

OPINION

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Case can aid domestic violence victims

As gun owners, we urge justices to make sure abusers are disarmed



Olivia Troye and Abra Belke
Opinion contributors

As the nation reels in the aftermath of yet another mass shooting – this time in Lewiston, Maine – many Americans, both gun owners and non-gun owners, are asking how we keep firearms out of the hands of dangerous people.

Against this backdrop, the U.S. Supreme Court is scheduled to hear oral arguments in a case that will decide the fate of modern gun laws designed to do just that.

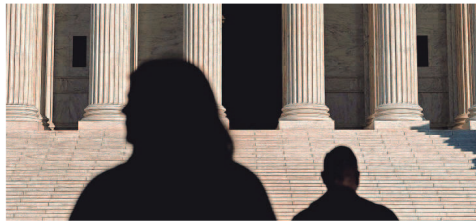
Though Lewiston shooter Robert Card and Zackey Rahimi – the defendant in the case on the Supreme Court docket Tuesday – share little in common in terms of background or criminal history, what unites them is the question of when an American should be denied access to a firearm.

In Card's case, he was experiencing a mental health decline that alarmed his family and colleagues.

Rahimi was accused of domestic violence and the subject of a restraining order after multiple, documented violent incidents involving firearms.

At the heart of U.S. v. Rahimi is a decades-old federal law that prohibits the possession of a gun by those subject to a domestic violence protection order. The 5th Circuit Court of Appeals struck down the law over concerns about due process and because it failed to recognize historical equivalents.

Some context: In a June 2022 decision, *New York State Rifle & Pistol Association, Inc. v. Bruen*, the justices established a new test that determines what's



The Supreme Court is scheduled to hear oral arguments Tuesday on a challenge to a federal law that bans people who are subject to domestic violence restraining orders from owning guns. STEFANI REYNOLDS/AFP VIA GETTY IMAGES

constitutional based on whether there was a similar law at the time of America's founding.

As a former NRA lobbyist and a career national security official, we cheered the Bruen decision, which ruled unconstitutional a New York law mandating concealed carry applicants demonstrate "proper cause" to obtain a permit. Law enforcement should not be able to deny someone a permit based on subjective guidelines. But the philosophy behind the decision has significant implications that pose a threat to every gun law on the books.

Now, our nation's highest court will decide just how literal the justices intended their Bruen test to be.

What our research found about how gun owners feel

As leaders of the gun safety organization 97Percent, we are working to reduce gun-related deaths by including gun owners in the solutions. Our research has found that 76.9% of gun owners support prohibiting gun possession by people subject to a domestic violence restraining order.

That's why we submitted an amicus brief imploring the Supreme Court to reverse the Rahimi decision.

The goal of 97Percent's brief is not to discuss how a victim or survivor of violence is five times more likely to die when an abusive partner has access to a gun. We do not talk about Rahimi's well-documented background of violence, as a suspect in five shootings.

While these are certainly valid arguments, our focus is on due process and historical precedent – as they are the markers by which the Supreme Court will make its decision.

Before a restraining order is issued, the court is required to give the accused a chance to defend themselves. After that hearing, they are stripped of their right to possess a gun only if the court rules that they pose a threat. The loss of rights is temporary, until the order expires, and the order can be dissolved if new evidence becomes available.

These orders are issued for proven acts or threats of violence. The greatest predictor of future violence is past violence. And our 97Percent research has found that the most deeply held principle among gun owners regarding gun laws is that people at high risk of violence should not be able to own a gun.

Those who oppose the law have said that they believe only convicted criminals should be disarmed. Our brief shows how a criminal conviction is not

required for the loss of other constitutionally protected liberties – such as when citizens are placed on the no-fly list and cannot travel by plane.

When do 77% of domestic violence-related homicides occur?

Not to mention that criminal proceedings often take months or years, leaving victims unprotected at the very moment when they are in the most danger: 77% of domestic violence-related homicides occur at the time victims leave their abusers.

Though a restraining order resulted from modern laws that recognize women's political rights and the threat of domestic violence in a way that did not exist in the founding era, our brief cites numerous examples of how the Founders prevented groups they deemed dangerous from possessing guns.

We are two gun owners who've long championed the Second Amendment and are skeptical of restrictions, but domestic abusers who pose a credible, proven threat must be disarmed.

