No. 24-1185

In the
Supreme Court of the United States

NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.,
Petitioner,

v.

MARK GLASS, Commissioner,
Florida Department of Law Enforcement,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

BRIEF FOR *AMICUS CURIAE* NATIONAL SHOOTING SPORTS FOUNDATION, INC., IN SUPPORT OF PETITIONER

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STATEMENT OF INTEREST[1]

The National Shooting Sports Foundation, Inc. ("NSSF"), is the firearm industry's trade association. Since its founding over six decades ago, NSSF's mission has been to promote, protect, and preserve America's hunting and shooting-sports traditions. Its interest in this case is clear. NSSF today has approximately 10,000 members, including federally licensed manufacturers, distributors, and sellers of firearms, ammunition, and related products. NSSF members engage in the lawful production, import, distribution, and sale of constitutionally protected arms. When a state like Florida bans a class of law-abiding adults—here, 18-to-20-year-olds—from purchasing such arms, that action threatens NSSF members' businesses, infringes on their and their customers' fundamental constitutional rights, and undermines NSSF's mission of inculcating America's proud hunting and shooting-sports traditions.

Unfortunately, Florida is not alone in trying to nip those traditions in the bud. Twenty-one states (plus D.C.) restrict the sale of some or all firearms to 18-to-20-year-olds. Everytown for Gun Safety, *Has the State Raised the Minimum Age for Purchasing Firearms?* (updated Jan. 15, 2025), https://tinyurl.com/2s4w6c2u. NSSF has participated in challenges to many of these age-based restrictions. For instance, NSSF filed an

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[1] Pursuant to Rule 37.6, *amicus* states that no counsel for any party authored any part of this brief and that no one, aside from *amicus*, its members, and its counsel, made any monetary contribution toward the brief's preparation or submission. Counsel of record were provided notice of *amicus*' intent to file this brief fewer than ten days before its filing, but consented.

amicus brief in *NRA, Inc. v. ATF*, 700 F.3d 185 (5th Cir. 2012), a challenge to the federal prohibition on selling handguns to persons under the age of 21. The Fifth Circuit rejected the challenge back then, 714 F.3d 334 (5th Cir. 2013), but it recently revisited the issue with the benefit of this Court's decisions in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 602 U.S. 680 (2024), and held the law unconstitutional, *Reese v. ATF*, 127 F.4th 583 (5th Cir. 2025). In the decision below, by contrast, the en banc Eleventh Circuit upheld Florida's age-based ban on the theory that it is "consistent with our historical tradition of firearm regulation." App.45. Because the decision below is not only wrong but deeply important, NSSF files this amicus brief in support of certiorari.

SUMMARY OF ARGUMENT

The decision below deepened an acknowledged circuit split over whether young adults who are entrusted with using firearms in service of defending their country may nonetheless be prohibited from keeping and bearing arms for self-defense. That is reason enough for this Court to grant review, as the petition ably explains. But this case also presents an opportunity to resolve two related and recurring threshold issues of surpassing importance: Do laws that restrict the sale or purchase of arms regulate conduct covered by the Second Amendment's plain text? And, if they do, are such laws nevertheless "presumptively lawful"? *Bruen* and *Rahimi* seem to make crystal clear that the answers are "yes" and "no," respectively. But many courts on the Eleventh Circuit's side of the split have reached the opposite

conclusions, holding that laws prohibiting a class of adults from purchasing firearms do not even implicate the Second Amendment, meaning that such laws need not be measured by historical tradition (or anything) at all. Those questions are antecedent to the question presented, and they could not be more important. This case presents an excellent opportunity to resolve them once and for all.

While the decision below at least got the answer to those threshold questions right, the Eleventh Circuit erred both methodologically and factually in concluding that Florida's age-based ban is consistent with historical tradition. The court conceded that there was no Founding-era practice of banning young adults from purchasing firearms. Yet it upheld Florida's law by analogizing it to Founding-era laws and social conditions that would have made it difficult as a practical matter for 18-to-20-year-olds to acquire firearms from sources other than their parents or the state. Those supposed analogues, however, are not remotely similar to Florida's law in either "how" or "why" they burdened arms-bearing conduct. The Eleventh Circuit's reliance on Reconstruction-era laws is similarly misplaced, for two reasons: First, Reconstruction-era laws are less illuminating of our regulatory tradition than Founding-era law, which favored—indeed, required—arms ownership by 18-to-20-year-olds. Second, even on their own terms, the Reconstruction-era laws on which the Eleventh Circuit relied demonstrate, at most, a practice of barring *minors* from purchasing firearms. Today, 18-to-20-year-olds are not minors. There is, simply put, no well-established historical analogue for modern laws barring young adults from purchasing firearms.

