

In the Supreme Court of the United States

CUTBERTO VIRAMONTES, ET AL.,

Petitioners,

v.

COOK COUNTY, ILLINOIS, ET AL.,

Respondents.

EDDIE GRANT, JR., ET AL.,

Petitioners,

v.

RONNELL HIGGINS, ET AL.,

Respondents.

**On Writs of Certiorari to the United States Courts of
Appeals for the Seventh Circuit and the Second Circuit**

**BRIEF OF AMICI CURIAE
NATIONAL SHERIFFS' ASSOCIATION
AND WESTERN STATES SHERIFFS' ASSOCIATION
IN SUPPORT OF PETITIONERS**

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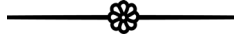
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The National Sheriffs' Association and the Western States Sheriffs' Association respectfully submit this amici curiae brief.¹



IDENTITY AND INTEREST OF THE AMICI CURIAE

The NATIONAL SHERIFFS' ASSOCIATION (the "NSA") is a non-profit association formed under 26 U.S.C. 501(c)(4). Formed in 1940 the NSA seeks to promote the fair and efficient administration of criminal justice throughout the United States and in particular to advance and protect the Office of Sheriff throughout the United States. The NSA has over 13,000 members and is the advocate for 3,083 sheriffs throughout the United States.

The NSA also works to promote the public interest goals and policies of law enforcement throughout the nation. It participates in the judicial process where the vital interests of law enforcement and its members are affected.

The WESTERN STATES SHERIFFS' ASSOCIATION is an organization representing over 1,100 Sheriffs in 19 western states. The association is dedicated to assisting Sheriffs with federal and state legislative issues, addressing policy matters, and promoting the strength

¹ This brief was not authored in whole or in part by counsel for any party. No person or entity other than amici made a monetary contribution to this brief's preparation or submission.

and effectiveness of local law enforcement. Western Sheriffs face unique challenges, including vast rural jurisdictions, border security concerns, public lands management, and resource constraints.

The mission of the Western States Sheriff's Association is to assist Sheriffs and their Offices with Federal and State legislative issues, address policy and procedural matters, develop guidelines to promote uniformity in matters that are important to Sheriffs of the Western United States and to work together to keep the office of Sheriff strong.



SUMMARY OF ARGUMENT

The Second Amendment guarantees the right of law-abiding citizens to bear arms for self-defense. This right can only be infringed as to a particular type of weapon that is “dangerous” or “uncommon,” or if historical traditions of prohibiting such weapons exist.

The AR-15 rifle is just like any other semi-automatic rifle. It only fires one round of ammunition for each pull of the trigger. Its ammunition is no more powerful than most semi-automatic rifles. In addition, the AR-15 rifle is the most common civilian rifle and is the most popular firearm in America, owned by 24 million Americans.

Any ban of an entire class of arms that is currently overwhelmingly chosen by Americans for self-defense violates the Second Amendment right to bear arms. No historical traditions banning such common arms exist justifying such a ban.



ARGUMENT

I. Law-Abiding Citizens Need Reliable Weapons for Self-Defense

Law enforcement agencies generally, and the National Sheriffs' Association and Western States Sheriffs' Association, specifically, support the legal right of citizens to use reasonable and proportional deadly force in self-defense when faced with an imminent, credible threat of death or serious bodily harm. Home invasions and other violent crimes occur daily and innocent victims suffer serious assaults, rapes, kidnappings, and deaths as a result. If the victims are fortunate enough to have sufficient time to call 911, that does not stop the threat of violence. Law enforcement officers cannot be everywhere at once and cannot automatically appear instantaneously at the scene of the crime. Response times may vary from a few minutes to half an hour depending on manpower and geographical area. And a violent crime, especially a home invasion, can occur in seconds. The only viable option for an innocent citizen to have immediate protection is to have a weapon for self-defense.

An AR-15 is one of the most popular guns owned by millions of Americans for home defense. It is a semi-automatic weapon just like many hunting rifles. It shoots one round with each pull of the trigger. It is not a "machine gun" or an "assault rifle" or a "military rifle." It does not have more lethal or faster bullets than other common rifles. It does not automatically

fire numerous rounds with a pull of the trigger. It is not an unusually dangerous weapon.

