Close The Partner Loophole! A Toolkit For Feminist Action Against Gun Violence

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CLOSE THE PARTNER LOOPHOLE! A TOOLKIT FOR FEMINIST ACTION AGAINST GUN VIOLENCE

Honors Thesis

Presented in Partial Fulfillment of the Requirements
For the Degree of Bachelor of Arts in Political Science

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By

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Abstract

The Domestic Violence Offender Gun Ban (DVOGB) is a federal policy that prohibits people convicted of domestic violence or under a restraining order from having access to firearms. However, the DVOGB only bans gun purchases made by spouses, former spouses, and cohabitating partners convicted of domestic abuse. It does not cover abuse between dating partners, creating a “dating partner loophole” in gun violence policy.

This thesis combines this policy issue with existing canon on grassroots activism to create a political action toolkit, a series of digital and printable materials that aim to empower young people, feminist groups, and anti-domestic violence organizations to generate public and Congressional support for new legislation to close this loophole. I use an analysis of legislative action in each U.S. state to determine what current policy does or does not do to protect domestic violence victims from gun violence, as well as a comparison of current and former campaigns related to this issue to inform my organizational strategies in achieving federal policy change.

The toolkit includes materials for raising awareness of this policy loophole among the general public, guides to contacting elected officials, and instructions on lobbying in political offices. The toolkit also aims to include and highlight the needs of those at higher risk of homicide by firearms, such as women of color and members of the LGBTQ+ community. Accompanying literature includes additional background research on the policy issue as well as campaign and policy analysis.
Acknowledgements

To Professor Jennifer Jackman: Thank you for your endless patience and support throughout this project. So much of what I know about activism and advocacy comes from my experiences in your classes. I am forever grateful.

To Jamie McCann: Thank you for your graphic design skills, and your friendship.

To Professor Scott Nowka: You’re the best. Thanks for everything.

To all the activists and survivors working to end intimate partner violence: Thank you. May the world we envision soon become a reality.
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Introduction

In 1996, the United States Congress passed the Domestic Violence Offender Gun Ban as an amendment to the Omnibus Consolidated Appropriations Act of 1997. This act, often referred to as the “Lautenberg Amendment” after its sponsor, Senator Frank Lautenberg (D-NJ), bans access to firearms by people convicted of domestic violence misdemeanors or under a restraining order for domestic abuse (18 U.S.C. § 921). At the time of its passage, the act was considered a needed strengthening of existing gun laws; convicted felons were already barred from possessing or buying guns, but perpetrators of spousal or child abuse slipped through the cracks of a justice system that underestimated – and continues to underestimate – the severity of domestic violence offenses. “Why give wife-beaters guns,” asked a New York Times editorial that echoed the sentiments of many anti-domestic violence groups at the time, “[when] the presence of a gun in the home triples the risk of a homicide in the home” (Editorial, 1996)? Despite repeated attempts by the National Rifle Association (NRA) to prevent the bill’s passage and the NRA’s subsequent attempts to repeal it, the Lautenberg Amendment has remained federal law for the past 23 years (Halstead, 2001).

“Wife-beaters”, however, are not the only perpetrators of domestic violence. The Lautenberg Amendment defines spouses, ex-spouses, cohabitating partners, and/or partners with children as “intimate partners” under federal law, but casual dating partners are not included in this definition (18 U.S.C. 922). This means that a person who commits violence against their dating partner is likely to be charged and/or convicted of an offense other than a misdemeanor crime of domestic violence. They are therefore not
subject to the gun possession prohibitions set forth by the Lautenberg Amendment, which creates a ‘dating partner loophole’ in domestic violence and gun policy.

This gap in the law proves problematic: a nationwide study of police reports from the University of Pennsylvania found that approximately 82% of violence incidents between intimate partners included dating partners, whereas less than 15% involved violence between spouses (Sorenson, 2017). Women are also as likely to be killed by dating partners with guns as they are by spouses (Cooper & Smith, 2011). This loophole is indicative of a failure to recognize the socioeconomic realities of modern romantic relationships in the United States; the average age of first marriage is 27.6 for women and 29.5 for men (Median Age At First Marriage, n.d.). The average age range for cohabitating partners is 25-34 (United States Census Bureau, 2011). Considering that 53-69% of individuals who experience intimate partner violence for the first time do so before the age of 25, there is a substantial need for Congress to close this policy loophole in order to better prevent young abusers from accessing guns, regardless of the nature of their relationship to their victim(s) (Black, 2011).

Facilitating Federal Legislative Change

The latest wave of awareness and urgency around this policy loophole began in 2014 at the heel of a renewed interest in quelling mass shootings and other forms of pervasive gun violence. Following the devastation of the shooting at Sandy Hook Elementary School in early 2013, activists noticed a connection between domestic violence (the perpetrator in this incident had killed his mother) and these shootings. Research by Everytown for Gun Safety later confirmed these fears; in 54% of incidents of mass gun violence committed between 2009-2016, an intimate partner or family
member was among the victims (Mass Shootings in the United States, 2018). Of the 46 mass shootings that took place entirely in public since 2009, 33% of the shooters had a history of violence against their partners (Alter, 2017).