The decision below, and the other decisions on its side of the split, defy this Court's teachings. If this Court chooses to stay on the sidelines, generations of young adults who are expected to be prepared to use arms in defense of their Nation will be prevented and deterred from lawfully acquiring firearms at home, threatening to cut off at the root our historic traditions of participation in hunting and shooting sports. Those proud traditions bring families and communities together and provide great economic benefits. Like all traditions, participation at a young age is key. If this Court declines to grant certiorari, other states will take notice, age-based firearm restrictions will proliferate, and this venerable tradition will wither away.

ARGUMENT

I. The Decision Below Implicates Multiple Divisions Of Authority.

A. 18-to-20-Year-Olds Are Among "the People" the Second Amendment Protects.

In the decision below, the Eleventh Circuit "assume[d], but d[id] not decide, that individuals under the age of 21 are part of 'the people' protected by the Second Amendment." App.43-44. By doing so, the court skipped over a critical aspect of the Second Amendment's threshold inquiry, thereby suggesting that this is a difficult question. As courts that have addressed it head-on have recognized, it is not: 18-to-20-year-olds are plainly part of "the people."

In *Worth v. Jacobson*, 108 F.4th 677 (8th Cir. 2024), for instance, Minnesota argued that young adults are not part of "the people" because, at the

Founding, "individuals did not have rights until they turned 21 years old." *Id.* at 689. As the Eleventh Circuit noted below, that factual premise is certainly true; persons under age 21 were considered minors, and thus were generally not permitted to keep the wages they earned, access printed materials or enlist in the military without parental consent, enter into contracts, purchase items on credit, or vote. App.14-17. But that does not mean that 18-to-20-year-olds are shut out of the Second Amendment's protections, any more than it means that they can be deprived of other constitutional rights today. *Heller* defined "the people" as "all members of the political community, not an unspecified subset." *District of Columbia v. Heller*, 554 U.S. 570, 580 (2008). To say that 1791 conditions fix the outer bounds of the "political community" is like suggesting that the Second Amendment reaches only the types of firearms then in existence. *But see id.* at 582 ("the Second Amendment extends … to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding").

Indeed, treating "the people" as a concept "trapped in amber," *Rahimi*, 602 U.S. at 691, would be an even more egregious mistake, as it would mean that anyone who was excluded from the body politic at the Founding—whether owing to age, race, religion, sex, or some other reason that has long been discarded—could continue to be so today consistent with the Second Amendment. The whole point of rendering people who were once excluded part of the political community is to ensure that they share all the same rights as any other member of the community—including the right to keep and bear arms.

For precisely those reasons, the Eighth Circuit rejected Minnesota's argument, reasoning that "the people," like the term "arms," "has a fixed definition, though not fixed contents." *Worth*, 108 F.4th at 689. Since the Founding, the constituents of America's "political community" has undoubtedly expanded to include non-whites, women, and—as relevant here—18-to-20-year-olds. This expansion is evident in both state and federal law. In virtually all states, the age of majority is now eighteen, enabling 18-to-20-year-olds to form contracts and keep their wages. As a matter of federal law, an 18-year-old may now vote, U.S. Const. amend. XXVI, and enlist in the military without parental consent, *see* 10 U.S.C. §505. Indeed, 18-to-20-year-old males are required to register for selective service and be prepared to carry arms in defense of their country. 50 U.S.C. §3802(a). The Eighth Circuit thus (correctly) determined that "[r]eading the Second Amendment in the context of the Twenty-Sixth Amendment unambiguously places 18 to 20-year-olds within the national political community." *Worth*, 108 F.4th at 691. In short, "[e]ven if the 18 to 20-year-olds were not members of the 'political community' at common law, they are today." *Id.*

The Eighth Circuit is in good company on that score. As the Third Circuit recognized in *Lara v. Commissioner, Pennsylvania State Police*, 125 F.4th 428 (3d Cir. 2025), if "we were rigidly limited by eighteenth-century conceptual boundaries," then "'the people' would consist solely of white, landed men, and that is obviously not the state of the law." *Id.* at 437. Given that 18-to-20-year-olds enjoy other constitutional rights, including the freedom of speech

and against unreasonable searches and seizures, "wholesale exclusion of 18-to-20-year-olds from the scope of the Second Amendment," the Third Circuit held, would render the Second Amendment "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." *Id.* at 437-38 (quoting *Bruen*, 597 U.S. at 70). And as noted at the outset, the Fifth Circuit agreed in *Reese*. 127 F.4th at 589-95.

