

Nos. 25-238, 25-566

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 *AMICI CURIAE*
PROFESSOR WILLIAM ENGLISH &
THE CENTER FOR HUMAN LIBERTY
SUPPORTING PETITIONERS**

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INTEREST OF AMICI CURIAE¹

William English, Ph.D., is a political economist and Assistant Professor of Strategy, Economics, Ethics, and Public Policy at the McDonough School of Business, Georgetown University, where he has taught since 2016. In 2021, English conducted what was then the largest-ever nationally representative survey of firearms owners in order to reliably estimate details of firearms ownership and use in the United States. In 2026, English fielded the second wave of the National Firearms Survey, which provides the most comprehensive and current empirical evidence available concerning ownership and use of AR-15 and similarly styled rifles.

The Center for Human Liberty is a nonprofit organization dedicated to defending and advancing individual liberty and freedom, including the rights and liberties protected by the Constitution. Consistent with this purpose, the Center for Human Liberty promotes the publication of unbiased social science research relating to rights and society, and thus shares English's interest in ensuring that the Court is presented with the most objective and accurate social science evidence and analysis available.

¹ No counsel for a party authored this brief in whole or in part. No person other than amici or their counsel made a monetary contribution intended to fund its preparation or submission.

SUMMARY OF THE ARGUMENT

AR-15s and similarly styled semi-automatic rifles are in common use for lawful purposes. Professor English’s survey-based research supplies current empirical evidence of this and warrants reliance. William English, *2026 National Firearms Survey: Results from the Second Wave, Including Current Ownership of AR-15 Style Rifles, Other “Assault Weapons,” and Magazines that Hold More than 10 Rounds* (Working Paper, Aug. 2026), <http://dx.doi.org/10.2139/ssrn.7347338>.

The National Firearms Survey’s 2026 wave was fielded by a professional firm to a representative sample of over 51,000 American adults. It reliably shows that roughly one in ten American adults currently owns an AR-15 or similarly styled semi-automatic rifle: “25.0% of gun owners currently own an AR-15 type rifle, 12.9% currently own other similarly styled semi-automatic rifles, and 30.0%—approximately 26.4 million adults—currently own at least one firearm in one of these two categories.” *2026 Survey* at 2. On average, those who report owning an AR-15 own 1.8 such rifles; and those who report owning other similarly styled semi-automatic rifles own 1.7. *Id.* Overall, the 2026 Survey data shows Americans having “approximately 40 million AR-15 type rifles and 20 million other similarly styled rifles owned in total.” *Id.* at 2.

Ordinary lawful ownership purposes dominate. Those who own these rifles indicate that they sought them for a range of ordinary lawful purposes, including target shooting, hunting, competition, the prevention of animal attacks, and defense both at home and elsewhere. 83.0% of owners specifically report a defensive purpose as a reason for owning such rifles. *Id.* at 41.

To ensure that it accurately measured firearms ownership and use rates, the National Firearms Survey's 2026 wave incorporated a number of methodological advances. The size of the sample was unusually large. It reached a representative national set of 51,398 U.S. adults to identify 16,688 internally-validated gun owners, making it among the largest surveys of firearms owners ever conducted. Reliability was further enhanced by asking about current rather than lifetime ownership, instructing respondents to count only firearms that they personally own, and asking about AR-15 type rifles separately from other similarly styled rifles. These refinements responded directly to scholarly discussion of the survey's first wave. The 2026 Survey's results are robust to various alternative weighting schemes, all of which are reported in the survey report.

The survey's 32.7% overall individual firearms ownership rate aligns with other recent national surveys. Pew found an ownership rate of 32% in 2023,

and Gallup found an ownership rate of 34% in 2024, indicating a slight increase from the 31.9% rate documented in the first wave. *Id.* at 11; see Katherine Schaeffer, *Key Facts About Americans and Guns* (Pew Rsch. Ctr. 2024); Gallup, *Guns*, Gallup Historical Trends, <https://news.gallup.com/poll/1645/guns.aspx>.