This revelation inspired activists to uncover the ways domestic abusers got their hands on firearms, leading to the discovery of the dating partner loophole. Around 2017, pro-gun control and anti-domestic violence activists caught the attention of pop culture publications such as Broadly, The Guardian, Bustle, and Teen Vogue (Sevcenko, 2018). Most of the coverage includes personal stories of dating partner violence survivors, mostly women, who were threatened, injured, or killed by their significant other with a gun. These publications appear effective in raising some concern among their audiences about the dating partner loophole. Still, few if any of these sources include a call-to-action where readers/viewers are presented with a set of instructions to channel their knowledge and skills into social and legal change.

There is strong legal reasoning that supports closing the dating partner loophole on a federal scale. Challenges to the constitutionality of the original Domestic Violence Offender Gun Ban have proven unsuccessful. The Fifth Circuit Court of Appeals found in United States v. Emerson (2001) that prohibiting the transportation of firearms or ammunition in interstate commerce by persons subject to a restraining or protection order is not an overreach of federal power, nor a violation of an individual’s right to bear arms under the Second Amendment. In United States v. Castleman (2014), the Supreme Court of the United States unanimously decided that although the state of Tennessee’s definition of misdemeanor crime of domestic assault was broader than the federal definition of such crime, it still qualifies as a misdemeanor crime of domestic violence
under federal law. Those convicted under the Tennessee law are still subject to the existing firearms ban. Opponents of the Lautenberg Amendment who argued that the act “categorizes misdemeanor domestic violence offenses more harshly” than other misdemeanor offenses and is as such a violation of the Equal Protection Clause found that their views were not shared by the judges on the Eleventh Circuit (Halstead, 2001). Thus, there is ample reason to believe that expanding the federal definition of domestic violence to include dating partnerships would a reasonable extension of the constitutional powers already possessed by Congress.

Representative Debbie Dingell (D-MI-12) introduced legislation to close the dating partner loophole, the Zero Tolerance for Domestic Abusers Act, during the 114th and 115th Congresses, but the bill has failed to make it past committee (Sevcenko, 2018). The bill, H.R.569, is pending in the 116th Congress under the sponsorship of Dingell with 119 co-sponsors and little bipartisan support. The Senate version, S.120 Protecting Domestic Violence and Stalking Victims Act of 2019, is pending under the sponsorship of Senator Amy Klobuchar (D-MN) with 31 co-sponsors, all Democrats. This lack of Republican support does not reflect the wishes of the average party member; a Pew Research Center survey found that 84% of Republican respondents favor policies that limit access to guns for those who commit violent misdemeanors (Parker et. al., 2017).

These reasons – judicial, legislative, and public opinion-based – provide justification for creating a political action toolkit to empower common folk to put pressure on their legislators to address this policy loophole. In essence, the toolkit is a series of printable materials that provide a framework for political action that is accessible to young, unmarried/non-cohabitating people, particularly young women ages
18-24, the demographic that is most likely to be left without the same protections against
gun violence as their married/cohabitating counterparts. It includes materials for raising
awareness of this policy loophole in their local communities, guides to contacting
legislators in Congress, and tools for lobbying Congressional offices. The toolkit is
intended to remove the burden of time, research, and decision-making that goes into
crafting a thoughtful and effective feminist grassroots campaign. Still, due to the variety
of “internal and external…challenges” that campus groups may face when taking action,
the toolkit provides groups with a level of autonomy (Bunjun, 2010). Users are
encouraged to use the materials provided in the toolkit at their own pace, on their own
timeline, and with as much reference to their personal lives and circumstances as they see
fit.

**Analysis of Campaigns to Close the Dating Partner Loophole**

To avoid merely replicating the actions of previous campaigns, it was important
to analyze the strategies employed by key actors over the past 5+ years in their attempts
to close the dating partner loophole. The non-profit organizations Moms Demand Action
for Gun Sense in America (a subsidiary of Everytown for Gun Safety), Giffords Law
Center to Prevent Gun Violence, UltraViolet, and the National Network to End Domestic
Violence were the focus of this campaign analysis. They differ in their scope, policy
interests, staff/volunteer size, and composition, but all have taken some sort of action to
close the dating partner loophole. It should be noted, however, that this analysis is limited
to the information that each group makes public online, media publications about their
work, and a brief interview with an anti-domestic violence advocate.

*Framing*
In order to welcome the activism of folks outside of heterosexual relationships, the toolkit uses the gender inclusive term ‘dating partner loophole’. The framing of the issue then shifts to include not only young women but college-aged survivors of abuse as a whole, which is intended to “[link] participants’ grievances” to a “shared value” of broadening protections against gun violence for themselves and their peers (Carty, 2010). Each of the social movement organizations in this analysis refer to the policy issue at hand as the “boyfriend loophole” (Gontcharova, 2019). Shannon Watts, the founder of Moms Demand, relies heavily on heteronormative framing to describe closure of the loophole as a way to “take meaningful action to protect American women and their families” (Moms Demand Action Press, 2017).

Terms like the aforementioned ‘wife-beater’ or its affiliate ‘abusive boyfriend’ elicit a strong emotional reaction, but exclude those who suffer abuse from dating partners who do not fit the common stereotype of male aggression. These linguistic choices frame the problem of gun violence against intimate partners as an issue that affects only heterosexual couples, where victims are cisgender women and perpetrators are cisgender men. While it is true that most recorded victims of intimate partner violence involving guns are women who have been victimized by male partners, gun violence and domestic violence can and does affect people across the gender and relationship spectrum (Campbell, 2003).