Even some courts that have wrongly upheld age-based restrictions on the sale and purchase of firearms have had little trouble concluding that "ordinary, law-abiding citizen[s] under the age of 21 … [are] part of 'the people' as defined by the Second Amendment." *Rocky Mountain Gun Owners v. Polis* ("*RMGO*"), 121 F.4th 96, 116 (10th Cir. 2024); *see also Chavez v. Bonta*, 2025 WL 918541, at *4-6 (S.D. Cal. Mar. 26, 2025). Indeed, all circuits to address the question head-on "have concluded that 18- to 20-year-olds are included within 'the people.'" *Pinales v. Lopez*, 765 F.Supp.3d 1024, 1040 (D. Haw. 2025). That makes the Eleventh Circuit's reticence all the more perplexing. To prevent further wasteful litigation about this elementary concept, the Court should grant certiorari and confirm that 18-to-20-year-olds are part of "the people" and therefore entitled to the same protections as any other law-abiding adult.

B. Laws That Prohibit Law-Abiding Adults From Acquiring Firearms Plainly Implicate the Second Amendment.

In addition to the "people" issue, this case implicates another, even-more-maddening issue that is critically important and antecedent to the question

presented: Whether laws that restrict the sale or purchase of arms restrict conduct covered by the plain text of the Second Amendment. While the decision below thankfully did not side with lower courts that have held that laws banning the sale or purchase of arms do not even implicate the Second Amendment, the fact that the challengers' case would have ended at the threshold in other circuits is further reason for this Court to grant review and set the record straight.

Exhibit A on the wrong side of the split is the Tenth Circuit's decision in *RMGO*. In 2023, Colorado made it "unlawful for a person who is less than twenty-one years of age to purchase a firearm," either in a "private firearms transfer[]" or from a "licensed gun dealer[]." 121 F.4th at 104-05 (quoting Colo. Rev. Stat. §§18-12-112(2)(f), -112.5(1)(a.5)). An advocacy group as well as individuals "over the age of 18 but under the age of 21" brought suit, arguing that the law "infringed upon their Second Amendment right to acquire firearms by prohibiting them from purchasing them." *Id.* at 105-06. After assuring itself that at least one individual plaintiff had standing, *see id.* at 107-12, the court turned to the merits. Despite holding that 18-to-20-year-olds are "part of 'the people' as defined by the Second Amendment," *id.* at 116, the Tenth Circuit held that Colorado's law—which, again, makes it unlawful for that cohort to purchase *any* firearm through any channel—does not even "implicate" the Second Amendment. *Id.* at 120. The court's "analysis" therefore "end[ed]" without any inquiry into whether a law that prohibits a subset of "the people" from purchasing a firearm is consistent with our Nation's historical tradition. *See id.* at 113, 120.

It is difficult to overstate how wrong that is. With the issues of "the people" and "arms" out of the way, the threshold textual inquiry turns on whether the challenged law restricts the ability to "keep" and "bear" those arms. As *Heller* explained, "the most natural reading of 'keep Arms' … is to 'have weapons,'" and "the natural meaning of 'bear arms' … implies … the carrying of [a] weapon … for the purpose of 'offensive or defensive action.'" 554 U.S. at 582-84. A law banning 18-to-20-year-olds from purchasing firearms obviously precludes those adults who would like to take possession of firearms ("Arms") to have ("keep") and carry ("bear") from doing so. That suffices to satisfy the threshold inquiry. A law that "restricts [the] ability to bear or keep [a] firearm … unquestionably implicates … Second Amendment rights," especially when—as here and in *RMGO*—it does nothing else. *United States v. Perez-Garcia*, 96 F.4th 1166, 1181 (9th Cir. 2024).