Reliability is further enhanced by the 2026 Survey's accordance with manufacturing data. The first wave of the National Firearms Survey found in 2021 that 30.2% of gun owners had owned an AR-15 or similarly styled rifle at some point. The second wave, conducted five years later, asking the narrower question of current ownership, finds that 30.0% of gun owners currently own such rifles (approximately 26.4 million adults). This finding aligns with manufacturing data that indicates that millions of these rifles have continued to enter the U.S. market in recent years, which is unsurprising given that this Court itself has described the AR-15 as “the most popular rifle in the country.” *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 297 (2025).

Tens of millions of ordinary, law-abiding Americans currently own AR-15 type and similarly styled rifles, overwhelmingly for lawful purposes. Such arms are thus in “common use” under any standard this Court has articulated, and the judgments below should be reversed.

ARGUMENT

This Court’s precedent protects arms that are “in common use” for “lawful purposes like self-defense.” *District of Columbia v. Heller*, 554 U.S. 570, 624, 627 (2008). Whatever the standard’s outer boundaries may be, it raises two basic fact questions: how many Americans possess the arms, and for what purposes?

The 2026 National Firearms Survey provides direct, current, and comprehensive answers to both the possession and purpose questions. As to commonality, the evidence leaves little room for argument. Justice Alito treated stun guns as arms in common use because hundreds of thousands had been lawfully sold in 45 States. *Caetano v. Massachusetts*, 577 U.S. 411, 420 (2016) (Alito, J., concurring in the judgment). Both halves of that showing are stronger here. More than 26 million American adults own the rifles banned here, and 41 States permit them. As to purpose, this Court saw more than thirty years ago that AR-15 possession “traditionally ha[s] been widely accepted as lawful,” *Staples v. United States*, 511 U.S. 600, 612 (1994). So too now as well, not just as a matter of judicial inference, but as a matter of surveyed fact. These rifles are commonly possessed for ordinary lawful purposes.

- I. The 2026 National Firearms Survey shows that AR-15-type and similarly styled semiautomatic rifles are in common use for lawful purposes.**

A. The results of the nationally representative 2026 English survey.

The 2026 National Firearms Survey provides the most comprehensive assessment of firearms ownership and use patterns in America to date. To do so most reliably, the 2026 Survey used a uniquely large and representative sampling of adult firearms owners. It was fielded by the professional survey company Centiment to a representative national sample of 51,398 U.S. residents aged 18 and over in the summer of 2026. It identified 16,688 internally validated gun owners who answered in-depth questions concerning their ownership and use of firearms. *2026 Survey* at 1–2.

A conservative approach to data integrity was used. Respondents were counted as gun owners only if they both indicated firearm ownership on an initial screening question and subsequently reported a positive number of rifles, shotguns, or handguns that they personally own in a detailed count of firearm types that required a response. This two-stage validation rule guards against misclicks, careless responses, and insincere respondents. *Id.* at 5. All gun owners were asked:

Some have argued that few gun owners actually want or use guns that are commonly classified as “assault weapons.” Do you currently own an AR-15 or similarly styled rifle? You can include any rifles of this style that have been modified or moved to be compliant with local law. However, only count rifles that you personally

own, not rifles that other family members may own. Answering this will help us establish how popular these types of firearms are.

Id. at 37, 63. Respondents could indicate, separately or together, that they own “one or more AR-15 type rifles” and that they own “other similarly styled semi-automatic rifles with a pistol grip,” in each case entering the number owned. *Id.* at 37, 63.

Those sound methodologies yielded clear results. 25.0% of validated gun owners (95% CI 24.4%–25.7%) report currently owning one or more AR-15 type rifles, and 12.9% (95% CI 12.4%–13.4%) report currently owning other similarly styled semi-automatic rifles, with 7.9% owning both types. Overall, 30.0% of gun owners (95% CI 29.3%–30.7%) currently own at least one rifle in one of these categories. Extrapolated to the population, that would mean approximately 22.1 million adults currently own an AR-15 type rifle, and approximately 26.4 million adults currently own a rifle of the type commonly classified as an “assault weapon.” *Id.* at 37–38. Together, one out of every ten adults in the United States owns at least one of these rifles. *Id.* at 37–38.