*Coalition Building*

The toolkit contains minimal explicit instruction for the user in building coalitions with other community or campus groups; it is difficult to predict the conflicts that may arise between a campus chapter of, say, an anti-domestic violence organization versus a
pro-gun control organization that both choose to use the toolkit. Still, the toolkit attempts to emphasize the deep connection between the two issue areas and makes policy recommendations that address the immediate concerns of both types of organizations, explained in the ‘Ideal Policy’ section of this manuscript. This is important when considering previous challenges to coalition building between groups fighting to close the partner loophole on the state and federal levels.

Activist organizations are often working against the interests of established interests with access to great amounts of resources and influence. Coalition building between different groups with the same/similar intended political outcomes allows disempowered parties to “develop their power base and thereby better defend their interests” (Watkins & Rosegrant 2001). While each of the organizations included in this analysis have claimed to build coalitions with each other in order to enact legislation to close the dating partner loophole, there are notable tensions that “surface among groups with different cultures, practices, and goals” (Van Dyke & McCammon, 2010). For example, the National Network to End Domestic Violence interprets the dating partner loophole as a problem that is indicative of the larger issue of domestic violence homicides. While the NNEDV supports closing the dating partner loophole, they view removing weapons from abusers as one small component of addressing broader issues of domestic violence through policy (VAWA Key Recommendations, 2018). Meanwhile, Moms Demand and the Giffords Law Center acknowledge the link between domestic violence and gun homicides through their websites and messaging, but their legislative goals center around reducing the amount and types of firearms available to the public in the United States. As a result of these conflicting goals, state chapters of the NNEDV
have sometimes struggled to agree on specific legislative priorities with local chapters of Moms Demand and the Giffords Law Center (D. Debare, personal communication, 9 January 2019).

**Legislative Strategies**

This toolkit criticizes the state-by-state legislative approach conducted by NNEDV, Moms Demand, and the Giffords Law Center to close the dating partner loophole. Recent campaigns run in states like Oregon and Rhode Island have been successful in achieving the desired legislative change (Sevcenko, 2018). Still, this approach can take years and multiple legislative sessions to achieve closure of the partner loophole in every state. There is also a large number of discrepancies that exist between states that could be more easily addressed through an overarching federal policy solution. For example, an abuser who victimizes a dating partner in Florida would not be charged with domestic violence under its state law, which would allow that person to still legally purchase a gun in any of the 24 states that have amended their policies to include dating partners in the legal definition of domestic violence (*Figure 1*).

The Violence Against Women Reauthorization Act of 2019, a comprehensive bill that renews funding toward investigation and prosecution of violent gender-based crime, includes new provisions to close the dating partner loophole and prohibit stalking misdemeanants from purchasing or owning guns. By championing this federal solution to the dating partner loophole, the toolkit aims to address these gaps between state laws. Students at any given college or university may keep residential addresses outside of the district in which they attend school, so the toolkit’s federal legislative strategy allows for out-of-state/district participants to compel their own elected officials to take action.
**Opposition**

Understanding opposition to a campaign or broader movement is key to “disrupt[ing] systems of oppression” and achieving one’s goals (Jobin-Leeds, 2016). The toolkit does not suppose that users have an unlimited amount of materials and resources at their disposal to fight against any parties opposed to closing the dating partner loophole, other than elected officials they may be trying to convince. Still, the toolkit advises users to conduct thorough research on the policy issue and to prepare for pushback from institutional and outside sources.

Political opponents to the social movement organizations seeking to close the dating partner loophole include firearms manufacturers, the National Rifle Association (NRA) and the National Association for Gun Rights (NAGR). These groups stand to lose profits, investors, and/or members if comprehensive gun control laws are passed. The NRA’s tactics for blocking such legislation include spending millions of dollars on lobbying, donating to pro-gun rights Congressional candidates, and producing online content that compels their members to fight back against the “Disarm America movement” (National Rifle Association, 2018). Both the NRA and NAGR have registered lobbyists who worked against the implementation of Representative Dingell’s aforementioned Zero Tolerance for Domestic Abusers Act during the 116th Congress (Lobbying Spending Database H.R. 569, 2019). The NRA also vehemently opposes the newest bill to include provisions to close the dating partner loophole, the Violence Against Women Reauthorization Act of 2019 (Gontcharova, 2019).

The social movement organizations included in this analysis are far outspent on lobbying efforts by the NRA and its pro-gun rights affiliates. During the 115th Congress,
gun rights groups spent a combined $23.72 million dollars on lobbying, compared to the $3.98 million spent by gun control groups (Gun Rights: Lobbying, 2018; Gun Control: Lobbying, 2018). Despite this, these organizations combat opposition through fact checking and challenging conservative narratives around guns, engaging the NRA on social media, and mobilizing volunteers in protest of the gun lobby’s excessive spending. Together, these groups have worked to change public perception of common sense gun laws; the NRA has subsequently lost over $30 million in membership dues since 2016 (Gontcharova, 2019).

