CP Text: The United States federal government ought to ban the private ownership of handguns for individuals convicted of misdemeanor-level stalking crimes and intimate partner violence offenders. **McDonough**: 15
Katie McDonough, "How a Law With Two Missing Words is Letting Domestic Abusers Buy Guns," Fusion, September 21, 2015. CC

This glaring gap in policy was raised last week by Democratic presidential candidate Martin O’Malley, who rolled out a gun policy platform that included closing the “boyfriend loophole” as well as other things like universal background checks and restrictions on concealed carry. From the O’Malley fact sheet: O’Malley supports **the proposed federal legislation that would** close **this loophole**, **providing critical protections for women who are targets of dating violence**. O’Malley also supports **provisions that prohibit anyone convicted of stalking from owning a gun.** The legislation O’Malley is talking about has bipartisan support in Congress, but, like so many other gun reform measures, the bills haven’t advanced an inch since being introduced. The House version of the bill—the Zero Tolerance for Domestic Abusers Act—was introduced in July by Michigan Democrat Debbie Dingell and Illinois Republican Robert Dold. It still hasn’t received a hearing or a vote. In a statement to Fusion, Dingell emphasized the bipartisan nature of the bill: “We disagree on a lot of things in Washington, but we all agree that no woman and no child should ever live in fear because of domestic violence. The bipartisan Zero Tolerance for Domestic Abusers Act makes commonsense updates to our laws to protect victims of domestic abuse and stalking from gun violence and, ultimately, save lives.” In the Senate, Democrats introduced the Protecting Domestic Violence and Stalking Victims Act of 2013, but the bill never left committee. (The bill has been reintroduced as the Protecting Domestic Violence and Stalking Victims Act of 2015.) Both versions of **the legislation would** do the same thing: **expand the Brady** Handgun Violence Prevention **Act to protect people in dating relationships by adding the words “dating partners” to the existing provision on domestic violence**. **This** small **change**—just adding two words—**would ban convicted abusers in dating relationships from owning guns,** same as their married counterparts. **The fix is that simple, which is part of why it’s so absurd that it hasn’t happened yet.**

#### 1) T/ the plan reentrances rape culture by not allowing for self-defense; it is not only about empirics but also about empowerment. Charles: Charles, Lindsey K. "Feminist and Firearms: Why are so many women Anti-Choice?" 2011

Some women’s issues affect only a particular class of women: maternity leave and parental benefits affect only women who choose to become mothers, access to abortion affects only women of child-bearing age, and pay discrepancies affect only women in the work force. However, **the fear of violence affects all women**.27 **Some** women **may respond** to this fear **with** denial or **a pacifist determination** to succumb rather than fight back, and that is their choice. **Others** may **decide**, after careful consideration, **that their bodies and lives are worth defending.** These **women** **must have a full range of self-defense tools in order for their choice to be meaningful. Pervasive acceptance of women’s armed self-defense could help change the current rape culture** and encourage women to take responsibility for their own safety, while working for equality and an end to patriarchy. **Guns are** safe when used by responsible adults, and are the **most effective tool for self-defense.**28 Furthermore, **removing restrictions on women’s choices increases individual freedom** and can lead to greater personal autonomy.

**2) T/** A ban private handgunsputs more victims at risk because it gets rid of an irreplaceable defense mechanism. **Kopel:** Trust the People: The Case Against Gun Control by David B. Kopel. David B. Kopel is formerly an assistant district attorney in Manhattan, is an attorney in Colorado now. Cato Policy Analysis No. 109. July, 11, 1988. Literature Review of over 184 different sources and studies. CL.]

