

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, IN HIS OFFICIAL CAPACITY
AS COMMISSIONER OF THE CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES
AND PUBLIC TRANSPORTATION, *et al.*,
Respondents.

**ON WRITS OF CERTIORARI TO THE UNITED STATES COURTS
OF APPEALS FOR THE SEVENTH AND SECOND CIRCUITS**

**BRIEF OF KNOX WILLIAMS, SENIOR FELLOW
FOR SECOND AMENDMENT POLICY AT THE
AMERICA FIRST POLICY INSTITUTE, AS AMICUS
CURIAE IN SUPPORT OF PETITIONERS**

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INTEREST OF THE AMICUS CURIAE¹

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AFPI exists to advance policies that put the American people first. Our guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.

AFPI believes the Founding Fathers enshrined in the Second Amendment of the Constitution the critical right to self-defense. We believe this right is the primary means of resistance and self-preservation against the volatile threat

1. No counsel for a party authored this brief, in whole or in part, and no person or entity other than counsel for *amicus curiae* made a monetary contribution to the preparation or submission of the brief. Sup. Ct. R. 37.6.

of tyranny. Yet, states across this nation look to erode this important right through burdensome, nonsensical regulations. AFPI opposes regulations that target law-abiding gun owners and seek to limit access to commonly owned firearms and accessories. Such regulations are clear infringements of the Second Amendment, and if courts do not reject them as such, millions of responsible gun owners are at risk of losing their rights.

SUMMARY OF THE ARGUMENT

Feature tests for firearms are nothing more than politically charged heuristics created by anti-gun legislators to ban the lawful possession of as many types of commonly owned firearms as possible. They cast a wide net by identifying cosmetic characteristics of the most common firearms in circulation, haphazardly defining their attributes, and drafting legislation to ban any firearm that possesses some combination of these features. In doing so, feature tests ignore the plain text of the Second Amendment and are inconsistent with the Nation's historical tradition of firearm regulation. They are, unequivocally, a direct violation of the Second Amendment right to keep and bear arms.

Since at least the fourteenth century, arms manufacturers in the Western world have worked diligently to improve the functionality, accuracy, reliability, portability, safety, and ergonomics of firearms. In the centuries leading up to the ratification of the Second Amendment, firearms technology had already undergone multiple transformations, metamorphosing from the crude hand cannons of the Hundred Years' War to the Pennsylvania Long Rifle of the American frontier. Along

the way, as firing mechanisms evolved from the manual application of a burning wick to a rudimentary hole in the barrel, to the flintlock muskets used on both sides of the American Revolution, so too did the accompanying accouterments. Each historically significant firearm modification was designed to make the gun a more suitable tool for warfare, self-defense, and/or hunting.

When it came to firearms, members of America's Founding generation were no strangers to rapid technological advancements. See *Letter from Thomas Jefferson to John Payne Todd (Aug. 15, 1816)*, in 10 *The Papers of Thomas Jefferson: Retirement Series* 343 (J. Jefferson Looney ed., 2013). As students of the Enlightenment and the Scientific Revolution, our Founding Fathers understood that technological advancements of all sorts were not just likely; they were inevitable. Furthermore, in the time between the ratification of the Second and Fourteenth Amendments, these technological advancements accelerated in both scope and pace, facilitating the centuries-long evolution of firearms from the hook gun, to spears with a single-shot application, and finally tools whose primary function was to shoot.

Although America's Founding Fathers did not live to see the digital revolution, they were intimately familiar with the impact that the printing press had on the proliferation of information and ideas. Few would debate whether constitutional protections apply to speech-related technologies that did not exist at the time of the First Amendment's ratification. Indeed, free-speech protections apply equally to mediums known to James Madison, such as printed books, newspapers, and pamphlets, as they do to unknown mediums, such as radio, television, and the

internet. The same logic must, therefore, apply to novel firearms technologies that did not exist in 1791.

One does not need a keyboard, mouse, smartphone, laptop, or high-definition television to exercise the right to free speech and freedom of the press, yet these items undeniably help facilitate those rights today. Although the quill pen and the printing press were once the tools of the day, to take modern technologies away from members of today's society would render their application and consumption of free speech functionally obsolete.

In that same vein, one does not need a pistol grip, folding or telescoping stock, barrel shroud, threaded barrel, or even a trigger to exercise their right to keep and bear arms in so much as one only needs a barrel, combustible propellant, a projectile, and an ignition source, such as a flame, to shoot a rudimentary firearm. However, these “modern” features, among the most cited in anti-gun legislation, are not anachronisms akin to social media; they existed at the time of America's Founding.

We must ensure that Second Amendment protections are not “trapped in amber” by arbitrary feature tests designed and intended to render the functional application of the right to keep and bear arms obsolete. *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024). To do so would be to treat the Second Amendment inherently differently than every other natural right enumerated in the Bill of Rights.