The implied stock of these rifles is correspondingly large. Among those who currently own AR-15 type rifles, the average owner reports owning 1.8 such rifles, and among those who own other similarly styled rifles, the average owner reports owning 1.7. Applying a conservative counting rule that excludes both outlier responses and responses inconsistent with the total number of rifles each respondent

separately reported owning, the survey estimates that approximately 40 million AR-15 type rifles and 20 million other similarly styled semi-automatic rifles are currently owned by American gun owners. *Id.* at 39–40.

That estimate closely aligns with reports based on the Bureau of Alcohol, Tobacco, Firearms and Explosives’ Annual Firearms Manufacturing and Export Reports, which place the number of AR-15 styled rifles produced for the American market between 1990 and 2023 at about 32 million. NSSF, *NSSF Releases Most Recent Firearm Production Figures* (Jan. 15, 2026). In recent years the annual number of such firearms entering the market has averaged more than 2.5 million, so a continuation of these trends would imply approximately 39.5 million such rifles entering the market from 1990 through 2026, or slightly fewer if recent sales trends softened. Moreover, these figures do not include the sizable number of rifles commonly classified as “assault weapons” that were produced before 1990. 2026 Survey at 40.

Ownership of these rifles is geographically and demographically broad. Validated gun owners in every state and the District of Columbia report currently owning them, including in the jurisdictions whose laws are at issue in these cases: among gun owners, 29.9% in Illinois and 24.2% in Connecticut currently own an AR-15 or similarly styled rifle, as do 29.9% in California, 31.0% in New York, 28.5% in New

Jersey, and 28.3% in Massachusetts. *Id.* at 43.² The challenged laws are outliers. The ownership they target is not.

Ownership is also common across demographic groups. 36.4% of Black gun owners, 38.2% of Hispanic gun owners, 30.7% of Asian gun owners, and 21.3% of female gun owners currently own such a rifle. *Id.* at 42. These are ordinary firearms chosen by a broad cross-section of American society.

B. Owners overwhelmingly possess these rifles for lawful purposes, including self-defense.

When owners were asked the purposes for which they own these rifles, they indicated the following answers at the following rates: home defense (77.7%), recreational target shooting (65.1%), hunting (50.2%), defense outside the home (41.1%), prevention of animal attacks (33.8%), competitive shooting sports (25.9%), and other (2.8%). Taking home defense and defense outside the home together, 83.0% of owners cite a defensive purpose for owning these rifles. About half also report hunting as a purpose for owning these rifles. 2026 Survey at 41.

There are many reasons why AR-15 and similarly styled rifles would be popular for these purposes. In

² Note that these estimates may include versions of these firearms that have been modified to be compliant with local law and firearms that residents of these states keep in other states.

terms of ballistic performance, so-called “assault weapons” are among the least powerful centerfire rifles in common use.

The rifle calibers that have been most popular for hunting big game over the last century, such as .270 Winchester, .30-06, .45-70, and .308, all generate significantly higher muzzle energy than the .223 cartridge fired by the typical AR-15. See E. Gregory Wallace, “*Assault Weapon*” *Lethality*, 88 Tenn. L. Rev. 1, 44–45 (2020). The .30-06 dates to 1906 and appeared in commercial sporting rifles by 1908—decades before the AR-15. Yet it fires a larger bullet with substantially greater muzzle energy.

What distinguishes AR-15 and similarly styled rifles is not their unusual power but rather a combination of attractive features, including their light weight, modularity, ergonomics, and low recoil. Given these features, it is no surprise that these firearms have consistently been among the most popular and best-selling long guns in America.

The defensive purposes that owners cite correspond to real concerns and real behavior. The 2026 Survey finds that 37.6% of gun owners (approximately 33.1 million adult Americans) have used a firearm to defend themselves, their property, a family member, or a member of their household. It conservatively estimates that firearms are used defensively approximately 2.2 million times per year, which is within the range of “about 500,000 to more than 3 million” annual defensive uses identified by the National Academies’ review of this literature.

2026 Survey at 2, 14–16; Nat'l Rsch. Council, *Priorities for Research to Reduce the Threat of Firearm-Related Violence* 15 (2013). Rifles were the type of firearm respondents reported using in 16.4% of reported defensive incidents. 2026 Survey at 16. In most defensive incidents (76.3%) the gun is never fired, and in 70.6% of incidents the defense was so successful that no crime remained to be reported to police. *Id.* at 14, 17. About half of defensive incidents (50.8%) involved more than one assailant, and where a gun was fired, multiple rounds were fired 70.4% of the time. These are circumstances for which the capabilities of the banned rifles bear directly on lawful self-defense. *Id.* at 18, 31.