Law abiding citizens with an AR-15 are not a threat to anyone. Millions of Americans own such weapons for self-defense and have a Second Amendment right to do so. Making such weapons illegal for law abiding citizens will not stop criminals from possessing weapons to commit violent crimes. Violent criminals generally do not shop at gun stores to legally purchase weapons to commit violent crimes. They generally steal weapons or obtain them on the black market. The criminals will have weapons. Criminals don't follow gun laws. When we disarm law-abiding citizens, we make them vulnerable. Banning law abiding citizens from having AR-15 type rifles will do nothing to keep weapons out of the hands of violent criminals. Such a ban will only disarm innocent victims who need protection.

Just as Israel banned its citizens from having semiautomatic rifles such as the AR-15 for self-protection before the October 7 massacre, now local governments want to ban such rifles for self-protection. Had Israeli citizens had such weapons, hundreds of lives would have been saved by stopping the violent criminals from wreaking havoc against defenseless men, women and children. Disarming law abiding citizens does not prevent violent crime, it enables violent crime.

II. AR-15s Are Commonly Owned and Incredibly Popular

AR-15s are commonly owned and incredibly popular, said Assistant Georgetown Professor William English who conducted a survey of AR-15 owners. WASHINGTON EXAMINER, *Georgetown Professor: AR-15*

'Commonly Owned' and 'Incredibly Popular' by Paul Bedard.²

In the national debate over banning AR-15-style rifles, there has been a noted lack of information other than anecdotal and heavily biased reports, according to author Paul Bedard.

According to Bedard, on the gun ban side, led by President Joe Biden, the rifle is an “assault weapon” used to kill people. On the gun fan side, led by the National Rifle Association, it’s a tool for hunting and plinking just like every other rifle. But the truth is, there has been little scholarly study of it and other firearms since 1994, the year the so-called “assault weapon” ban was put into place by President Bill Clinton, which lapsed 10 years later.

Enter political economist and assistant professor William English of Georgetown University’s McDonough School of Business. Long interested in issues surrounding guns, he just headed a massive survey of nearly 17,000 firearms users to come up with the most detailed portrait of today’s owners, users, and their firearms, according to Bedard.

According to Bedard, the bottom line from English’s “National Firearms Survey” is that gun-owning is common, the AR-15 really is the most popular firearm in America, and its club of owners is incredibly diverse.

The survey he headed reached out to over 54,000 and was narrowed down to 16,708 gun owners who

² <https://gisme.georgetown.edu/news/georgetown-professor-ar-15-commonly-owned-and-incredibly-popular/>

coughed up a wealth of information about what they own and what they do with their guns.

For example, English confirmed that 81.4 million own guns, a third of them have used a weapon to defend themselves or their property in 1.6 million incidents per year, and 52% of those who own a gun carry one for self-defense at times.

He found that some 24 million have owned a total of 44 million AR-style rifles and 39 million own extended magazines that hold 10 rounds or more. His survey estimated that there are 542 million extended magazines in the United States, ending any debate that the AR and other semi-automatic firearms are rare and just used by mass killers.

“These are just incredibly popular firearms,” he said, adding that “they are commonly owned, commonly used.”

“At the end of the day, it is a rifle that I think is very easy to shoot, it’s very easy to control, not a lot of recoil. I could see it also kind of being like an updated .22 for, in terms of plinking, a firearm you can kind of do a little bit of everything with: lightweight, intuitive, but high-performance, accurate, and easy for defense. It certainly has advantages there. So it’s a good gun, and to see it become widely owned, I suppose, makes sense in that context,” said English.

There is a reason Justice Thomas called the AR-15 “America’s most common civilian rifle.” *Harrel v. Raoul*, 144 S. Ct. 2491, 2493 (July 2, 2024) (Concurring Opinion on denial of writ of *certiorari*). “The AR-15 is the most popular semi-automatic rifle” in America and is therefore undeniably “in common use today.” *Id.* at 2492, citing *Heller v. District of Columbia*, 670

F. 3d 1244, 1287, 399 U.S. App. D.C. 314 (CADC 2011) (Kavanaugh, J., dissenting); *see also* *Garland v. Cargill*, 602 U.S. 406, 430-431, 144 S. Ct. 1613, 219 L.Ed.2d 151 (2024) (Sotomayor, J., dissenting) (describing “semiautomatic rifles” such as the AR-15 as “commonly available”).

