Gwen S. Moore (D-WI-04), Joseph D. Morelle (D-NY-25), Jared Moskowitz (D-FL-23), Seth Moulton (D-MA-06), Kevin Mullin (D-CA-15), Jerrold Nadler (D-NY-12), Grace F. Napolitano (D-CA-31), Wiley Nickel (D-NC-13), Donald Norcross (D-NJ-01), Eleanor Holmes Norton (D-DC-AL), Frank Pallone, Jr. (D-NJ-06), Jimmy Panetta (D-CA-19), Bill Pascrell, Jr. (D-NJ-09), Donald M. Payne, Jr. (D-NJ-10), Scott H. Peters (D-CA-50), Brittany Pettersen (D-CO-07), Dean Phillips (D-MN-03), Chellie Pingree (D-ME-01), Stacey E. Plaskett (D-VI-AL) 5a , Mark Pocan (D-WI-02), Katie Porter (D-CA-47), Mike Quigley (D-IL-05), Delia C. Ramirez (D-IL-03), Jamie Raskin (D-MD-08), C. A. Dutch Ruppersberger (D-MD-02), Patrick K. Ryan (D-NY-18), Linda T. Sánchez (D-CA-38), John P. Sarbanes (D-MD-03), Mary Gay Scanlon (D-PA-05), Jan Schakowsky (D-IL-09), Adam B. Schiff (D-CA-30), Bradley Scott Schneider (D-IL-10), Hillary J. Scholten (D-MI-03), David Scott (D-GA-13), Robert C. “Bobby” Scott (D-VA-03), Brad Sherman (D-CA-32), Miki Sherrill (D-NJ-11), Elissa Slotkin (D-MI-07), Adam Smith (D-WA-09), Darren Soto (D-FL-09), Abigail Davis Spanberger (D-VA-07), Haley M. Stevens (D-MI-11), Eric Swalwell (D-CA-14), Mark Takano (D-CA-39), Shri Thanedar (D-MI-13), Mike Thompson (D-CA-04), Dina Titus (D-NV-01), Rashida Tlaib (D-MI-12), Jill Tokuda (D-HI-02), Paul D. Tonko (D-NY-20), Norma J. Torres (D-CA-35), Lori Trahan (D-MA-03), David J. Trone (D-MD-06), Juan Vargas (D-CA-52) 6a , Marc A. Veasey (D-TX-33), Nydia M. Velázquez (D-NY-07), Debbie Wasserman Schultz (D-FL-25), Maxine Waters (D-CA-43), Bonnie Watson Coleman (D-NJ-12), Jennifer Wexton (D-VA-10), Nikema Williams (D-GA-05), and Frederica S. Wilson (D-FL-24).