C. The 2021 Survey and independent evidence converge on the same conclusion.

The 2026 results replicate, with improved measurement, the findings of the first wave of the National Firearms Survey. *Compare* 2026 Survey, with William English, *2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned*, Georgetown McDonough Sch. of Bus. Rsch. Paper No. 4109494 (May 13, 2022), <https://dx.doi.org/10.2139/ssrn.4109494>. In 2021, 30.2% of gun owners reported that they had *ever* owned an AR-15 or similarly styled rifle. The second wave asked the narrower question of *current*, personal ownership and found essentially the same prevalence: 30.0%. If the first wave's lifetime framing had substantially overstated present ownership, the

current-ownership estimate would have come in well below 30.2%. It did not. 2026 Survey at 38–39.

The 2026 Survey is not alone. It accords with many other studied conclusions. A 2022 Washington Post–Ipsos poll of gun owners found that 20% reported currently owning “AR-15-style rifles, including any semi-automatic weapon built on a common AR-platform.” Moreover, a third of AR-15 owners indicated that their main reason for owning such firearms was self-defense in an open-ended response question for which they could write anything. This survey had a margin of sampling error of plus or minus 2.5 percentage points, bringing the range of its ownership estimate close to the 25% rate documented by the 2026 National Firearms Survey. See Washington Post–Ipsos, *Poll of AR-15 Owners* (Sept. 30–Oct. 11, 2022), <https://perma.cc/BYG6-HT6L>. The 2026 Survey result, however, was based on a sample about eight times larger that is statistically much better powered, and it also reflects four additional years of AR-15 sales, which is consistent with the slightly higher estimate.

The 2026 wave successfully answers a critique of the 2021 wave. Critics of the 2021 wave treated the gap between its estimate of “assault weapons” ownership rates and the Washington Post–Ipsos figure as evidence of overestimation. But the question asked by the Washington Post–Ipsos poll was in fact a much narrower question than the one asked by the first wave of the National Firearms Survey, which asked about “assault weapons” at large, specifying not

only AR-15s but also “similarly styled rifles.” The list of similarly styled rifles that are commonly classified as “assault weapons” is extensive and would include, for example: AK-47 designs, FN FALs, M1 carbines, M1As, HK 91/93/94s and CETME/PTR clones, SKSs, Kel-Tec rifles, Thompsons, Ruger Mini-14/Mini-30s, FN SCARs, and Steyr AUGs and other bullpup designs. These rifles are likewise banned under most “assault weapons” laws, including the laws at issue here. It is therefore essential to measure their popularity as well—not just that of the AR-15, which is but one instance of the banned firearm type. William English, *A Response to Critics of the 2021 National Firearms Survey* 9–10 (Working Paper No. 2024-05, Nov. 25, 2024). By measuring the two categories separately, the second wave resolved this debate directly: 25.0% of gun owners currently own AR-15 type rifles specifically, while 30.0% own a rifle in the broader class that these statutes reach. The difference between the surveys was thus primarily a matter of question scope rather than measurement error. 2026 Survey at 38–39.

Independent industry data parallels the 2026 Survey results. Just like English’s work, these other studies show that the rifles at issue have accounted for roughly one-fifth of United States firearm sales for more than a decade. *See* Br. of Pet’rs 12–13 (collecting NSSF consumer, retailer, and production data).

The empirical record thus accords with what this Court has already recognized. The AR-15 is “the most popular rifle in the country” and is “widely legal and

bought by many ordinary consumers.” *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 297 (2025). “Millions of Americans” own one. *Snope v. Brown*, 145 S. Ct. 1534, 1534 (2025) (Kavanaugh, J., statement respecting denial of certiorari). The 2026 Survey quantifies the most recent implications of those observations.

II. The second wave was designed so that methodological questions about the first wave could be answered with data—and the data vindicate the original findings.

A. The survey’s design ensures reliable results.

Survey-based estimates of firearms ownership and use are frequently contested. To address those concerns, the second wave utilized several design features to optimize the reliability of its estimates. 2026 Survey at 44. It utilized both internal consistency checks and external reliability benchmarks.