That likely explains why most circuits have coalesced around the conclusion that "the Second Amendment's text presumptively protects the act of selling or transferring a firearm." *United States v. Knipp*, 138 F.4th 429, 435 (6th Cir. 2025); *see also, e.g.*, *Yukutake v. Lopez*, 130 F.4th 1077, 1090 (9th Cir. 2025); *Reese*, 127 F.4th at 590 & n.2. After all, the "right to keep and bear arms … 'wouldn't mean much' without the ability to acquire arms," *Teixeira v. Cnty. of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017) (en banc) (quoting *Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir. 2011)), which explains why cases dating back 150 years recognize that "[t]he right to keep arms[] necessarily involves the right to purchase them," *id.* at

678 (quoting *Andrews v. State*, 50 Tenn. 165, 178 (1871)).

The Tenth Circuit nonetheless held that a law that made it a crime for 18-to-20-year-olds to purchase firearms did not restrict conduct covered by the Second Amendment's plain text *at all*. And adding insult to injury, it blamed *Heller*. Invoking *Heller*'s dictum that "laws imposing conditions and qualifications on the commercial sale of arms" are "presumptively lawful," the Tenth Circuit held that Colorado's law—which, again, makes it unlawful for a subset of law-abiding adult citizens to purchase a firearm—fits within that category, and so deemed its hands tied. *RMGO*, 121 F.4th at 119-20 (quoting *Heller*, 554 U.S. at 626-27).

That makes no sense. To be sure, *Heller* clarified in dictum that the decision should not "be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." 554 U.S. at 626-27. But a criminal prohibition on the sale of arms to a subset of "the people" is not in any sense a law "imposing conditions and qualifications on the commercial sale of arms"; it is a ban. And even if an age-based ban could be understood as a condition or qualification on commercial sale, it still would not fall within *Heller*'s dictum because, as discussed further below, it is not a "longstanding" one. *See id.* at 626.

Unlike a ban that carries criminal consequences, conditions and qualifications of sale are things people

can actually satisfy. *See* Condition, *Black's Law Dictionary* (12th ed. 2024) ("an uncertain act or event that," if satisfied, "triggers or negates a duty to render a promised performance"); Qualification, *id.* ("qualities or properties (such as fitness or capacity) inherently or legally necessary to make one eligible for a position or office, or to perform a public duty or function <voter qualification requires one to meet residency, age, and registration requirements>"). For instance, the requirement to secure a background check is a "condition" on the sale of a firearm (or, perhaps more precisely, a condition precedent to the transfer of a firearm) because a seller can satisfy it by procuring a background check, and a buyer can satisfy it by submitting to one. To be sure, the seller may be *independently* prohibited by law from transferring the firearm if the buyer fails the check, *see* 18 U.S.C. §922(d), but that does not change the fact that the check itself is a "condition" of sale. Likewise, the obligation to secure a Federal Firearms License to *sell* firearms is a classic "condition": One cannot lawfully be engaged in the business of selling firearms without obtaining a license demonstrating satisfaction of certain prerequisites. *See, e.g.*, 18 U.S.C. §923(a).

An age-based ban like Colorado's in *RMGO* or Florida's here does not fit that bill because neither the seller nor the buyer cannot satisfy it. If the buyer has not reached age 21, then there is nothing she or the seller can do but wait. Laws that simply prohibit the transfer of a firearm for a fixed period of time do not impose a condition or qualification on the sale of arms. In point of fact, *Black's Law Dictionary* explicitly defines "condition precedent" (under the umbrella term "condition") to exclude "a lapse of time."

Condition, *Black's Law Dictionary* ("An act or event, *other than a lapse of time*, that must exist or occur before a duty to perform something promised arises." (emphasis added)). A court in Maine recently recognized as much in holding that a state law imposing a three-day waiting period to purchase a firearm, even after a completed background check, likely violates the Second Amendment, reasoning that *Heller*'s "conditions and qualifications" dictum "does not … extend to a standardless, temporary disarmament measure." *Beckwith v. Frey*, 766 F.Supp.3d 123, 130-31 (D. Me. 2025). Florida's law requires some buyers to wait *three years* to purchase a firearm; Maine's "cooling-off period" looks modest by comparison.

Even if age-based bans *were* "longstanding … laws imposing conditions and qualifications on the commercial sale of arms," *Heller*, 554 U.S. at 626-27, that would not help Florida's cause or justify *RMGO*. *Heller* did not say that the types of laws it discussed do not implicate the Second Amendment. If that were what the Court thought, then there would have been no reason to discuss them in the first place, let alone to describe them as only "presumptively" lawful. The Court discussed them because such laws *obviously* restrict conduct covered by the plain text of the Second Amendment. Indeed, to say that laws prohibiting the keeping or carrying of firearms, or imposing restrictions on their acquisition, do not even *implicate* the right to keep and bear arms would be to read the Second Amendment out of the Constitution. And to say that *Heller* embraced such a nonsensical position would be to read the word "presumptively" out of its

dictum, as a law cannot violate a constitutional provision that it does not even implicate.