**Analysis of Current Policy and Proposed Solutions**

Feminist policy analysis frameworks exist to evaluate the values and consequences – intended or unintended – of policies that purport to treat all people/members of a select class the same way. Dr. Beverly A. McPhail’s (2003) feminist policy analysis framework provides the analyst with a series of questions intended to uncover the ways policy is geared around gender. This content and policy process-focused analysis assesses the degree to which policies, whether they focus on a specific gender or not, sustain or challenge gender-based inequities. McPhail’s analysis framework asks the analyst to consider the values that “undergird” the policy, if there are aspects of economic control affecting women, whether male/white/middle class experiences are considered the norm within the policy, and how the balance of power is/is not affected by the proposed policy change (2003). This is all done with the goal of rendering women and other marginalized groups “visible” in the policy process in order to best address the inequities that they face.
One of the issues inherent with using a single policy analysis framework is the fact that “there is not a single feminist stance, but multiple feminisms, each with their own priorities and perspectives (McPhail, 2003). Acknowledging this, questions from the Intersectionality-Based Policy Analysis (IBPA) Framework were included in order to “[emphasize] race, class and other intersecting position[s]” that may be overlooked under McPhail’s framework (Hankivsky et al., 2014; Bunjun, 2010). As this toolkit’s immediate goal is to close the dating partner loophole, the simplest way to achieve that would be to amend the federal legal definition of domestic violence to include the words ‘dating partner’. Still, these frameworks encourage analysts to think beyond the immediate solution to a policy problem. They are therefore useful in evaluating the potential effectiveness of the solutions proposed under the Violence Against Women Reauthorization Act of 2019 (VAWA 2019), and creating an original set of policy recommendations to produce “inclusive and socially just” outcomes for those affected by intimate partner gun violence (Hankivsky, 2014).

Proposed Solutions under the Violence Against Women Reauthorization Act of 2019

Passed by the House of Representatives on April 10, 2019, VAWA 2019 contains several “homicide reduction initiatives” that address the dating partner loophole as follows:

- amends Section 921(a) of title 18, United States Code, to include the words “dating partner or former dating partner” in the federal legal definition of ‘intimate partner’
• amends Section 922 of title 18, United States Code, to include the words “who has been convicted in any court of a misdemeanor crime of stalking” along with the list of persons prohibited from purchasing or owning firearms

VAWA 2019 takes steps to eliminate the role that marriage, or the “patriarchal state” had in the Lautenberg Amendment (McPhail, 2003). By including dating partners in the federal definition of intimate partnership, VAWA 2019 does not require that a potential abuse victim be married or similarly situated to marriage with their abuser in order for the violence waged against them to be considered legitimate. The policy recognizes and affirms casual dating relationships that often exist under much social scrutiny; under this policy, the usual American narrative that “children must have a father, that family is the bedrock of society” is challenged (Snyder, 2019). When considering the power dynamics inherent in policy, the proposed solutions above remove violent power – the ability to purchase, own, and theoretically use a gun – away from the perpetrators of violence (McPhail, 2003).

The inclusion of stalking misdemeanants as part of the class of people prohibited from gun ownership indicates a shift away from gendered ideas of what ‘violent’ acts look like (McPhail, 2003). Despite stalking’s reliance on coercive control and fear, coupled with the known link between stalking and abuse/homicide, the crime is usually characterized as “non-violent” (Klein, 2012). Many opponents to the gun control provisions in VAWA 2019 cite the “lack of seriousness” of such offenses as reasons for stalkers to keep guns (Gontcharova, 2019). The expectation that victims must experience a ‘legitimate’ type or amount of violence in order for their assailants’ gun rights to be
revoked implies that abuse survivors must be imagining or over-exaggerating their experiences; this is a stereotype often associated with women survivors.

The policy runs into some issues when one starts to consider the implications of law enforcement as the primary institution tasked with the “implementation and uptake” of these gun control measures (Hankivsky, 2014). As the United States lacks universal and comprehensive background checks for all persons trying to legally obtain a gun, previous misdemeanor domestic violence charges may never come to light, rendering the closure of the dating partner loophole useless in these instances (Campbell, 2009). The reluctance of Black, Latinx, and/or undocumented women to report domestic violence to law enforcement for fear of police violence, dual arrest, or deportation means that any closure of the dating partner loophole will have little to no effect for these communities. The proposed policy solution therefore makes whiteness the “assumed standard” for all those affected by intimate partner gun violence (McPhail, 2003). This highlights the importance of community-based restorative justice models to address the underlying causes of domestic and gun violence (Condon, 2010). Preventative programs deserve the same level of attention and funds as criminal justice efforts as part of a holistic approach to keeping guns out of the hands of abusive partners.

Ideal Policy Solutions

The IBPA Framework focuses on a series of questions around the “transformative” power of policy (Hankivsky, 2014). “Where and how can interventions be made to improve the problem?” the framework asks. “What are feasible short, medium and long-term solutions?” In order to make policy recommendations were informed by these questions and sought to address not only the dating partner loophole but some of
the underlying gender-based, racialized, and class-based inequities behind it, the following ‘ideal policy solution’ was devised:

• Include dating partners in federal definition of domestic violence
• Recognize stalking as a precursor to violence and homicide
• Require universal background checks
• Appropriate funding specifically for survivor recovery
• Appropriate funding for community-based, restorative justice approaches to combatting domestic violence

As the first two tenants of this ideal policy solution are part of VAWA 2019, the toolkit does recommend that the Senate pass the bill as soon as possible. Still, the remaining policy solutions are included as additional recommendations for toolkit users to discuss with their lawmakers.