ARGUMENT

I. Feature Tests Are Just the Latest Effort by Legislators to Circumvent the Second Amendment.

When considering the question of whether the Second Amendment guarantees the right to possess AR-15 platform and similar semiautomatic rifles, it is imperative to understand when and where feature tests for firearms originated.

Feature tests were concocted by anti-gun legislators whose goal was to ban as many types of firearms as possible. Specifically, they are the direct result of the failed structure of the Roberti-Roos Assault Weapons Control Act of 1989, which banned firearms in California exclusively by make and model. The workaround for manufacturers was incredibly simple – merely change the names of the firearms they produced; and change they did. Cal. Dep’t of Just., Off. of the Att’y Gen., *Assault Weapons Identification Guide* 70 (3d ed. 2001).²

Adapting to the failure, Senator Dianne Feinstein (D-CA) and her fellow legislators contrived the nation’s first feature test for firearms by identifying the make and model of the guns they wanted to ban, identifying their external features, and haphazardly defining the cosmetic attributes they saw. President Bill Clinton signed the feature test into law in 1994 as part of the Public Safety and Recreational Firearms Use Protection Act, commonly known as the Federal Assault Weapons Ban. Ron Elving,

2. <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/aws-guide.pdf>

The History of the Assault Weapons Ban of 1994, NPR (Apr. 1, 2023).³ Five years later, the California legislature revisited its “assault weapons” ban, amending the statute “to define assault weapons by generic characteristics.” *Assault Weapons Identification Guide*, *supra*, at 70.

In the years since Feinstein’s original legislation, feature bans on “assault weapons” have been enacted in some form, through state or local legislation, in a minority of states, including California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, Washington, and Washington, D.C. U.S. Dep’t of Just., Off. of Pub. Affs., *Justice Department Sues the City of Denver for Unconstitutional Weapons Bans* (May 5, 2026);⁴ *Update: Rhode Island State So-Called “Assault Weapon Ban” Signed by Governor*, Congressional Sportsmen’s Found. (July 7, 2025);⁵ *Which States Have Assault Weapons Bans?*, USCCA Blog (July 8, 2026).⁶ Five of these bans were enacted in 2022 or later.

Despite the rising prominence of these laws, several courts have ruled that such feature bans are just as

3. <https://www.npr.org/2023/04/01/1167467835/school-shooting-assault-weapons-ban-history>.

4. <https://www.justice.gov/opa/pr/justice-department-sues-city-denver-unconstitutional-weapons-bans>.

5. <https://congressionalsportsmen.org/news/update-rhode-island-state-so-called-assault-weapon-ban-signed-by-governor/>.

6. <https://www.usconcealedcarry.com/blog/which-states-have-assault-weapons-bans/>.

unconstitutional as generic “assault weapons” bans.⁷ With respect to the recently-enacted Virginia feature ban, for example, a Virginia Circuit Court enjoined Virginia’s firearm feature test law from going into effect because it likely violates Article I, Section 13 of the Constitution of Virginia, which is co-extensive with the rights afforded by the Second Amendment. *Santolla v. Katz*, CL26001139-00, Order Granting Preliminary Injunction, at 4-5 (Va. Cir. Ct. June 29, 2026). The Circuit Court ruled that Virginia law provides a “clear and unequivocal right . . . to keep and bear arms, without infringement,” and that the feature ban would infringe on that right. Va. Const. art. I, § 13; *Santolla*, CL26001139-00, at 5. Further, the Circuit Court opined that the Virginia firearm feature test law “would likely run afoul of the protections of the Second Amendment with respect to the types of firearms and components the Plaintiffs possess [including AR-15-style rifles] as enunciated in both *Heller* and *Bruen*.” *Santolla*, CL26001139-00, at 7.

II. Feature Tests Result in Nonsensical Lines Between Acceptable and Non-Acceptable Firearms.

The line drawn between permissible semiautomatic firearms and “assault weapons” by state feature test laws has nothing to do with the firearm’s mechanical function. Instead, they are typically formulated by the politically motivated appetite of the legislature drafting, passing, and enacting the feature-based ban. The proponent’s goal is

7. See *Ass’n of N.J. Rifle & Pistol Clubs v. Att’y Gen. of N.J.*, 183 F.4th 211, 247, 250 (3d Cir. 2026) (*en banc*) (holding “assault firearms” and “large capacity ammunition magazines” are in “common use” and protected by the Second Amendment).

simple: ban as many semiautomatic firearms as possible. Allowing anti-gun politicians to define the disqualifying features and set an arbitrary test is akin to asking members of the Amish community to define permissible automobile components and decide how many can be used on a wagon. Both groups would prefer to freeze all technological advances somewhere in the eighteenth century. Given that “the AR–15 is the most popular rifle in the country,” these sorts of arbitrary tests directly undermine the constitutional protections guaranteed to all Americans. *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 298 (2025).

Although the intentionally provocative and entirely fabricated term “assault weapon” often encompasses certain rifles, pistols, and shotguns, this brief focuses specifically on its application to semiautomatic rifles.