Restraining orders provide strong due process protections, and they're consistent with founding-era restrictions. Like policies such as universal background checks, they're forward-looking solutions to modern-day problems that also protect the Second Amendment.

We call on the Supreme Court to reverse the Rahimi decision. Failure to do so will have far-reaching implications, including in cases like that of the Lewiston shooter. Lives are hanging in the balance, and the Supreme Court's backward-looking test is threatening the chance to save them.

Olivia Troye, executive editor of 97Percent, formerly served as a senior advisor to Vice President Mike Pence and in a number of senior national security roles. Abra Belke, an attorney and a 97Percent board member, formerly served as an NRA lobbyist and has provided pro bono counsel to domestic violence victims.

Aid to Israel, Ukraine doesn't mean ignore homefront

Investment in our domestic issues helps maintain our global role



Suzanne P. Clark
Opinion contributor

In my meetings with heads of state and foreign leaders from around the world I hear a common question: Will the United States disengage from the world?

When I talk to CEOs and small businesses they all want to know: How much more geopolitical uncertainty will we face?

All have good reason to be concerned. The lessons of history remind us that isolationism and neglect of international affairs can have far-reaching and long-lasting consequences that are not limited to foreign shores but have a direct impact on American society and prosperity.

This is why the U.S. Chamber of Commerce is endorsing the effort to provide emergency supplemental funding to secure the southern border of the United States and to support Ukraine, Israel and Taiwan.

Not only is it in our own economic and national security interests; it is essential to safeguarding the principles of democracy and free markets that the Chamber has stood up for 113 years.

What happens abroad impacts our national and economic security

Since World War II, the United States has played the leading role in helping people in other nations who wish to secure their own democracy and free markets. We have been repaid the monetary



A rally in Tel Aviv, Israel, on Saturday calling for the release of hostages seized by Hamas last month. AHMAD GHARABLI/AFP VIA GETTY IMAGES

costs of our efforts many times over by the enhancements to our own prosperity and security.

Today, democracies and free markets are under attack abroad. Perhaps the most painful lesson of the 20th century is that what happens in Europe and Asia impacts America directly, and we ignore it at our peril. These threats exact a toll on the United States that will only grow if we avert our eyes, threatening our own national and economic security.

Russia's brutal invasion of Ukraine and the heinous terror attacks on Israel and the loss of innocent life argue powerfully for additional U.S. security assistance, continued close coordination with our allies and sustained American leadership on the world stage.

The United States also should continue to uphold its decadeslong com-

mitment to provide security assistance to Taiwan, which is consistent with the longstanding U.S. "One China" policy.

US can both defend democracies and secure our border

Here at home, another essential principle is under threat. The rule of law is being undermined by the failure of our federal government to fulfill one of its most basic functions: securing our border. The myriad shortcomings of our legal immigration system and the historic crises on our southern border and in cities around the country cannot continue to go unaddressed.

Much needs to be done beyond this emergency border funding to confront our nation's immigration challenges, but providing these additional re-

sources is a critical first step on the path toward securing our borders, preventing further human suffering and meeting America's economic needs.

We applaud Senate Republican leader Mitch McConnell for calling for American leadership and pledging action in the Senate and President Joe Biden for putting forward an emergency supplemental to address these challenges.

Scrutiny, debate and amendment by members of the House and Senate is important and will improve the president's proposal, but it must lead to decisive bipartisan, bicameral action on a meaningful package.

Most of the funds will end up being spent right here in the United States. It is manufacturers here – across 38 states – who are building the supplies used by our allies. President Franklin Roosevelt dubbed the efforts of American business and workers the "arsenal of democracy."

In a world of ever-growing threats, these investments in our expanded domestic capacity will improve America's future security.

We will continue to work with Congress to find ways to tackle the debt and deficit. But to be clear, the expenses associated with securing our border and defending democracies are not the root cause of our problems – and if we fail to make these investments now, it will cost us far more in the future.

The United States is a strong and capable nation. We can address the domestic challenges that require the attention of our elected leaders and support and defend those who share our commitment to democracy, free markets and the rule of law.

And in this moment, we must do both to secure our strength at home and our standing in the world.

Suzanne P. Clark is president and chief executive officer of the U.S. Chamber of Commerce.



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