Every gun owner analyzed in the survey passed through two independent affirmations of ownership: the indirect screening question at the outset, and a positive count of specific firearm types near the end of the survey, after an embedded attention check. Requiring respondents to give consistent answers in different formats at two distantly separated points in the survey is a powerful data-integrity check. The fact that 98.2% of respondents who indicated owning a firearm in the screening question also confirmed

positive, current, personal gun ownership counts near the end of the survey constitutes strong evidence that the screening question was reliable. *Id.*

Respondents were also required to answer the AR-15 questions with numeric values, which prevented skipped responses and ambiguous narrative entries. The first wave's transparent outlier rule was applied unchanged. Given that the survey separately collected each respondent's total rifle count, this permitted another data-integrity check, requiring that numbers entered in the itemized AR-15 and similar-rifle question be consistent with the total number of rifles the respondent reported owning. This internal consistency check makes the count estimates conservative and may neglect AR-15 styled firearms that are classified as pistols. *Id.* at 39–40, 45.

The survey's results can also be checked against external benchmarks and alternative analytic choices, and they hold up under both. An external benchmark tests a survey against an independent measurement, thereby showing whether sampling and weighting methods generate credible estimates beyond the questions at issue.

Here, the survey can be tested against independently measured rates of bicycle and firearm ownership. The indirect screening question permits benchmarking against non-firearm items. Under the main weighting scheme, the survey's bicycle ownership estimate (53.5%) is nearly identical to Pew's independent 53% benchmark. *Id.* at 45. The top-line firearm ownership estimate (32.7%) is nearly

identical to the raw, unweighted rate (33.3%), which is a function of the sample being highly representative and weighting having very little influence. Adding income to the weighting scheme as a robustness test moves the estimate up, to as much as 34.9%, rather than down. Finally, weighting the owner subsample through a two-step procedure leaves the AR-15 findings materially unchanged (30.0% versus 29.3%, with implied national totals essentially identical). *Id.* at 12–13, 38, 52–58. With 16,688 validated gun owners, the second wave remains, together with the first, among the largest surveys of firearms owners ever conducted. The complete dataset, including the full survey instrument, is publicly available on Harvard’s Dataverse for independent review. *Id.* at 4, 45. Taken together, the two waves of these surveys report what tens of thousands of representative U.S. gun owners answer when asked about their ownership and use of firearms.

B. Minor criticisms of the first wave did not survive empirical investigation.

Critics of the first wave raised four principal concerns about its findings with regard to “assault weapons.” They say first that framing questions in terms of lifetime ownership (have you owned) could have caused overstated current ownership. They say second that respondents, particularly women, might have reported firearms owned by family members or other members of their household, rather than personal ownership. Third, they say that asking about

ownership of AR-15s and other similarly styled rifles together did not allow disaggregating the two in a manner that could be directly compared to other surveys. Finally, although the first wave did examine alternative weighting schemes, there was a concern that these results were not fully reported, even though they had no material effect on the estimates. Deborah Azrael et al., *A Critique of Findings on Gun Ownership, Use, and Imagined Use from the 2021 National Firearms Survey: Response to William English*, 78 SMU L. REV. 239 (2025).

The second wave was designed so that each of these concerns could be directly adjudicated or addressed with data. The data indeed answered each objection.

Asking about current ownership addresses the lifetime-ownership objection. The 30.2% who reported ever owning such a rifle in 2021 became 30.0% reporting current ownership in 2026.

Explicitly asking about personal ownership addressed the household conjecture. It is notable that even with these clarifications in place, women constitute 45.7% of validated gun owners, higher than the 42.2% documented in 2021, which demonstrates that the demographic findings of the first wave were not artifacts of question wording. 2026 Survey at 44–45.

The separate measurement of AR-15s and other similarly styled rifles addresses concerns about disaggregating these two broad types of weapons. It

also reconciles the Washington Post–Ipsos figure, as explained above.

Finally, the survey’s weighting choices, if anything, understate ownership. Every reasonable alternative weighting approach moves the headline estimates up rather than down, while owner subsample weighting yields no substantive changes. *Id.* at 52–58.