Section 53-202a(1) of the Connecticut General Statutes’ definition of “assault weapon” includes more than 70 semiautomatic firearms by name, as well as:

- (i) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine and has at least one of the following:
 - (I) A folding or telescoping stock;
 - (II) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger

being directly below any portion of the action of the weapon when firing;

- (III) A forward pistol grip;
- (IV) A flash suppressor; or
- (V) A grenade launcher or flare launcher; or
- (ii) A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than ten rounds; or
- (iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches;⁸

In a similar fashion, the Cook County, Illinois Code of Ordinances § 54-212 specifically identifies more than 100 semiautomatic rifles, then further defines “assault weapons” as:

- (1) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:
 - (A) Only a pistol grip without a stock attached;
 - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

8. Conn. Gen. Stat. § 53-202a(1) (2025).

- (C) A folding, telescoping or thumbhole stock;
- (D) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
- (E) A muzzle brake or muzzle compensator;⁹

Based on the laws in question, the difference between “bad” semiautomatic firearms and “acceptable” semiautomatic firearms is the presence of physical attributes such as pistol grips, adjustable stocks, muzzle accessories, handguards, and flare launchers. While definitions of features vary to some degree across analogous statutes, other frequently banned features include threaded barrels and bayonet lugs. Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994).

None of these features directly affect the mechanical function of the firearm or the ammunition they shoot. Indeed, it is ironic that many semiautomatic firearms using the same ammunition with the same rate of fire are permitted under these feature tests simply because they lack features that actually improve the user’s safety, accuracy, and ergonomics. Although these physical attributes are commonly used on modern firearms, their origins trace back centuries.

9. Cook County, Ill., Code of Ordinances § 54-212 (2025).

III. Many Features Targeted by Feature Tests Existed Prior to the Ratification of the Second and Fourteenth Amendments.

Bayonet lugs, barrel shrouds/handguards, adjustable stocks, threaded barrels, muzzle brakes, and pistol grips all existed before the ratification of the Second and Fourteenth Amendments, yet civilians faced no restrictions on their ownership or possession until the Federal Assault Weapons Ban of 1994. In fact, in one case concerning magazine bans, the State of California failed to identify “any law, anywhere, at any time, between 1791 and 1868 that prohibited simple possession of a gun or its magazine or any container of ammunition (unless the possessor was an African American or a slave or a mulatto).” *Duncan v. Bonta*, 695 F.Supp.3d 1206, 1242 (S.D. Cal. 2023), *rev’d*, 133 F.4th 852 (9th Cir. 2025) (en banc), *petition for cert. filed*, No. 25-198 (U.S. Aug. 15, 2025). This led the district court to note that it is “remarkable to discover that there were no outright prohibitions on keeping or possessing guns. No laws of any kind.” *Id.* It is therefore inconceivable that restrictions on these items are “consistent with the Nation’s historical tradition of firearm regulation.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 24 (2022).

a. Bayonet Lugs Are a Historically Common Feature.

Of all the features included in “assault weapons” bans, the restrictions on bayonet lugs stand out as the most obvious failure of *Bruen*’s historical tradition analysis, since bayonet lugs were nearly universal on muskets during America’s founding. *See* Figure 2: Historic

Flintlock Musket with Bayonet, App. 1a. In fact, early colonial statutes often “required militia-eligible males to own at least one cutting weapon (such as a sword or bayonet) and at least one firearm.” David B. Kopel & Joseph G.S. Greenlee, *The History of Bans on Types of Arms Before 1900*, 50 J. Legis. 223, 242 (2024). It is unimaginable to think that any of the Founders were unfamiliar with a bayonet and its application to a musket. Nonetheless, bayonet lugs remain a disqualifying feature in states such as New York. N.Y. Penal Law § 265.00(22)(f) (McKinney 2025).

b. Stocks Were Likewise Features Familiar to the Founders.

Another feature indisputably familiar to the Founders was a simple component that helped prevent them from burning their hands while firing – the stock. Most muskets of the era utilized full-length wooden stocks to protect the barrel and hold the ramrod. As a natural thermal insulator, these stocks also helped shield the shooter’s support hand from the heat radiating from the barrel when fired rapidly. When drafting and ratifying the Second Amendment, the Founders clearly did not intend to leave the door open for restrictions on any device that allows “the bearer to hold the firearm with the non-trigger hand without being burned.” Cook County Code § 54-212. Like modern Americans, they too enjoyed keeping the skin on their fingers and palms intact while exercising the natural rights they enumerated in the Bill of Rights.