Many of the same arguments about gun possession that apply to blacks also apply to women. Radical feminist Nikki Craft worked with an antirape group in Dallas. After one horror story too many, she founded WASP--Women Armed for Self Protection. Craft explained that she "was opposed to guns, so this was a huge leap . . . . I was tired of being afraid to open a window at night for fresh air, and sick of feeling safer when there was a man in bed with me." One of her posters read, "Men and Women Were Created Equal . . . And Smith & Wesson Makes Damn Sure It Stays That Way."[95] Her slogan echoed a gun manufacturer's motto from the 19th century: Be not afraid of any man, No matter what his size; When danger threatens, call on me And I will equalize.[96] **If guns somehow vanished, rapists would suffer little**. A gun-armed rapist succeeds 67 percent of the time, a knife-armed rapist 51 percent. **Only 7 percent of rapists even use guns**.[97] Thus, **a fully effective gun ban would disarm only a small fraction of rapists, and even those rapists could use knives almost as effectively**. In fact, **a complete gun ban would make rape all the easier, with guaranteed unarmed victims. As discussed above,** **one of the most effective self-defense programs in modern U.S. history trained 2,500 Orlando women in firearms use and produced an 88 percent drop in the rape rate. One objection to women arming themselves** for self-defense **is that the rapist will** take away the gun and **use it against the victim. This argument** (like most other arguments about why women should not resist rape) **is based on stereotypes**, and proponents of the argument seem **unable to cite any real world examples. Instead of assuming that all** **women are incapable of using a weapon effectively**, it would be more appropriate to **leave the decision up to individual** **women**. Certainly the cases of women, even grandmothers, using firearms to stop rapists are legion.[98] **If a woman is going to resist, she is far better off with a gun than with her bare hands**, Mace, or a knife. Mace fires a pin-point stream, not a spray, and the challenge of using it to score a bull's-eye right on a rapist's cornea would daunt even Annie Oakley. And it is more difficult to fight a bigger person with one's hands or with a knife than with a handgun--especially **a small, light handgun that can be deployed quickly, and which has a barrel that is too short for the attacker to grab. *Kopel continues*[[1]](#footnote-1)**Dixon's treatment of the issue of armed self-defense by women is, again, remarkable for its willingness to confront serious evidence. He acknowledges the vast body of evidence that **firearms are especially useful for defense by women, since they may be less likely to be able to match a male attack with sheer physical force**. [213] When an abusive male who has perpetrated numerous felonious assaults against a woman living with him is shot by the woman, Dixon recognizes the shooting to be legitimate self-defense against criminal attack, rather than a "tragic domestic shooting during an argument." (Some judges are, unfortunately, not as progressive as Dixon, and too many women engaged in legitimate self-defense are convicted because standards for self-defense are still based on the context of a fist-fight between men of equal strength, rather than the special circumstances of battered women. [214]) **\*339** Dixon's response to the self-defense needs of women, particularly battered women, is two-fold. First of all, he points out that there are **other ways that women can protect themselves, such as by obtaining restraining orders. [215] But these methods are not even close to sufficient to guarantee that a woman will not be confronted or cornered by an angry ex-mate ready to batter, rape, or kill her**. Indeed, most of Dixon's alternative protective steps are premised on the woman being able to leave the home where she is being battered, but it is an attempt to leave that often precipitates a homicidal act by the male. [216] **Before the legal system forces women to rely on the protection of the government, the government should begin to offer realistic protection - something far superior to** the unenforceable protection of **today's temporary restraining orders.** Even California, a state noted for its strict gun laws, allows people who are the beneficiaries of restraining orders against violent individuals to carry handguns for protection without need of a permit. [217] Before implementing a handgun prohibition law, governments ought to repeal the doctrine of sovereign immunity, at least in regard to cases where a woman or man is injured or killed after the government negligently fails to protect her or him. [218] **\*340** As to the non-governmental means of defense suggested by Dixon, **chemical sprays can sometimes be effective, but not always against an enraged attacker, or one under the influence of drugs or alcohol. [219] And the martial arts may** also **be useful, but a women who** finds herself in a relationship in which she **realizes the man may soon kill her does not have the time to progress all the way to a black** or brown **belt in karate before the next attack.** In any case, suggests Dixon, most women do not own guns. Accordingly, "whatever protection would be lost by disarming the small number of women who currently own handguns is outweighed by the reduction in violence against women that would be effected by a handgun ban, which would take one of the most potent weapons out of the hands of many potential assaulters." [220] Again, the conclusion can only be true if it is assumed that the handgun ban would work comprehensively - although it is more likely (at least in the short run) that the ban would be more effective in disarming female victims than in disarming male criminals. And **if everyone were disarmed,** most male **criminals would retain the advantage of \*341 greater size and strength over most female victims, and enjoy the added advantage of knowing that the potential victim was certain not to be carrying the one weapon which would enable the woman to defend herself against the aggressor from a distance, and cause the aggressor to face a serious risk of permanent injury to himself.**

Outweighs the aff—

1) **Scope:** The plan affects 7% of rapists while it gets rid of an option of self defense and deterrence for 100% of victims, prefer my evidence—it’s a literature review of gun control including over 184 different sources

2) **Probability:** There is a 100% chance in the neg world that a person can commit violence and their victim will not have a firearm to defend themselves, the defense mechanism for the highest chance of permanent injury on the aggressor

This preempts a few things:

1) preempts the aff’s response that there are other ways for people to defend themselves because a) this evidence has indicated that these methods have failed and the aff does not advocate for a reform or easier access to these materials and b) guns allow for true deterrence because victims can defend themselves from a distance, defend themselves quickly, and they can learn how to use it quicker than any other alternative

2) preempts the aff response that the gun can be used against victims because this is a negative feminist stereotype—there exists no evidence of this claim and women should have the choice to use it or not

3) preempts try or die—the aff doesn’t solve for try or die if it gets rid of a defense mechanism victims actually need in try or die scenarios of abuse or violence

1. [Peril or Protection: The Risks and Benefits of Handgun Prohibition David B. [Kopel](http://www.davekopel.org/index.htm) [a] Saint Louis University Public Law Review, Volume 12, 1993 Symposium: Violence, Crime and Punishment \*285 Copyright © 1993 by the Saint Louis University School of Law; David B. Kopelhttp://www.davekopel.org/2A/LawRev/lrstlupl.htm CL] [↑](#footnote-ref-1)