One district court, evaluating the record then before it, questioned reliance on the first-wave evidence. See *Barnett v. Raoul*, 2024 WL 4719468, at *7 (S.D. Ill. Nov. 8, 2024). Whatever one thinks of the minor concerns raised about the first wave, the second wave addresses them. The survey measures current, personal ownership. It separates the rifle categories. It validates ownership status twice. And it reports extensive weighting and internal consistency checks. The earlier concerns thus do not apply to the evidence now before the Court.

III. Compilations of criminal misuse cannot establish that these rifles are not in common use for lawful purposes.

A. Listing incidents of criminal misuse does not speak to the prevalence nor the purposes of ownership.

The decisions below gave considerable weight to the fact that some banned rifles had been used in a small number of mass shootings and other tragic

crimes. But criminal misuse, however unfortunate, tells the Court nothing about common use on the scale that matters. This is what the National Firearms Survey aims to address by measuring how many Americans own these rifles and documenting the reasons they indicate for owning them.

Americans own approximately 154 million rifles of all kinds, 2026 Survey at 27, tens of millions of which are AR-15 type or similarly styled rifles. Yet FBI data attributes to rifles of every kind an average of only 425 homicides per year over the past decade—roughly one-sixteenth the number committed with handguns, and fewer than the numbers committed with knives (1,604 per year) or even with hands and feet (706 per year). See Br. of Pet’rs 13–14. Researchers across the policy spectrum likewise estimate that “assault weapons” of all kinds account for less than seven percent of gun crime. Christopher S. Koper et al., *Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms*, 94 J. URBAN HEALTH 313 (2017). Arms that are owned by tens of millions of Americans and misused by a vanishingly small fraction cannot plausibly be characterized as “dangerous and unusual.”

B. The claim that “assault rifles” account for the overwhelming share of mass-shooting deaths rests on a demonstrable coding error.

Defenders of these bans have leaned heavily on a false statistical claim. In defending its own rifle ban, Maryland told the Fourth Circuit that from 1981 through 2017, “[a]ssault rifles accounted for 430 or

85% of the total 501 mass-shooting fatalities reported . . . in 44 mass-shooting incidents.” Supp. Br. of Appellees at 2, *Bianchi v. Frosh*, No. 21-1255 (4th Cir. Oct. 19, 2022) (quoting Charles DiMaggio et al., *Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open-Source Data*, 86 J. TRAUMA & ACUTE CARE SURG. 11, 12 (2019)). This claim is an artifact of a clear coding error; when the data in question is correctly classified, the result is nearly the opposite.

In classifying the firearms used in mass shootings, the study’s authors coded any firearm whose open-source description included the word “semiautomatic” as an “assault rifle.” Most of the firearms so coded were ordinary semiautomatic pistols. For example, a “9mm Glock semiautomatic handgun” was coded as an “assault rifle.” Amicus English identified the error in 2018, and the authors acknowledged their mistaken coding approach in correspondence. A scholar whose own work favors restrictions on these rifles independently flagged the same problem in a letter to the editor of the journal that published the study. Louis Klarevas, *Letter to the Editor*, 86 J. Trauma & Acute Care Surg. 926 (2019); see Charles DiMaggio et al., *Authors’ Response*, 87 J. TRAUMA & ACUTE CARE SURG. (2019).

The authors published the list of firearms they analyzed. Charles DiMaggio et al., *Weapon Details*, <https://perma.cc/76FS-UDDM>. Of the 34 incidents the study treated as assault-rifle shootings, 17 involved only ordinary handguns, and three more involved handguns together with conventional rifles or shotguns that are not encompassed by any ban.

Coding the firearms properly, only 12 of the 44 incidents, or about 27%, involved an “assault rifle.” Classifying one incident as not involving a mass shooting at all, and thus lowering the denominator, Klarevas arrives at an estimate of roughly 30%. In other words, roughly three-quarters of the mass shootings in the study’s own data did not involve an “assault rifle” at all, which is close to the opposite of the top-line result reported by the paper.