**Toolkit Description**

Part information and part call-to-action, the toolkit consists of templates and scripts to be used to put political pressure on Congressional members not only to address the immediate concerns of closing the dating partner loophole, but to think beyond existing policy solutions to gun violence against all types of intimate partners. It is available for download and print via Google Drive. The completed toolkit consists of the following resources:

• a “What is the Partner Loophole?” fact sheet
• a series of maps explaining the differences in policy across the United States
• a “How to Table” instruction guide
• a guide to emailing legislators
• a “How to Host an Email Writing Party” instruction guide
• a phone script for calling legislators
• a “How to Make Calls Count”
• a policy brief
• a guide for lobbying Congress
• sample posts and hashtags for social media

Conclusion

There is real and pervasive damage inherent in intimate partner gun violence that goes beyond its affects on victims and survivors. Through a combination of materials for raising awareness of this policy loophole among the general public, guides to contacting elected officials, and instructions on lobbying in political offices, the political action toolkit included in this thesis aims to rectify some of that damage by empowering young people to seek thoughtful policy solutions informed by feminist analysis frameworks.
References

18 U.S.C. § 921
18 U.S.C. § 922


Appendix

Figure 1

Prohibits gun possession or purchase for dating partners convicted of DV misdemeanor

**KEY**

- **yes**
  - light green: allows
  - medium green: yes (only 5 years)

- **no**
“Close the Partner Loophole!”
A Toolkit for Feminist Action Against Gun Violence.
*Each resource (bolded) is followed by a guide on how to use them, but some resources can be used more than once/in a variety of ways.*

**Policy Brief**
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In 1996, Congress passed the Domestic Violence Offender Gun Ban (DVOGB), which made it illegal for those convicted of domestic violence (DV) or under a restraining order from accessing firearms. While the DVOGB prevents gun purchases by abusive spouses, former spouses, and cohabitating partners, it does not include dating partners within the definition of “domestic violence”. This creates a ‘partner loophole’ that allows dangerous dating partners to continue to own and obtain guns. Some states have closed this loophole, but an overarching federal policy solution is needed. Conservative resistance and intense lobbying efforts by the National Rifle Association (NRA) have prevented Congress from taking action; the 2013 and 2015 versions of the bipartisan Zero Tolerance for Domestic Abusers Act, introduced by Rep. Debbie Dingell (D-MI), failed to receive a hearing or a vote. Now, amendments to HR 1585, Violence Against Women Reauthorization Act of 2019 (VAWA) seeks to remedy this continued threat to lives.
WHO IS AT RISK?

Our social understanding of domestic violence points to women as victims, and research backs that view: studies consistently show that women are more likely than men to be killed by an intimate partner. In 2013, the most recent year for which national data is available, 966 U.S. women were killed by an intimate partner and more than half of these homicides involved a handgun (Department of Justice, n.d.). Women face similar rates of gun death regardless of whether they are married to or merely dating their abusers (Sorenson & Schut, 2016).

“In 2013, the most recent year for which national data is available, 966 U.S. women were killed by an intimate partner and more than half of these homicides involved a handgun.”

Still, since the abuse of unmarried and non-cohabitating partners does not qualify as domestic violence under current law, they do not qualify for the same protections from gun violence. Within this group of unmarried, non-cohabitating women, two populations face significant risk if this loophole remains unaddressed:

- Black women, who are twice as likely as white women to be fatally shot by an intimate partner (Campbell et al., 2003)
- The estimated 69% of women who first experience rape, physical violence, and stalking before the age of 25 (Black, et. al, 2011).
INCONSISTENT STATE LAWS

In absence of Congressional action, state and local chapters of anti-gun violence and domestic violence prevention organizations such as Moms Demand Action, the Giffords Law Center, UltraViolet, and the National Network to End Domestic Violence launched state and local campaigns to close this loophole. 24 state legislatures have addressed the intimate partner loophole by broadening the legal definition of DV to include dating partners (Sevcenko, 2018). These states prohibit gun possession or purchase for dating partners convicted of domestic violence misdemeanors, and some extend these restrictions to abusive partners who are subject to protection or restraining orders. We know that these stronger gun laws prevent gun deaths; a 2017 study from Michigan State University found that states with firearm restriction laws that covered dating partners were linked with an 11% reduction in intimate partner homicides (Zeoli et al., 2017).

Still, less than half of the United States has closed this loophole, and waiting for political opportunity in every state legislature that has yet to act on this issue may take decades. State laws also vary wildly regarding law enforcement authority to remove guns from the scene of a domestic violence incident, and very few prohibit stalking misdemeanants from purchasing/owning firearms.

[Map showing state laws regarding gun possession or purchase for dating partners subject to protection or restraining orders]

Prohibits gun possession or purchase for dating partners subject to projection or restraining orders
Reauthorizing VAWA is a crucial step in ensuring this loophole is closed, consistently, throughout the United States. Key provisions amend federal law to

- include the term “dating partner” as eligible for misdemeanor domestic violence charge, therefore enacting the DVOGB to apply to partners in addition to spouses
- include stalking misdemeanants as persons subject to firearms restrictions

Congress should pass WAWA 2019 without hesitation.