Another technology that existed at the time of the Founding and continued to proliferate through the ratification of the Fourteenth Amendment was the

adjustable stock. One common adjustment, utilized by many gunsmiths of the era, was the ability to detach the stock entirely from the host firearm. Numerous models of firearms with detachable stocks were manufactured from the mid-eighteenth century through the mid-nineteenth century, giving users the ability to convert their pistols into carbines or vice versa. Examples include convertible flintlock pistols made by Johann Cristoph Waas circa 1750,¹⁰ late-eighteenth century pistols with detachable stocks manufactured by Senior Johann Andreas Kuchenreiter of Regensburg,¹¹ early nineteenth-century flintlock pistols with detachable stocks that bear the markings of the London Gunmaker's Company,¹² the U.S. Springfield Model 1855 Pistol Carbine,¹³ and the Colt Model 1851 Navy Revolver with a detachable shoulder stock that doubled as a canteen.¹⁴ Other prominent examples include the flintlock

10. *German Elliptical Barrel Flintlock Pistol with Detachable Wood Shoulder Stock Marked I.C. Waas, Bamberg, ca 1750*, Bidsquare, <https://www.bidsquare.com/online-auctions/cowans/german-elliptical-barrel-flintlock-pistol-with-detachable-wood-shoulder-stock-marked-i-c-waas-bamberg-ca-1750-324346>. (Nov. 4, 2015)

11. *Lot 3249: Silver Inlaid Kuchenreiter Flintlock Pistol with Stock*, Rock Island Auction Co., <https://www.rockislandauction.com/detail/59/3249/silver-inlaid-kuchenreiter-flintlock-pistol-with-stock> (Sept. 15, 2013).

12. *Pair of Flintlock Pistols by Clarke with Detachable Stock in Repurposed Wood Case*, Freeman's, <https://freemansauction.com/auction/6467-arms-armor-militaria-online/lot/3020> (Mar. 3, 2026).

13. Figure 3: Historic Pistol with Shoulder Stock, App. 2a.

14. Figure 4: Historic Revolver with Shoulder Stock, App. 2a.

dueling pistols with detachable stocks manufactured in 1795 by Robert Wogdon, the famous London gunsmith who made the pistols used in the Aaron Burr–Alexander Hamilton duel,¹⁵ as well as the early-eighteenth century E. H. Collier rifled flintlock revolver with a detachable stock.¹⁶

In a separate approach, eighteenth-century gunsmith Marco Giurati manufactured one of the first types of folding stocks, known as the Assassino di Lupo. This type of flintlock blunderbuss featured “an ingenious hinged folding butt secured by iron hardware, permitting discreet carry while preserving shoulder firing stability.”¹⁷ The function of this antique folding stock is indistinguishable from modern folding stocks.

c. Threaded Barrels Were a Key Feature of Popular Firearms at the Founding.

Firearms with threaded barrels were also familiar to the Founders. One example is the turn-off pistol, also known as the Queen Anne pistol,¹⁸ which was owned by the

15. *Wogdon Duelling Pistols*, Historic Arms Gallery, <https://historicarmsgallery.co.uk/sold-gallery-1.uk> (last visited Aug. 31, 2026).

16. *Lot 1207: Engraved E.H. Collier Flintlock Revolving Pistol-Carbine*, Rock Island Auction Co., <https://www.rockislandauction.com/detail/4094/1207/engraved-eh-coller-flintlock-revolving-pistolcarbine> (May 3, 2025).

17. Figure 5: Historic Flintlock Blunderbuss with Folding Stock, App. 3a.

18. Figure 7: Queen Anne Pistol, App. 4a.

likes of Thomas Jefferson,¹⁹ Revolutionary War General and Massachusetts Congressman Artemas Ward,²⁰ and his fellow General John Thomas, to name a few.²¹ In fact, these types of pistols were so popular at the time that the Second Continental Congress presented one to John Paul Jones, the “Father of the American Navy,” on October 10, 1776. *Pocket Pistol Belonging to John Paul Jones*, Mass. Hist. Soc.²²

Unlike most pistols of the day, which used a ramrod to load powder and ball down the muzzle, Queen Anne pistols were loaded at the breech by screwing the barrel off, pouring gunpowder directly into the chamber, placing a slightly oversized bullet in the chamber’s cup on top of the powder, and threading the barrel back on.

It was said that this breech-loading system made the gun shoot ‘harder’ because upon ignition the larger ball was forced through the bore and this made for a more gas-tight seal and in turn gave more power (velocity) to the projectile. In muzzle-loading, the ball is often

19. Philip Schreier, *The Guns of U.S. Presidents*, Am. Rifleman (Feb. 15, 2016), <https://www.americanrifleman.org/content/the-guns-of-u-s-presidents/>.

20. *Flintlock Turn-Off Pistols Belonging to Artemas Ward*, Mass. Hist. Soc., <https://www.masshist.org/database/3095> (last visited Aug. 31, 2026).

21. *Flintlock Pistol Owned by General John Thomas*, Mass. Hist. Soc., <https://www.masshist.org/database/3522> (last visited Aug. 31, 2026).

22. <https://www.masshist.org/database/2510> (last visited Aug. 31, 2026).

bruised and deformed when ramming it down the muzzle. This of course was not the case in this type of loading, thus offering better accuracy. Also, turn-off pistols were frequently rifled, further increasing their accuracy and the range of the gun.