That argument makes even less sense after *Bruen*. "*Bruen* makes clear that text, history, and tradition are the '[o]nly' ways the Government can justify a regulation that implicates Second Amendment rights." *Perez-Garcia*, 96 F.4th at 1177 (quoting *Bruen*, 597 U.S. at 17). Simply repeating *Heller's* dictum about the "presumptive[] lawful[ness]" of certain types of restrictions on arms-bearing conduct thus will no longer do. That is not just because the historical pedigree of those categories was not squarely before the *Heller* Court (although that should be reason enough). It is also because *Bruen* was emphatic that "a court [may] conclude that" a restriction on arms-bearing conduct "falls outside the Second Amendment's 'unqualified command'" "[*o*]*nly* if" the government proves that it "is consistent with this Nation's historical tradition." 597 U.S. at 17 (emphasis added)); *see also Rahimi*, 602 U.S. at 691-92 ("[W]hen the Government regulates arms-bearing conduct, … it bears the burden to 'justify its regulation'" by showing that it "is consistent with the principles that underpin our regulatory tradition").

Far from exempting the categories in *Heller*'s dictum from that rule, *Bruen* expressly applied it to one of them. New York argued that the Sullivan Law could be justified as a "law[] forbidding the carrying of firearms in sensitive places." *Bruen*, 597 U.S. at 30 (quoting *Heller*, 554 U.S. at 626). Yet this Court did not treat the law as presumptively constitutional simply because New York made that argument. Nor did it conclude that it must decide whether that was a

fair characterization to determine whether the law implicated the Second Amendment. It instead rejected New York's argument by scrutinizing it against historical tradition, explaining that "there is no historical basis for New York to effectively declare the island of Manhattan a 'sensitive place' simply because it is crowded and protected generally by the New York City Police Department." *Id.* at 31. *Bruen* itself thus refutes the claim that laws that purportedly fall into one of the categories *Heller* identified do not "implicate" the right to keep and bear arms" *at all*.[2]

If *Heller*'s "conditions and qualifications" dictum is malleable enough to encompass Florida's or Colorado's law, then it is capacious enough to eclipse the Second Amendment. A state could just as easily impose a minimum age requirement of 150 years, or a 100-year waiting period for all firearms. Federal courts have diligently policed states' efforts to delay their citizens' exercise of other constitutional rights, including the right to an abortion before *Dobbs*. *See Silvester v. Becerra*, 138 S.Ct. 945, 951-52 (2018) (Thomas, J., dissenting from denial of certiorari). Allowing laws like Florida's to take cover behind the aegis of *Heller*'s dictum would subject the Second Amendment to an amorphous constitutional "double standard." *Id.* at 951. This Court should take the

[2] While that should likewise suffice to foreclose the argument that *Heller*'s dictum entitled certain categories of laws to a formal presumption of constitutionality, at the very least it forecloses any argument that *Heller* immunized those categories from all historical scrutiny. At most, that dictum simply shifts the historical-tradition burden from the government to the plaintiff.

opportunity this case presents to make that clear once and for all.

II. The Eleventh Circuit's Historical Analysis Is Deeply Flawed.

Because age-based firearm-sale restrictions plainly implicate the Second Amendment, they are constitutional only if they dovetail with "relevantly similar" historical analogues. *Bruen*, 597 U.S. at 28-29. Though *Heller* and *Bruen* gave some consideration to historical sources from the Reconstruction era, *Bruen* counsels that historical evidence significantly postdating the Founding is of "secondary" value. *Id.* at 37 (citing *Gamble v. United States*, 587 U.S. 678, 702 (2019)). Founding-era analogues are the gold standard.