However, VAWA provisions are not the only policy approach that can help reduce the number of intimate partner homicides by gun. Congress should consider appropriating funds for law enforcement to conduct lethality assessments at the scene of and during investigation of domestic violence incidents. Such questionnaires would better enable law enforcement to understand the potential of gun violence by abusive partners; lethality assessment programs (LAPs) have been associated with a sharp decline in domestic violence homicides in Maryland (41%) and D.C. (50%) (11 Reasons, 2012).

Lawmakers should recognize “widespread law enforcement failure” arrest stalkers as a barrier to the enforcement of the VAWA provision regarding stalking misdemeanants (Klein, 2012). Despite the known link between stalking and abuse/homicide, the crime is “difficult to document” and is typically characterized as a nonviolent offense (Klein, 2012). Finally, the reluctance of Black, Latin, and/or undocumented women to report domestic violence to law enforcement for fear of police violence, dual arrest, or deportation highlights the importance of community-based restorative justice models to address domestic and gun violence (Condon, 2010). These programs deserve the same level of attention and funds as criminal justice efforts as part of a holistic approach to keeping guns out of the hands of abusive partners.

“Despite the known link between stalking and abuse/homicide, the crime is “difficult to document” and is typically characterized as a nonviolent offense (Klein, 2012)."


Lobbying Congress: A Guide

When you have the time, energy, and ability, lobbying your elected officials can be an effective way to influence their decision-making. Lobbying is not just a tool of the rich and corporate; it can be – and is – used to further human rights! Follow the steps below to make meetings with your elected officials and get them to close the partner loophole once and for all.

1. Call your representatives* and senators offices.
   If you have the means and time to make it down to D.C., great! If not, each official has at least one office in their home state. Find the contact info at senate.gov and house.gov.

2. When you get through to the office, tell them you’re a constituent and that you’d like to set up a short meeting with the member of Congress on a specific date and window of time.
   If they’re not available, ask for a staffer – someone who handles policy information on domestic violence, guns, or both. If you’re given the email for the office’s Scheduler, send them a message with the same request, date/time, and a short description of what you’ll be discussing – in this case, the partner loophole.
   a. If no one is available to meet at the date/time of your choosing, you can still visit the office while it’s open. Bring copies of the policy brief with you to give to the staff!

3. Once you’ve set up a meeting, do your research!
   Some questions to guide you: What is this elected official’s voting record on domestic violence policy? Gun policy? Do they have a positive or negative relationship with anti-domestic violence nonprofits? Do they have a rating or endorsement from the National Rifle Association (NRA)?

4. Attend your meeting on time.
   Congressional members and their staff often work on very tight schedules. Don’t be surprised if your meeting takes place in a crowded conference room or in the hallway – they’re tight on space as well.
Get straight to the point.

Using the policy brief as a guide, explain why you care about closing the partner loophole, and why legislation to close it is important and will be effective in preventing gun deaths. Include your personal connection to the issue, if you have one.

Have an “ASK”.

Make sure you’re asking the elected official/staffer to do something specific. Examples below:

a. “Can we count on [OFFICIAL] to sponsor/vote yes on legislation to close this loophole?”

b. “It’s great that [OFFICIAL] has decided to support closing the partner loophole. Have they encouraged their colleagues to do so? Could they post on social media or hold a press conference about this issue?”

After your meeting, FOLLOW UP!

Send an email thanking the member of Congress or their staff thanking them for their time, and remind them of your “ASK”. This step is crucial, since members and staff handle dozens of policy issues every day. Don’t let them forget!

“As of April 4, 2019, the Violence Against Women Reauthorization Act was passed by the House of Representatives, which includes sections on closing the partner loophole. Focusing on the Senate will be more useful – and easier, since you have only two!
What is the Partner Loophole?

In 1997, Congress banned access to guns by people convicted of domestic violence crimes. However, the definition of “domestic violence” under federal law does not include the abuse of dating partners who do not live together (or parents, or siblings!) That includes you, if you and your partner have a casual relationship - and for most college students, that is the case.

For the... women who reported being threatened with a gun by an intimate partner."...the women who are five times as likely to be killed by their abuser when a gun is present in the home... ...the victims of the 76+ mass shootings that began with or involved the killing of an intimate partner...

This loophole in domestic violence and gun violence prevention policy has deadly consequences.

REFERENCES

iii. Everytown for Gun Safety, Analysis of Recent Mass Shootings [August 2015]: 3
Domestic Violence Gun Laws by State

Prohibits gun possession or purchase for dating partners subject to projection or restraining orders

**KEY**

- **yes** allows
- **no** yes (only 5 years)

Prohibits stalking misdemeanants from purchasing or owning firearms.

**REQUIRES** or merely **ALLOWS** law enforcement to remove firearms from the scene of domestic violence incident

Prohibits subjects of stalking protective orders from purchasing or possessing firearms.

REFERENCES

Tabling: A Guide

Tabling is an important and essential part of informing your community about important issues, recruiting volunteers, and spreading the word about future events your group is hosting to close the dating partner loophole.

PREPARATION

Find a high-traffic area to set up a table with the following: copies of the fact sheet and infographics included in this toolkit, sign up sheets with columns for name, phone number, and email address, banners/posters that identify your organization and the dating partner loophole as your area of concern, and any other bells and whistles that can capture the attention of folks passing by.