III. The Second Amendment Guarantees the Right of Law-Abiding Citizens to Use Arms for Self-Defense

This Court has already clarified the test to determine whether a law impinging upon the Second Amendment right to bear arms is constitutional in *New York Rifle Association v. Bruen*, 597 U.S. 1, 142 S. Ct. 2111, 213 L.Ed.2d 387 (June 23, 2022) and *District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783, 171 L.Ed.2d 637 (June 26, 2008).

In *Bruen*, this Court held: Where the State of New York issued public-carry licenses only when an applicant demonstrated a special need for self-defense, the State’s licensing regime violated the Constitution because the Second and Fourteenth Amendments protected an individual’s right to carry a handgun for self-defense outside the home. A State could not prevent law-abiding citizens from publicly carrying handguns because they had not demonstrated a special need for self-defense.

In *Heller*, this Court held: District’s ban on handgun possession in the home and its prohibition against rendering any lawful firearm in the home operable for the purposes of immediate self-defense violated the Second Amendment. The Court held that the Second Amendment protected an individual right to possess a firearm unconnected with service in a militia and to

use that firearm for traditionally lawful purposes, such as self-defense within the home. In *Bruen* and *Heller*, this Court clarified the test to determine whether a law impinging upon the Second Amendment right to bear arms is constitutional.

As this Court stated in *Bruen*:

If the last decade of Second Amendment litigation has taught this Court anything, it is that federal courts tasked with making such difficult empirical judgments regarding firearm regulations under the banner of “intermediate scrutiny” often defer to the determinations of legislatures. But while that judicial deference to legislative interest balancing is understandable—and, elsewhere, appropriate—it is not deference that the Constitution demands here. The Second Amendment “is the very product of an interest balancing by the people” and it “surely elevates above all other interests the right of law-abiding, responsible citizens to use arms” for self-defense. *Heller*, 554 U.S., at 635, 128 S. Ct. 2783, 171 L.Ed.2d 637. It is this balance—struck by the traditions of the American people—that demands our unqualified deference.

Bruen, 597 U.S. 1, 26, 142 S. Ct. 2111, 213 L.Ed.2d 387 (June 23, 2022).

The *Bruen* Court explained that the regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868. *Bruen*, 597 U.S. at 27. Fortunately, the Founders created a

Constitution—and a Second Amendment—“intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.” *Bruen*, 597 U.S. at 27-28, citing, *McCulloch v. Maryland*, 17 U.S. 316, 4 Wheat. 316, 4 L.Ed.579 (1819). Although its meaning is fixed according to the understandings of those who ratified it, the Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated. *Bruen*, 597 U.S. at 28, citing, *United States v. Jones*, 565 U.S. 400, 404-405, 132 S. Ct. 945, 181 L.Ed.2d 911 (2012) (holding that installation of a tracking device was “a physical intrusion [that] would have been considered a ‘search’ within the meaning of the Fourth Amendment when it was adopted”).

In *Bruen* this Court stated:

We have already recognized in *Heller* at least one way in which the Second Amendment’s historically fixed meaning applies to new circumstances: Its reference to “arms” does not apply “only [to] those arms in existence in the 18th century.” 554 U.S., at 582, 128 S. Ct. 2783, 171 L.Ed.2d 637. “Just as the First Amendment protects modern forms of communications, and the Fourth Amendment applies to modern forms of search, the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.” *Ibid.* (citations omitted). Thus, even though the Second Amendment’s definition of “arms” is fixed according to its historical understanding, that general definition covers

modern instruments that facilitate armed self-defense.

Bruen, 597 U.S. at 28.

An AR-15 is just like any other semiautomatic hunting rifle and is the quintessential modern instrument that facilitates armed self-defense. As such, the Second Amendment protects citizens’ rights to own and bear these arms.