Elmar du Plessis, *Queen Anne Pistols: Favourite of the Ladies, as Well as Pirates*, Nat'l Museum Pubs. (Nov. 30, 2017).²³ Increased muzzle velocity and improved accuracy were not the only technological advantages of the Queen Anne pistol. They were also far more robust than traditional side-lock pistols of the time, because the mechanical action of the firearm was forged directly into the breech. Some even had small spring-loaded bayonets. Together, these attributes and technological improvements made the Queen Anne pistol a favorite among women, pirates, and America's Founding Fathers alike. *Id.*

Another example of an eighteenth-century firearm with a threaded barrel is on display at the German Hunting and Fishing Museum in Munich. Unlike the Queen Anne pistol, this firearm's base configuration is a traditional flintlock pistol with a threaded barrel at the muzzle, in the exact same fashion as threaded barrels on modern firearms. Rather than removing the pistol barrel to load at the breech, these threads are used to attach a long removable rifle barrel. When coupled with the removable buttstock that affixes to the grip, the pistol converts into a full-length rifle. *See* Figure 8: Convertible Pistol/Rifle.

23. <https://nationalmuseumpublications.co.za/queen-anne-pistols-favourite-of-the-ladies-as-well-as-pirates/>.

d. Flash Guards Are Historic Features Dating Back to the Founding Era.

In modern parlance, flash guards or flash suppressors are devices that reduce the visible fireball emitted from the muzzle when a bullet is fired. The size, scope, and visibility of these flames vary tremendously based on a host of variables, including ammunition, caliber, barrel length, firearm type, and ambient light conditions. In daylight, the flash is often unnoticeable; however, at night, it can become quite pronounced.

Flash guards of the nineteenth century were devices that were affixed to the action of flintlock firearms near the priming pan to deflect hot gases and sparks. *Flintlock Military Musket – Model 1809 (about 1809)*, Royal Armouries.²⁴ Common examples of flintlock muskets equipped with standard-issue flash guards include the Spanish Model 1802²⁵ and the Potsdam Model 1809.²⁶ During the American Civil War, the Prussian Army sold at least 142,823 Potsdam Model 1809 muskets to the Union Army, many, but not all of which, had been converted from flintlock to percussion cap. American Rifleman Staff, *Rifleman Q & A: Civil War Import*, Am. Rifleman (May 15, 2017).²⁷

24. <https://royalarmouries.org/collection/object/object-10715> (last visited Aug. 31, 2026).

25. *Flintlock Military Musket – Model 1802 (about 1803)*, Royal Armouries, <https://royalarmouries.org/collection/object/object-10870> (last visited Aug. 31, 2026).

26. *Flintlock Military Musket – Model 1809 (about 1810)*, Royal Armouries, <https://royalarmouries.org/collection/object/object-10716> (last visited Aug. 31, 2026).

27. <https://www.americanrifleman.org/content/rifleman-q-a-civil-war-import/>.

In fact, the technological leap from flintlocks to the far more reliable percussion cap mechanism was developed in 1807, all because Reverend John Forsyth wanted to reduce the visible flash signature of his shotgun.

Forsyth, an avid bird hunter, noticed that the sparks created by the flintlock mechanism alerted the birds before his shot. The Reverend invented a formula in which fulminate was used as the priming powder that ignited the gunpowder, creating an instantaneous ignition that allowed the firearm to fire immediately so that a bird could not react.

Joseph G.S. Greenlee, *The American Tradition of Self-Made Arms*, 54 St. Mary's L.J. 35 (2023).

e. Muzzle Brakes Predate the Fourteenth Amendment.

The muzzle brake, a common recoil reduction device for firearms of all types, was invented by a French Colonel named Antoine Treuille de Beaulieu. “In 1842 he invented the muzzle end of a rifle barrel perforated with holes having axes (in the surface of the barrel) inclined to the rear. Even now we can meet muzzle brakes having this same primitive principle of construction.” Oscar Schwager, *The Muzzle Brake*, 88 Coast Artillery J. 32 (1945). Known as a ported barrel, this type of muzzle brake is still produced today.

f. Pistol Grips Are Centuries-Old Features and Are Protected by the Second Amendment.

Pistol grips are yet another example of a centuries-old “modern” feature. Based on the aforementioned examples of eighteenth and nineteenth-century convertible pistol-carbines with removable stocks, the Cook County feature test, in which “only a pistol grip without a stock attached” turns a permissible semiautomatic rifle into an “assault weapon,” clearly fails *Bruen’s* historical analysis test. Cook County Code § 54-212.

The Connecticut definition takes a different approach, restricting semiautomatic rifles in which “any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.” Conn. Gen. Stat. § 53-202a(1)(E)(i)(II). One of the first examples of a grip that fits this definition was known as the “saw handle” grip, a common design feature on dueling pistols that had “pronounced prawns and steadying spurs on the trigger guard” to assist with accuracy. DK & Smithsonian Institution, *Firearms: An Illustrated History: The Definitive Visual Guide* 48 (2024). Noteworthy London gun maker William Parker manufactured a convertible saw-handled flintlock pistol with a detachable buttstock, sometime between 1810 and 1820. Figure 9: Historic Flintlock Pistol with Detachable Buttstock, App. 6a.