The Eleventh Circuit acknowledged that there are no direct Founding-era analogues to firearm-purchase restrictions based on age. App.30 ("[T]he Founding era lacked express prohibitions on the purchase of firearms…."). In fact, not only were 18-to-20-year-olds *allowed* to purchase firearms; they were *required* under federal law to enroll in the militia and to "provide [themselves] with a good musket or firelock." Militia Act of 1792, §1, 1 Stat. 271. Moreover, of the more than 250 militia laws enacted by the colonies and the young states before and around the time the Second Amendment was ratified, all but one—abrogated more than three decades before ratification—set the minimum militia service age at 18 or younger. David B. Kopel & Joseph Greenlee, *The Second Amendment Rights of Young Adults*, 43 S. Ill. Univ. L.J. 495, 533-34 (2019); *accord Hirschfeld v. ATF*, 5 F.4th 407, 433 (4th Cir. 2021), *vacated as moot*,

14 F.4th 322 (4th Cir. 2021). As Judge Brasher noted in dissent below, "there were no Founding-era laws prohibiting young adults from purchasing any firearm at all, much less anything like the total, criminal ban" Florida has imposed. App.152 (Brasher, J., dissenting).

Unable to find any *true* analogue, the Eleventh Circuit observed that because 18-to-20-year-olds were considered minors at the Founding, their legal incapacity to contract, purchase items on credit, or receive and keep their wages "impeded [them] from acquiring firearms." App.17. But that is not an argument that there *is* a historical analogue; it is an attempt to explain why there is *not* one. And it is an argument that suffers from the same problem as the argument that 18-to-20-year-olds are not part of "the people." After all, women and minorities likewise suffered from legal disabilities that impeded their ability as a practical manner to obtain firearms. Yet no one would say that historical tradition would therefore justify sex- and race-based restrictions on Second Amendment rights—because the whole point of eliminating those kinds of restrictions is to ensure that people have both fundamental rights and the means to exercise them.

The question, then, is not whether there is a historical tradition of treating "minors" differently. As discussed above, 18-to-20-year-olds are no longer considered minors. Thus, the relevant question is whether there is a historical tradition of age restrictions on the Second Amendment rights of non-minors when that group enjoys other core rights. The answer is no. In fact, Founding-era law required 18-

year-olds to serve in the militia, which demonstrates that they were considered responsible enough to keep and bear arms even though they were *not* entrusted with all other rights shared by adults. If anything, then, the notion that there is a historical tradition of singling out Second Amendment rights for age-based restrictions gets matters backward. In reality, our Nation has long recognized that it would be exceedingly perverse to insist that young adults be prepared to take up arms in defense of their country, yet nevertheless deem them too "irresponsible" to keep and bear arms in defense of themselves and their loved ones.

The Eleventh Circuit's analogy flounders on the "how" and "why" as well. The court's historical survey recounts a list of general legal impediments—contract formation, access to credit, and wage-earning—that would have incidentally made it more difficult for 18-to-20-year-olds to purchase firearms (or any other expensive thing). These generalized restrictions are a far cry from Florida's specific prohibition on firearm transactions. They were not designed to restrict access to firearms, and any effect they had on Second Amendment rights was purely incidental. The Eleventh Circuit's emphasis on Founding-era contract voidability doctrine exemplifies the frailty of this analogy: The fact that a minor in 1791 could *choose* to void a contract for the purchase of a firearm bears no resemblance to Florida's law, which denies a minor any choice to begin with.

The Eleventh Circuit's gesture to Founding-era legislation requiring parents to furnish arms for their minor children's militia service, *see* App.19-21,

likewise fails to establish a relevant historical analogue. As the Third Circuit noted, "nothing in those statutes says that 18-to-20-year-olds could not purchase or otherwise acquire their own guns." *Lara*, 125 F.4th at 445. At most, these laws raise the banal inference that 18-to-20-year-olds in 1791 had a tough time affording firearms, just as they might have had a hard time purchasing, for example, newspapers or the services of an attorney. No reasonable observer would confuse these practical obstacles with a tradition of legislatively singling out the right to keep and bear arms for special restrictions based on age.

Finally, the Eleventh Circuit invoked Reconstruction-era laws that, in the court's telling, prohibited the sale of firearms to persons under 21. As discussed, and as the Eleventh Circuit acknowledged, laws from the Reconstruction era are of secondary importance to the Second Amendment analysis. App.12. They cannot make up for the utter lack of Founding-era legislation analogous to Florida's law. That said, the laws the Eleventh Circuit cites do not say what the Eleventh Circuit thinks they do. Of the 20 state laws identified in the opinion, 13—Alabama, Tennessee, Kentucky, Missouri, Illinois, Wisconsin, Iowa, North Carolina, Texas, Mississippi, Delaware, Georgia, and Kansas—prohibit the sale of firearms *not* to persons under the age of 21, but to *minors*. *See* App.203-10. Another two—Maryland and the District of Columbia—refer to "minor[s] under the age of twenty-one years." App.207, 209. Three others—Indiana, Louisiana, and Wyoming—refer to persons under the age of 21 in the main text, but their titles or annotations specify that their purpose was to prohibit

the sale of firearms to minors.[3] Only West Virginia and Nevada's laws banned firearm purchases purely on the basis of age, without reference to a broader regime of treating people that age as "minors." App.206-207. Two out of 20—passed 14 and 17 years after the ratification of the Fourteenth Amendment, respectively—constitute an aberration, not a tradition.