IV. Any restrictions on the Second Amendment Must be Justified by This Nation’s Historical Tradition of Firearm Regulation

In keeping with *Heller*, the *Bruen* Court held that when the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. *Bruen*, 597 U.S. at 17. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. *Id.* Rather, the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation. *Id.* Only if a firearm regulation is consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside the Second Amendment’s “unqualified command.” *Id.*, citing, *Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 50, n. 10, 81 S. Ct. 997, 6 L.Ed.2d 105 (1961).

This Court in *Bruen* summarized *Heller*’s methodological approach to the Second Amendment.

In *Heller*, this Court began with a “textual analysis” focused on the ““normal and ordinary”” meaning of the Second Amendment’s language. *Bruen*, 597 at 20, citing, 554 U.S., at 576-577, 578, 128 S. Ct. 2783, 171

L.Ed.2d 637. That analysis suggested that the Amendment’s operative clause—“the right of the people to keep and bear Arms . . . shall not be infringed”—“guarantee[s] the individual right to possess and carry weapons in case of confrontation” that does not depend on service in the militia. *Bruen*, 597 at 20, citing, 554 U.S. at 592, 128 S. Ct. 2783, 171 L.Ed.2d 637.

From there, the Court assessed whether its initial conclusion was “confirmed by the historical background of the Second Amendment.” *Id.*, citing, 554 U.S. at 592, 128 S. Ct. 2783, 171 L.Ed.2d 637. The Court looked to history because “it has always been widely understood that the Second Amendment . . . codified a pre-existing right.” *Id.* The Amendment “was not intended to lay down a novel principle but rather codified a right inherited from our English ancestors.” *Bruen*, 597 U.S. at 20, citing, 554 U.S. at 599, 128 S. Ct. 2783, 171 L.Ed.2d 637. After surveying English history dating from the late 1600s, along with American colonial views leading up to the founding, this Court found “no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms.” *Bruen*, 597 U.S. at 20, citing, 554 U.S. at 595, 128 S. Ct. 2783, 171 L.Ed.2d 637.

This Court then canvassed the historical record and found yet further confirmation. *Bruen*, 597 U.S. at 20. That history included the “analogous arms-bearing rights in state constitutions that preceded and immediately followed adoption of the Second Amendment,” *Bruen*, 597 U.S. at 20, citing, 554 U.S. at 600-601, 128 S. Ct. 2783, 171 L.Ed.2d 637, and “how the Second Amendment was interpreted from

immediately after its ratification through the end of the 19th century.” *Bruen*, 597 U.S. at 20, citing, 554 U.S. at 605, 128 S. Ct. 2783, 171 L.Ed.2d 637. When the principal dissent charged that the latter category of sources was illegitimate “postenactment legislative history,” this Court clarified that “examination of a variety of legal and other sources to determine the public understanding of a legal text in the period after its enactment or ratification” was “a critical tool of constitutional interpretation.” *Bruen*, 597 U.S. at 20, citing, 554 U.S. at 605, 128 S. Ct. 2783, 171 L.Ed.2d 637 (majority opinion).

In assessing the postratification history, this Court looked to four different types of sources. *Id.* at 21. First, the Court reviewed “[t]hree important founding-era legal scholars [who] interpreted the Second Amendment in published writings.” *Bruen*, 597 U.S. at 21, citing, 554 U.S. at 605, 128 S. Ct. 2783, 171 L.Ed.2d 637. Second, the Court looked to “19th-century cases that interpreted the Second Amendment” and found that they “universally support an individual right” to keep and bear arms. *Bruen*, 597 U.S. at 21, citing, 554 U.S. at 610, 128 S. Ct. 2783, 171 L.Ed.2d 637. Third, the Court examined the “discussion of the Second Amendment in Congress and in public discourse” after the Civil War, “as people debated whether and how to secure constitutional rights for newly free slaves.” *Bruen*, 597 U.S. at 21, citing, 554 U.S. at 614, 128 S. Ct. 2783, 171 L.Ed.2d 637. Fourth, the Court considered how post-Civil War commentators understood the right. *Bruen*, 597 U.S. at 21, citing, 554 U.S. at 616-619, 128 S. Ct. 2783, 171 L.Ed.2d 637.