Between 1837 and 1843, N. M. Lesoinne & Pirlot Fils manufactured a percussion carbine model with a pistol grip that meets the Connecticut definition. *Lesoinne N M*

& Pirlot Fils, Littlegun.²⁸ Multiple examples have sold at auction in recent years. Figure 10: Historic Carbine with Pistol Grip, App. 6a; *Lot 1: Rare Delvigne System Percussion Pistol-Rifle, White-Polish*, La Gazette Drouot.²⁹

To say that pistol grips, bayonet lugs, barrel shrouds/handguards, adjustable stocks, threaded barrels, flash suppressors, or muzzle brakes are unique to the modern era is to ignore firearms technology as it existed before the ratification of the Second and Fourteenth Amendments.

IV. The Features Targeted by Feature Tests Improve the Safety, Accuracy, Reliability, Portability, and Ergonomics of Firearms.

Features and enhancements did not simply appear out of thin air; they evolved out of necessity. Modern firearms still use many centuries-old features because they tangibly improve the shooting experience. When drawn to its logical conclusion, no physical attributes other than a barrel, propellant, explosive, and ignition source are required to make a rudimentary gun fire. Even triggers and stocks are not strictly necessary, as evidenced by the hand cannons, hook guns, and early harquebuses of the fourteenth, fifteenth, and sixteenth centuries. Without this Court's firm correction, what's to stop a future legislative feature test from whittling Second Amendment protections all the way down to medieval

28. <https://littlegun.be/arme%20belge/artisans%20identifies%20l/a%20lesoinne%20et%20pirlot%20fr.htm> (last visited Aug. 20, 2026).

29. <https://www.gazette-drouot.com/en/lots/24517427---rare-delvigne-system-percussion---> (last visited Aug. 31, 2026).

firearms technology? If the purpose is to remove or reduce functionality by banning attributes that make the firearm more effective, even a medieval test might prove insufficient for the mission.

Historical features such as the recoil-absorbing hook,³⁰ analogous to a modern forward pistol grip, and the wooden shoulder stock highlight that technological improvements to firearms are as old as firearms themselves. All three features arose out of the need to create an additional point of contact with the firearm to provide much-needed stability and improve accuracy. Today, adjustable stocks serve the same purpose, with the added benefit of being more ergonomic for a wider number of people.

a. Adjustable Stocks Enable Multiple Users to Achieve the Proper Fit.

A properly fitted stock is critical to the safe operation of a firearm, because it “lets the shooter aim, support and control the firearm, align their eyes with optics, and manage recoil.” *AR-15 Stocks: Find the Perfect Stock for Your Rifle*, Magpul.³¹ That proper fit is determined by a measurement known as the length of pull, or the distance between the end of the buttstock and the trigger. Whether shooting with iron sights or an optic, length of pull is critical for proper eye relief, which, in turn, is essential for target acquisition and accuracy. Simply put, “if your gun fits, you’ll shoot better.” *Fitment: Why Rifle Fit Matters*, Savage Arms Blog (Mar. 5, 2020).³²

30. See Figure 1: Historic Hook Guns, App. 1a.

31. <https://magpul.com/ar-stocks> (last visited Aug. 31, 2026).

32. <https://savagearms.com/blog/post/fitment-why-rifle-fit-matters>.

Adjustable stocks are no different than stationary stocks, with one exception: they adjust. While this may sound like an oversimplification, it is not. Adjustable stocks, such as the Magpul CTR Carbine Stock, do not change the mechanical function of their host firearm. They do, however, give users of all shapes and sizes the ability to find the right length of pull for their body without having to purchase and install an entirely new stock. Magpul, *supra*.

Take, for instance, the twenty-five-inch height difference between the tallest justice and the shortest justice in the history of the Supreme Court. Horace Gray stood six feet, six inches tall, whereas Alfred Moore stood four feet, five inches tall. Ed Whelan, *New Year's Trivia Answers*, Ed Whelan's Confirmation Tales (Jan. 9, 2025).³³ Without an adjustable stock, the two could not have achieved a proper fit using the same rifle. The same rings true for the ten-and-a-half-inch height difference between Justice Gorsuch and Justice Jackson.

For everyday Americans, a common illustration of the usefulness of an adjustable stock applies to married couples with different body compositions. At the national average, a husband who is five feet, nine inches tall will likely need a different length of pull than his five foot, three-inch-tall wife to achieve the ideal fit. *Body Measurements*, Ctrs. for Disease Control & Prevention.³⁴ There is nothing “dangerous and unusual” about a feature that lets a firearm more easily accommodate a variety of

33. <https://www.confirmationtales.com/p/new-years-trivia-answers>.