Independent, peer-reviewed research is consistent with the corrected count. A 2025 study in *JAMA Network Open* examining every publicly targeted fatal mass shooting from 1966 through late 2023 found that an “assault weapon” of any kind was present in only 29.9% of incidents, and was the only firearm present in only 7.1%, while a handgun was present in 78.8%. Leslie M. Barnard et al., *Firearm Type and Number of People Killed in Publicly Targeted Fatal Mass Shooting Events*, 8 *JAMA Network Open* e2458085 (2025). Through 2025, handguns remain the weapon most commonly used in mass public shootings. Rockefeller Inst. of Gov’t, *Mass Shooting Factsheet* (2025), <https://perma.cc/L5F3-8Q64>.

C. Claims that these rifles are uniquely dangerous do not withstand scrutiny and could not justify the bans in any case.

Respondents can be expected to portray AR-15s and similarly styled rifles as a uniquely destructive “weapon of war.” *See, e.g.*, Supp. Br. of Appellees at 2, *Bianchi v. Frosh*, No. 21-1255 (4th Cir. Oct. 19, 2022). As explained above, *see supra* Part I.B, so-called

“assault weapons” are among the least powerful centerfire rifles in common use. The accusations typically leveled at the .223-chambered AR-15, such as that its bullets penetrate walls and inflict devastating wounds, are even more true of most traditional hunting rifles manufactured a century ago. A .30-06 deer rifle fires a far larger bullet with substantially greater muzzle energy than the typical AR-15, see Wallace, *supra*, at 44–45, and no one supposes that deer rifles may be banned on that account.

Nor has experience shown that banning these rifles delivers exceptional safety benefits. The Department of Justice-funded assessment of the 1994 federal ban concluded that “we cannot clearly credit the ban with any of the nation’s recent drop in gun violence,” and found “no discernible reduction in the lethality and injuriousness of gun violence” during the ban years. Christopher S. Koper, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994–2003*, at 96 (2004).

Firearms homicides and mass shootings have declined precipitously at the same time that ownership of AR-15 and similarly styled rifles has expanded to include nearly one out of ten U.S. adults. As even *The Trace*³ has reported, shooting deaths

³ The Trace is funded by Everytown for Gun Safety Support Fund and The Joyce Foundation; its board president, John Feinblatt, is also president of Everytown for Gun Safety. See The Trace, *Donor and Financial Transparency* (last visited Sept. 3, 2026), <https://perma.cc/8L66-MQEE>; The Trace, *Board of*

declined for a fourth consecutive year and in 2025 were lower than in any year since 2015; and the Gun Violence Archive recorded fewer mass shootings in 2025 than in any year since 2019. The Trace, *Gun Violence by the Numbers in 2025* (Dec. 31, 2025), <https://perma.cc/CYR3-M2YQ>. RAND’s most recent meta-analysis of assault weapon ban literature likewise concludes that the evidence that such bans reduce mass shootings is inconclusive. RAND Corp., *Effects of Assault-Weapon and Magazine Bans on Mass Shootings* (2026), <https://perma.cc/84YU-RNUV>.

The European experience is also instructive. Countries in Europe severely restrict civilian ownership of these rifles, yet there have been numerous mass shootings committed with such firearms, and per capita casualties from mass public shootings in Europe have been close to those in the United States in some recent years. See John R. Lott, *How a Botched Study Fooled the World About the U.S. Share of Mass Public Shootings* (Aug. 25, 2018), <https://dx.doi.org/10.2139/ssrn.3238736>; see also Crime Prevention Research Ctr., *Comparing Death Rates from Mass Public Shootings and Mass Public Violence in the US and Europe* (June 23, 2015), <https://perma.cc/S9KC-VB6V>.

In any event, this Court has foreclosed the use of contested empirical accusations of dangerousness to strip protection from arms in common use. *Heller* held that a class of arms “overwhelmingly chosen” by law-

Directors (last visited Sept. 3, 2026), <https://perma.cc/7SKD-FC2X>.

abiding citizens could not be banned even though handguns are the weapons most often misused by criminals, because “handguns are the most popular weapon chosen by Americans for self-defense in the home.” 554 U.S. at 628–29. The constitutional question is how many law-abiding Americans keep these arms and for what purposes. The National Firearms Survey answers both with data that deserves the Court’s reliance.

CONCLUSION

The best available survey-based analysis shows that, by any measure this Court has employed, the firearms at issue here are in common use. The judgments below should be reversed.

Respectfully submitted,

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