After holding that the Second Amendment protected an individual right to armed self-defense, the

Court also relied on the historical understanding of the Amendment to demark the limits on the exercise of that right. *Bruen*, 597 U.S. at 21. The Court noted that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited.” *Bruen*, 597 U.S. at 21, citing, 554 U.S. at 626, 128 S. Ct. 2783, 171 L.Ed.2d 637. “From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Ibid.* For example, we found it “fairly supported by the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons’” that the Second Amendment protects the possession and use of weapons that are “in common use at the time.” *Bruen*, 597 U.S. at 21, citing, 554 U.S. at 627, 128 S. Ct. 2783, 171 L.Ed.2d 637, (first citing 4 W. Blackstone, Commentaries on the Laws of England 148-149 (1769); then quoting *United States v. Miller*, 307 U.S. 174, 179, 59 S. Ct. 816, 83 L.Ed.1206, 1939-1 C.B. 373 (1939)).

Thus, this Court concluded that its earlier historical analysis sufficed to show that the Second Amendment did not countenance a “complete prohibition” on the use of “the most popular weapon chosen by Americans for self-defense in the home.” *Bruen*, 597 U.S. at 22, citing, 554 U.S. at 629, 128 S. Ct. 2783, 171 L.Ed.2d 637.

In *Bruen*, this Court held:

We reiterate that the standard for applying the Second Amendment is as follows: When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The

government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation. Only then may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command." The test that we set forth in *Heller* and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding.

Bruen, 597 at 24, citing, *Konigsberg*, 366 U.S., at 50, n. 10, 81 S. Ct. 997, 6 L.Ed.2d 105.

While this Court in *Bruen* did not now provide an exhaustive survey of the features that render regulations relevantly similar under the Second Amendment, the Court did think that *Heller* and *McDonald* point toward at least two metrics: how and why the regulations burden a law-abiding citizen's right to armed self-defense. *Bruen*, 597 U.S. at 29. As this Court stated in *Heller* and repeated in *McDonald*, "individual self-defense is 'the central component' of the Second Amendment right." *Id.* citing, *McDonald*, 561 U.S., at 767, 130 S. Ct. 3020, 177 L.Ed.2d 894 (quoting *Heller*, 554 U.S., at 599, 128 S. Ct. 2783, 171 L.Ed.2d 637); *see also id.*, *Heller*, 554 U.S. at 628, 128 S. Ct. 2783, 171 L.Ed.2d 637 ("the inherent right of self-defense has been central to the Second Amendment right"). Therefore, whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are "central" considerations when engaging in an analogical inquiry. *Bruen*, 597 U.S. at 29, citing, *McDonald*, 561 U.S., at 767, 130 S. Ct. 3020, 177

L.Ed.2d 894 (quoting *Heller*, 554 U.S., at 599, 128 S. Ct. 2783, 171 L.Ed.2d 637).

As stated by this Court in *Heller*, when the handgun was the most preferred firearm in the nation:

. . . [T]he inherent right of self-defense has been central to the Second Amendment right. The handgun ban amounts to a prohibition of an entire class of “arms” that is overwhelmingly chosen by American society for that lawful purpose. The prohibition extends, moreover, to the home, where the need for defense of self, family, and property is most acute. Under any of the standards of scrutiny that we have applied to enumerated constitutional rights, banning from the home “the most preferred firearm in the nation to ‘keep’ and use for protection of one’s home and family,” 478 F.3d at 400, would fail constitutional muster.

Heller, 554 U.S. at 628-629.

In sum, the *Heller* Court found that “handguns are the most popular weapon chosen by Americans for self-defense in the home, and a complete prohibition of their use is invalid.” *Id.* at 629. Accordingly, to now ban an entire class of “arms” that is currently overwhelmingly chosen by American society for self-defense, the AR-15, and completely prohibit its use would fail constitutional muster.

V. Banning a Weapon in Common Use Today Which is Not Dangerous or Unusual Violates the Second Amendment

As outlined above, an AR-15 is a weapon in common use today. It is not dangerous or unusual and has all the same characteristics of any other hunting rifle which fires one round with one pull of the trigger. Its ammunition is not more powerful or more dangerous than many other rifles. Based on the tests under *Bruen* and *Heller*, an AR-15 cannot be excluded under the Second Amendment as a dangerous or unusual weapon not commonly used. Such an exclusion is not consistent with historical traditions of prohibitions on arms and is, therefore, unconstitutional.