• Schedule your group members in 1-2 hour shifts; tabling can be tiring work.

• Arrange your actions, sign-up sheet and other materials in an organized and concise fashion, ensuring all materials are clearly visible.

CHOOSING ACTION ITEMS

Give passers-by something to do that gets them more involved in the issue than merely being informed about the loophole.

• If they’re short on time, ask them to fill out a #CloseThePartnerLoophole photo template that they can post to social media.

• If you’re tabling at a specific event, you may consider asking folks to call their legislators, using the phone script provided in this toolkit.
When tabling, volunteers should stand up (if they are able) to talk with people who are passing by. When approached, remember to say hello and ask if they have heard the dating partner loophole.

- If they have, introduce the actions chosen for your tabling event and ask them if they would like to participate. Then, take the opportunity to share information about your group, including the types of action you’re taking and issues you are working on.

- If they have not heard of the partner loophole, briefly tell them about the history of the Domestic Violence Offender Gun Ban and current challenges to closing the dating partner loophole. Show them the “What is the Partner Loophole” fact sheet and the maps of legislative action by state. Encourage them to sign up for future events or complete an action item.

**FOLLOW UP**

- Following the tabling event, input all contact information into your group’s database or email list.

- Within one week, contact those who signed up to thank them for stopping by the table and initiate contact with a member of your group. Invite them to an upcoming meeting or event and address any questions they asked about while at your table. Make sure that new contacts have a way of getting in touch with the group!
EXAMPLE PHONE SCRIPT FOR CALLING ELECTED OFFICIALS:

“Hi, my name is [NAME] and I’m a constituent from [ADDRESS, TOWN, ZIP-CODE]. I’d like to leave a comment for [OFFICIAL] about my concern with a loophole in gun policy that allows violent abusers to access guns because the words “dating partner” are left out of the federal definition of domestic violence.”

IF YOUR ELECTED OFFICIAL SUPPORTS CLOSING THE PARTNER LOOPHOLE:

“I know that [OFFICIAL] supports closing this partner loophole, and I’d like to thank them for their advocacy. It’s really important to me that no one is punished or left unprotected from gun violence because of their marital or living status.”

IF YOUR ELECTED OFFICIAL OPPOSES CLOSING THE PARTNER LOOPHOLE:

“I was disappointed to learn that the [OFFICIAL] does not support legislation to close the intimate partner loophole. I understand that [gun rights] are important to [OFFICIAL], but this bill is very specific to keeping guns out of the hands of people who stalk, harm, and abuse their partners. Just because [I/many people my age/young people] are not married or living with our partners, this doesn’t mean we should be left unprotected under the law. I encourage them to vote YES to pass the Violence Against Women Reauthorization Act, which includes provisions to close this loophole.”

IF YOU’RE UNSURE OF YOUR ELECTED OFFICIAL’S POSITION ON THE ISSUE:

“Could you tell me what [OFFICIAL]’s stance is on closing the partner loophole, the current gap in federal policy that allows abusive dating partners to access firearms?”
**Making Calls Count**

What to know before you call:

- Congressional office numbers are just a Google Search away, but you can always call the Capitol Switchboard (202 – 224 – 3121) and ask for your elected official’s office.

- In their D.C. office, interns and administrative/staff assistants usually answer calls from constituents. These people have a general idea of a Congressperson’s (public!) position on an issue, but they don’t always have insight into the full scope of an issue. You can ask for the legislative assistant (someone who advises the member of Congress on a specific type of policy) who deals with guns or domestic violence policy, but if they’re not available, leave the message with the staff person who answered the phone.

- It’s a common myth that the people most likely to call their lawmakers are predominantly white, wealthy, and elderly. It’s well past time to break the tradition. Aside from in-person visits, phone calls are the most disruptive tool at your disposal.

- Staff will disregard your calls if you are not from their district or state.

It may be tempting to go down a list of gun-rights-loving legislators (ie: most Republicans) and call each of their offices, but that’s not a good use of your time. If you have friends living in other states, encourage them to take a few minutes out of their day to make a call.

**Do’s and Don’ts**

**Do**
- keep your call short and on-topic. Most offices keep track of the calls they receive, but they’re only capable of marking down short messages and single issues with their constituent-management system.
- feel free to change or depart from the script as you see fit. If you have a personal story or connection to the issue, that is impactful and gets more attention.

**Do**
- call more than once, especially if the official makes a public statement on the partner loophole, changes their messaging or changes their intended vote on the policy. Schedule a few minutes per day, multiple times per week, for you and your group to make calls.

**Don’t**
- be discouraged by unhelpful responses or unfriendly staff. Your calls – provided you stay firm and consistent – make an impression.
Social Media Templates

The following example social media posts should be used to inform, educate, and inspire folks in your community to take action to #CloseThePartnerLoophole. Use these templates as a starting point, but feel free to get creative!

- In ___ states, domestic abusers can access guns because the words “dating partner” are missing from the law. It’s time to #CloseThePartnerLoophole.

- What will the US look like if Congress acts to #CloseThePartnerLoophole? Safer for survivors of domestic abuse – and the rest of the country, too.

- Unmarried women are just as likely to be killed by their partners as married women – so why should their abusers be allowed to own a gun? Congress must #CloseThePartnerLoophole now.