34. <https://www.cdc.gov/nchs/fastats/body-measurements.htm> (last visited Aug. 21, 2026).

users. Rather, giving users the ability to adjust a stock by even a few inches makes it possible for spouses and Supreme Court Justices alike to use the same firearm safely and effectively without requiring unnecessary and costly modifications, regardless of the user's body composition.

b. Barrel Shrouds and Handguards Help Prevent Unnecessary Burns.

The evolution of the barrel shroud and handguard is even more rudimentary than stocks. A natural derivative of the rifle stock, these features were borne out of the basic desire to avoid burning yourself while shooting. As firearm technology progressed past single-shot operations, the necessity to protect the user's support hand grew, because the faster shots are fired, the faster the barrel typically heats up to temperatures that can injure and lead to third-degree burns. Thus, it should come as no surprise that handguards of some type are nearly universal on semi automatic rifles. If restrictions on basic safety devices, such as the handguard, are deemed constitutional, what is to stop anti-gun lawmakers from banning other personal protective equipment?

c. Threaded Barrels Enable the Use of Muzzle Devices.

Threaded barrels allow users to tailor muzzle accessories to their specific wants and needs. Two of the most common muzzle accessories are firearm suppressors and muzzle brakes. According to the Academy of Doctors of Audiology, "conventional hearing protection alone does not always offer adequate protection from noise exposure.

Firearm noise suppressors can be an effective supplement to traditional hearing protection.” *Letter from Aymn Amlani, Ph.D., President, & Stephanie Czuhajewski, Executive Director, Acad. of Doctors of Audiology, to Rep. Ben Cline, Representative* (Jan. 15, 2025).³⁵ Without a threaded barrel, however, it is virtually impossible to add a suppressor to a firearm. The primary exception is the integrally suppressed firearm, in which the suppressor is built into the barrel itself.

Like suppressors, muzzle brakes also require a way to affix to the muzzle. Ported barrels, like those invented by Antoine Treuille de Beaulieu, are still utilized today, primarily on shotguns and handguns. Most modern muzzle brakes, however, mount directly onto a threaded barrel, giving users optionality that is lost when ports are machined directly into a barrel.

The main purpose of a muzzle brake

is to reduce recoil and or muzzle rise, improving the shooter’s overall control and accuracy. Muzzle brakes are commonly used in various shooting disciplines, including hunting, competitive shooting, and tactical applications...

A muzzle brake consists of a series of ports that is threaded onto the muzzle. As the bullet exits the barrel, the gases are directed through these ports or baffles, creating a controlled release of energy...

35. <https://americansuppressorassociation.com/media/6a/6b/f8/1757366575/ADA-Support-Letter-Hearing-Protection-Act-2025.pdf>.

By redirecting the gases in a direction opposite to the recoil force, brakes effectively counteract the backward thrust. This results in a reduction of felt recoil, making the firearm more comfortable to shoot and allowing for quicker follow-up shots. Additionally, brakes also help to minimize muzzle rise by redirecting the gases upward, keeping the barrel more stable during fire.

How Muzzle Brakes Work and The Physics of Recoil Reduction, Savage Arms Blog (Apr. 29, 2024).³⁶ Restrictions on muzzle brakes, firearm suppressors, and threaded barrels are designed and intended to make firearms less accurate, less safe, and less modular. It is hard to believe that the Founders would have drafted the Second Amendment to apply only to guns with more recoil, a louder report, and without the ability for the user to decide which tools are best for their specific application.

d. Pistol Grips Improve Ergonomics and Control.

Pistol grips are another tool that can dramatically improve firearm ergonomics and control. Like every other feature described, pistol grips do not alter the mechanical function of semiautomatic firearms. For many firearm designs, they do, however, position the user's primary hand within reach of the principal mechanical controls such as the safety, magazine release, and trigger.

Ergonomically, the pistol grip's vertical nature allows the user's wrist to sit in a more neutral position with less

36. <https://savagearms.com/blog/post/how-muzzle-brakes-work-and-the-physics-of-recoil-reduction>.

bend. This neutral position can reduce muscle fatigue, making the gun easier to steady, while simultaneously transferring recoil into the forearms and shoulders, which reduces muzzle rise. Pistol grips also put the user's trigger finger in an improved position for a smoother trigger pull, enabling users to pull the trigger straight back rather than at a curved upward angle.

Aside from the functional benefits, one of the primary reasons for the proliferation of pistol grips, as well as adjustable stocks and handguards, is the introduction of modern polymers.

The latter half of the 20th century saw a revolutionary shift in firearm materials with the widespread adoption of polymers. Polymer-based materials offered several advantages over traditional materials like wood and metal. These advantages included lighter weight, greater durability, resistance to environmental conditions, and the ability to create complex shapes using injection molding techniques.

Polymer rifle stocks and pistol grips gained prominence for their ability to reduce overall firearm weight, making firearms more manageable during extended use. In addition, the modularity of polymer components allowed for easy customization and adaptation to individual shooters' preferences...

Polymer stocks and grips also offer improved resistance to environmental factors such as moisture, temperature changes, and chemicals.