VI. Banning the Most Popular Self-Defense Weapon Causes Problems for Law Enforcement

Banning the most popular self-defense weapon that 24 million Americans have legally purchased will cause added friction between law enforcement officers and citizens.

The purpose of the Second Amendment was to grant citizens the right to bear arms against tyranny of government. If our government is now allowed to seize the most popular weapon citizens own for self-defense, many citizens will not submit peacefully to such a government overreach. Law enforcement will bear the brunt of this conflict.

Rather than banning law abiding citizens from owning the most popular rifle, the National Sheriffs' Association and the Western States Sheriffs' Association welcome the help of such armed citizens in fighting

crime and protecting themselves to ease the burden on law enforcement.

VII. Armed Self-Defense is Often Needed for Law-Abiding Citizens

In a civil democratic society, citizens expect the government to maintain law and order and protect them from criminal threats. In a modern context, this usually means that governments employ large, professional police forces. However, under the natural law—and, as a matter of legal reality in the United States and most Western countries—citizens do not completely cede their right to self-defense to the government. The Second Amendment ensures that, when the government cannot or will not be there in time to protect individual rights from criminal threats, private citizens have meaningful ways of fighting back and protecting themselves and their loved ones.

In a Heritage Foundation article entitled *How Does an Armed People Secure a Free State?*,³ references provide data regarding defensive gun use. According to a 2013 report by the Centers for Disease Control and Prevention, almost every major study on the issue has found that Americans use their firearms defensively between 500,000 and 3 million times per year. More recently, data collected by the 2021 National Firearms Survey indicates an annual average of 1.6 million defensive gun uses.⁴ The best, most comprehensive

³ <https://www.heritage.org/the-essential-second-amendment/how-does-armed-people-secure-free-state>

⁴ William English, *2021 National Firearms Survey*, Georgetown McDonough School of Business Research Paper No. 3887145

studies on crime victimization in the United States have also found that victims who forcefully resist crimes are less likely to suffer serious injury or property loss than those who do not offer resistance.⁵ This is true even when individuals face disadvantageous circumstances, such as being outnumbered or confronted by armed assailants.⁶

This data highlights the importance of and the prevalence of defensive gun use in America. Citizens need a reliable, easy to use defensive weapon for self-defense. The AR-15 rifle is a commonly used weapon in America and is the most popular weapon chosen by Americans for self-defense in the home. And because the AR-15 is not a dangerous or unusual weapon, the Second Amendment guarantees law-abiding citizens' right to bear such arms for self-defense.

(Last Updated July 13, 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3887145#

⁵ See, e.g., Gary Kleck & Jongyeon Tark, *Resisting Crime: the Effects of Victim Action on the Outcomes of Crimes*, 42 CRIMINOLOGY 861 (2004); Stephen M. Schnebly, *An Examination of the Impact of Victim, Offender, and Situational Attributes on the Deterrent Effect of Defensive Gun Use: A Research Note*, 19 JUSTICE QUARTERLY 377 (2002); Lawrence Southwick Jr., *Self-Defense With Guns: The Consequences*, 28 J. CRIM. JUSTICE 351 (2000). Studies with contrary findings universally rely on irrelevant tests and fail to control for key confounders that consistently bias results against the effectiveness of armed resistance. See Gary Kleck, *How Hemenway and Solnick Distorted the Effectiveness of Defensive Gun Use* (Aug. 29, 2020), https://Papers.ssrn.com/Sol3/Papers.cfm?Abstract_id=3659333.

⁶ Gary Kleck & Jongyeon Tark, *Resisting Crime: the Effects of Victim Action on the Outcomes of Crimes*, 42 CRIMINOLOGY 861, 897 (2004).



CONCLUSION

AR-15 rifles are the most commonly used self-defense rifles in homes. About 24 million Americans have legally purchased these rifles. These weapons are not dangerous or unusual as they operate just like any other semi-automatic rifle. One bullet is fired with one pull of the trigger. The ammunition is not more powerful than most rifles. No historical traditions of prohibiting a commonly used weapon exist as to a non-dangerous weapon. Accordingly, any prohibition against AR-15 rifles violates the Second Amendment right to bear arms.

Respectfully submitted,

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