- Congress is 23 years overdue to #CloseThePartnerLoophole. Call your Senators at (202)-224-3121 and demand they act now!

- An estimated 4.5 million women in the United States have been threatened with a gun by a romantic partner. Don’t let anyone else become a statistic. Let’s #CloseThePartnerLoophole.

Pair these captions with the images below, OR take a photo of yourself with the write-in template on the next page and post to social media using the hashtag #CloseThePartnerLoophole.
Emailing Legislators: A Guide

Form letters and postcards are easy to fill out, but they take time to process through the U.S. Capitol mail. They’re also easily ignored by staff, as most will assume that the sender does not care enough about the issue to take the time to craft something on their own. This guide will help you and your volunteers write original emails to legislators that are well-informed, succinct, and effective in making an impression.

IDENTIFY YOURSELF

Begin with an introduction of yourself and/or your organization, i.e.:

“My name is _____ and I am a sophomore college student with a passion for combatting gender-based violence”

OR

“Our campus organization focuses on informing the public about domestic violence and ways we can work to end it”.

It’s important to humanize yourself in the context of the issue – what about closing the intimate partner loophole relates to your identity, your passions, or your involvement?

GET TO THE POINT

As of April 2019, the Violence Against Women Reauthorization Act (H.R. 1585) has passed in the House of Representatives and is on the calendar for consideration in the Senate. Your email should include a brief statement of what you want the legislator to do, which in this case is to vote to pass VAWA, which will in turn include “dating partners” in the federal definition of domestic violence and close the partner loophole.

Follow your “ask” with a brief argument in support of your position, which you can outline in bullet points. Some possible arguments include the following:
• individuals being abused by their partners should not have to be married to or living with their abusers in order to be protected from gun violence

• the provisions included in VAWA to close the partner loophole strengthen existing laws that prevent abusers from accessing guns

• U.S. states that have closed the partner loophole to prevent abusive partners from accessing firearms have seen an 11% reduction in intimate partner homicides, according to a 2017 study from the American Journal of Epidemiology

• Include the facts and figures you feel are relevant – additional research can be found in the fact sheets and policy brief included in this toolkit.

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**RELATE IT TO YOUR DISTRICT**

Help the legislator understand why closing the partner loophole is important to their constituents. Find statistics on intimate partner homicides in your state or region. Talk about your own experiences with gun violence or domestic abuse, if you feel comfortable doing so.

**ASK FOR A FOLLOW-UP**

Include specific contact information, including your full address and zipcode, and ask for specific updates regarding the legislator’s progress on this issue.
Hosting an Email Writing Party: A Guide

BEFORE THE EVENT

- sign in sheets
- printouts of the Close the Partner Loophole! info-graphics, policy briefs, and email-writing guide
- music and speakers
- food and beverages (check with your guests for allergies!)
- computers/tablets with access to internet to look up your guests’ elected officials and send messages
- tape
- paper, pens, markers

Make sure you book space to host the event in advance, per the guidelines of your school or other institution. Include information about the space’s accessibility – elevators, stairs/stEEP inclines, gender inclusive restrooms – on all postings and invitations. Include a point of contact for potential guests to ask questions/request additional accommodations. If your membership list is looking sparse, consider tabling around campus/in public spaces to inform the public and recruit volunteers – refer to the “How To Table” page of the toolkit for more instructions!

RECOMMENDED RESOURCES

- Close the Partner Loophole! photo placards
- tape
- paper, pens, markers
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Welcome Your Guests</td>
<td>Use sign in sheets to welcome guests and get their contact information for future events and action opportunities. Set up blank placards that say “I support Closing the Partner Loophole because...” and have guests write a reason they support comprehensive solutions to gun and domestic violence in marker. You and your guests can then post photos of the signs on Facebook, Twitter and Instagram using #CloseThePartnerLoophole.</td>
</tr>
<tr>
<td>2 Intro and Share Your Story</td>
<td>Have one of your group leaders welcome your guests and introduce any additional speakers. Encourage folks to introduce themselves. Explain the partner loophole and share why you personally support legislation to address gun violence against dating partners.</td>
</tr>
<tr>
<td>3 Give Instructions</td>
<td>Walk your guests through the toolkit materials so they understand how VAWA 2019 closes the partner loophole and know what needs to be included in their messages to legislators. Make sure to have links to looking up one’s legislators posted around the room.</td>
</tr>
<tr>
<td>4 Write!</td>
<td>Email writing begins! If guests have not brought an internet-capable device, encourage sharing or try to provide a few. Guests can use the guide for emailing legislators, and hosts can offer advice and writing help.</td>
</tr>
<tr>
<td>5 Share!</td>
<td>Take a few minutes to encourage your guests to share why they support closing the partner loophole. Encourage your guests to use the “step up, step back” model of speaking, where folks work to be aware of how much they are speaking. Make sure everyone has the correct information regarding intimate partner gun violence, the policy gap in question, and the stance of their legislator on the issue. Ensure your guests sign their messages with their name, address and zipcode, and submit them to their legislator’s official websites or email addresses.</td>
</tr>
<tr>
<td>6 Wrap Up</td>
<td>Thank your guests for coming. Discuss other events that are coming up and make a plan for your next action. Take any final pictures for social media.</td>
</tr>
</tbody>
</table>