At most, then, the court identified a historical tradition of prohibiting *minors*, not young adults, from purchasing firearms. But 18-to-20-year-olds are no longer minors under current law; they are adults, with a full complement of other fundamental rights. And there is no tradition of prohibiting young adults from purchasing firearms. Indeed, "[n]ever in the modern era has the Supreme Court held that a fundamental constitutional right could be abridged for a law-abiding adult class of citizens." *NRA*, 714 F.3d at 336 (Jones, J., dissenting). Florida's law, which purports to do just that, is a historical anomaly that must be struck down.

III. The Question Presented Is Exceptionally Important, And This Case Is A Good Vehicle.

Courts should be vigorously protecting the Second Amendment, not twisting themselves in knots to avoid

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[3] *See* An Act to Prohibit the Sale, Gift, or Bartering of Deadly Weapons or Ammunition Therefore, to Minors, 1875 Ind. Act 59, https://tinyurl.com/5443wn4k; An Act Making It a Misdemeanor for Any Person to Sell, Give or Lease, to Any Minor, Any Pistol, Bowie-Knife, Dirk or Any Weapons, Intended to Be Carried or Used as a Concealed Weapon, 1890 La. Acts 39, https://tinyurl.com/4uxn7kbc; 1890 Wyo. Terr. Sess. Laws 140, §97, https://tinyurl.com/59suvcrz.

reckoning with it. *Heller*, 554 U.S. at 634 (cautioning that courts must not "decide on a case-by-case basis whether the right is *really worth* insisting upon"). Nevertheless, since *Heller* and *McDonald*, states have enacted novel legislation curtailing the right to keep and bear arms, including the age restrictions challenged in *RMGO*, *Chavez*, and the case below. By refusing to acknowledge that acquiring firearms is within the Second Amendment's ambit, contorting *Heller*'s "conditions and qualifications" dictum, and misconstruing historical precedent, lower courts have encouraged this misbehavior. The age restriction cases vividly "illustrate[] why this Court must provide more guidance" on the proper application of the *Heller-Bruen-Rahimi* framework. *Harrel v. Raoul*, 144 S.Ct. 2491, 2492 (2024) (Thomas, J.). Granting certiorari here would give the Court tremendous return on investment, enabling it to clear up several fundamental Second Amendment issues at once that are otherwise certain to recur.

Absent the Court's intervention, lower courts will continue disfiguring Second Amendment jurisprudence, producing a parade of ever-more confused and contradictory opinions united only in being "unmoored from both text and history." *Id.* And real, practical consequences will follow. The mean age for an American gun-owner to first acquire his or her own firearm is 22; for men, it is 19. *See* Kim Parker et al., Pew Rsch. Ctr. *America's Complex Relationship With Guns* 25 (June 22, 2017), https://tinyurl.com/5abkf25w. An outsized share—20%—of Americans who participate in firearm-hunting and target shooting take up these activities between the ages of 18 and 24. *See* Outdoor

Foundation, *2022 Special Report on Hunting & the Shooting Sports* at 12, 26, https://tinyurl.com/4792v65t (last visited June 20, 2025). If age-based restrictions are allowed to proliferate, the vitality of America's sporting traditions is in jeopardy. Such bans will also prevent young adults from forming good firearm safety habits early in life, when they are easiest to internalize, and will "perversely assure[] that when such young adults obtain [firearms], they do not do so through licensed firearm[] dealers, where background checks are required," but rather through "the unregulated market." *NRA*, 714 F.3d at 346 (Jones, J., dissenting).

The time has come for this Court to clear the air, vindicate the Second Amendment protections that our Founders enshrined, and prevent the venerable tradition of responsible firearm ownership from disappearing from this country.

CONCLUSION

For the foregoing reasons, this Court should grant the petition for certiorari.

Respectfully submitted,

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