Steve Tarani, *Stocks and Grips: An Evolution*, Shooting Illustrated (Aug. 21, 2023).³⁷ Despite the declaratory nature of unconstitutional feature tests, the presence of features that improve safety, accuracy, reliability, portability, and ergonomics does not alter the mechanical function of a semiautomatic rifle in a material way. Whether or not a given statute deems a firearm as permissible or classified as an “assault weapon”, a single function of the trigger will result in the firing of one round, and one round only. In practice, this means that feature tests simply throw sand in the gears of law-abiding Americans’ efforts to exercise their right to keep and bear arms with the tools that have evolved over the past several centuries.

To uphold the constitutionality of feature tests would be to ensure that firearms technology is “trapped in amber” and “would be as mistaken as applying the protections of the right only to muskets and sabers,” all the while ignoring the historical origins of the very features they ban. *Rahimi*, 602 U.S. at 691–92.

37. <https://www.shootingillustrated.com/content/stocks-and-grips-an-evolution/>.

CONCLUSION

Feature tests are a direct violation of the Second Amendment right to keep and bear arms. Semiautomatic firearms of all types are protected arms, and there is no historical regulatory tradition that justifies feature tests to determine the legality of a firearm. Accordingly, this Court should reverse the lower court decisions in accordance with this Court's precedents in *Bruen* and *Heller*.

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APPENDIX — FIGURES OF HISTORIC AND MODERN GUNS

Figure 1: Historic Hook Guns

Arquebus, Wikipedia, <https://en.wikipedia.org/wiki/Arquebus#> (last visited Aug. 26, 2026).



Wooden stave / precursor
to modern stock

Hook for stabilizing
barrel

Figure 2: Historic Flintlock Musket with Bayonet

Musket and Bayonet, National Museum of Am. History, https://americanhistory.si.edu/collections/object/nmah_469511 (last visited Aug. 26, 2026).



2a

Appendix

Figure 3: Historic Pistol with Shoulder Stock

U.S. Springfield Model 1855 Pistol Carbine, NRA Museums, <https://www.nramuseum.org/guns/the-galleries/a-nation-asunder-1861-to-1865/case-14-union-carbines/us-springfield-model-1855-pistol-carbine.aspx> (last visited Aug. 26, 2026).



Figure 4: Historic Revolver with Shoulder Stock

Lot 240: Colt Model 1851 Navy Revolver with Shoulder Stock, Rock Island Auction Co. (Dec. 8, 2023), <https://www.rockislandauction.com/detail/4090/240/colt-model-1851-navy-revolver-with-shoulder-stock>.



3a

Appendix

Figure 5: Historic Flintlock Blunderbuss with Folding Stock

Lot 374: Very Rare 18th C. Italian Folding Flintlock Blunderbuss Marco Giurati Assassino di Lupe, Zevantiques, <https://zevantiques.com/bid#!/auctions/9379031c-db28-49f4-93fb-2349db0f22a0/listings/4f870cf4-5d07-4b27-bcd2-90415cb783a0?ic=90&page=5> (last visited Aug. 26, 2026).



4a

Appendix

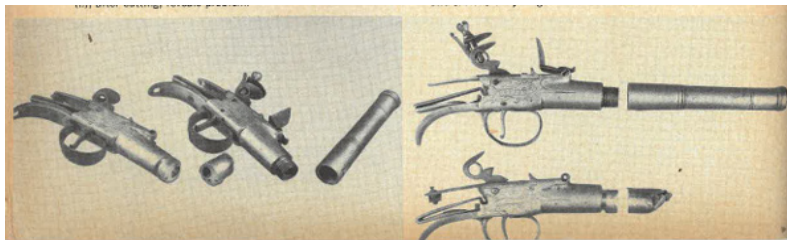
Figure 6: Modern Folding Stock

SAR Staff, *American Tactical Imports AT47*, Small Arms Review (May 1, 2015), <https://smallarmsreview.com/american-tactical-imports-at47/>.



Figure 7: Queen Anne Pistol

Ashley Halsey, Jr. and John M. Snyder, *Jefferson's Beloved Guns*, *Am. Rifleman*, Nov. 1969, at 22.



5a

Appendix

Figure 8: Convertible Pistol/Rifle

Photograph by Knox Williams (Mar. 2, 2024).



Appendix

Figure 9: Historic Flintlock Pistol with Detachable Buttstock

Lot 367: W. Parker Saw-Handled Flintlock Pistol with Detachable Buttstock, Rock Island Auction Co. (May 3, 2019), <https://www.rockislandauction.com/detail/76/367/w-parker-sawhandled-flintlock-pistol-with-detachable-buttstock>.



Figure 10: Historic Carbine with Pistol Grip

Lesoinne N.M. & Pirlot Fils, Littlegun, <https://littlegun.be/arme%20belge/artisans%20identifies%20l/a%20lesoinne%20et%20pirlot%20fr.htm> (last visited Aug. 26, 2026).



7a

Appendix

Figure 11: Modern AR-15: Daniel Defense MK18

