

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
U.S. Court of Appeals for the Seventh Circuit &
U.S. Court of Appeals for the Second Circuit
BRIEF OF PALMETTO STATE ARMORY, LLC AND
THE FIREARMS REGULATORY
ACCOUNTABILITY COALITION AS *AMICI CURIAE*
SUPPORTING PETITIONERS**

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INTRODUCTION AND SUMMARY OF ARGUMENT¹

This case asks whether the Second Amendment protects the AR-15 and similar semiautomatic rifles. This Court's precedents supply the answer. These rifles are bearable "Arms," and millions of Americans commonly possess them for lawful purposes. The Court should thus answer the question presented in the affirmative.

In doing so, the Court should make clear that the Second Amendment protects the AR-15 platform as a functional rifle, not merely particular models bearing particular names. The AR-15 is not a single make, model, or fixed configuration. It is a modular platform produced in numerous configurations that share common characteristics, including semi-automatic operation and the capacity to accept detachable magazines. A holding that protects the rifle in name only would permit the same prohibition to be replicated through restrictions on its ordinary features and components.

Nor is that concern hypothetical. *Amici's* experience manufacturing firearms and representing firearms businesses demonstrates that restrictions framed in terms of particular features and components can operate as restrictions on the underlying firearm itself. The laws before the Court illustrate the point. They identify certain prohibited

¹ No party's counsel authored this brief in whole or in part. None of the parties or their counsel, nor any other person or entity, other than *amici*, their members, or their counsel, made a monetary contribution to fund the brief's preparation or submission.

rifles by name, but also define additional prohibited rifles by reference to specific features common to AR-15 platform rifles, such as detachable magazines.

The Court should therefore make clear that the constitutional status of the AR-15 platform and similar rifles does not turn on model names and cannot be avoided by banning the same rifles by reference to their ordinary features and components.

INTERESTS OF *AMICI CURIAE*

Palmetto State Armory, LLC (“PSA”) is one of the Nation’s largest firearms manufacturers. It designs, manufactures, and sells firearms, parts, and accessories for use by civilians and law-enforcement personnel. PSA manufactures AR-platform firearms and the components used to assemble and configure them.

The **Firearms Regulatory Accountability Coalition, Inc. (“FRAC”)** is a nonprofit association working to improve business conditions for the firearms industry by ensuring that the industry receives fair and consistent treatment from firearms regulatory agencies. FRAC is the premier national trade association representing U.S. firearms manufacturers, retailers, importers, and innovators on regulatory and legislative issues affecting the industry in the United States.

PSA and FRAC regularly bring suits and file amicus briefs to challenge government restrictions on firearms and firearms accessories. *See, e.g., Silencer Shop Found. v. ATF*, 2026 WL 2255460 (N.D. Tex. Aug. 5, 2026) (holding National Firearms Act’s

registration provisions unconstitutional); *see also* Br. of the FRAC and PSA as *Amici Curiae* Supporting Respondent, *Garland v. Cargill*, 602 U.S. 406 (2024) (No. 22-976); Br. of the FRAC and PSA as *Amici Curiae* Supporting Respondents, *Bondi v. VanDerStok*, 604 U.S. 458 (2025) (No. 23-852).

PSA and FRAC have seen firsthand how government regulation of accessories can restrict the use and possession of popular firearms. For example, a few years ago, the Bureau of Alcohol, Tobacco, Firearms and Explosives promulgated a rule regulating stabilizing braces—an accessory that helps users fire heavy pistols. *See Factoring Criteria for Firearms With Attached “Stabilizing Braces”*, 88 Fed. Reg. 6478 (2023). Although framed as a modest accessory regulation, ATF’s rule in reality rendered at least *3-million firearms* subject to the National Firearms Act’s registration requirements, backed by felony criminal penalties. Recognizing this firearm ban for what it was, FRAC and PSA successfully challenged the rule in court. *See FRAC v. Garland*, 112 F.4th 507 (8th Cir. 2024); *see also Mock v. Garland*, 75 F.4th 563 (5th Cir. 2023).

The stabilizing-brace litigation illustrates the broader point. Even if a firearm is constitutionally protected, that protection can be eroded if regulators can prohibit the firearm’s component parts one by one. *Amici* thus urge the Court to make clear that the Second Amendment protects the AR-15 platform and similar semi-automatic rifles, rather than only particular models or configurations. In other words, the Court should protect the rifle not only in name, but also as a functional whole. Doing so will guard against a death-by-a-thousand-cuts regulatory

approach that would circumvent the Second Amendment.

ARGUMENT

I. THE SECOND AMENDMENT PROTECTS AR-15 PLATFORM RIFLES.

The Second Amendment safeguards “the right of the people to keep and bear Arms.” U.S. Const. amend. II. As this Court explained in *District of Columbia v. Heller*, 554 U.S. 570 (2008), “Arms” includes “weapons of offence, or armour of defence,” and the term historically encompassed “all firearms.” *Id.* at 581–82 (citations omitted) (alterations accepted). The Second Amendment therefore “extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.” *Id.* at 582. The textual inquiry thus asks simply whether the challenged law concerns “any form of ‘Arms,’ *i.e.*, any weapon customarily used for offensive or defensive purposes.” *Wolford v. Lopez*, 146 S. Ct. 2032, 2043 (2026) (citing *Heller*, 554 U.S. at 584).

AR-15 platform and similar semiautomatic rifles easily satisfy that definition. They are portable firearms kept and borne for defense, and thus are “Arms” protected by the Second Amendment’s plain text. *See, e.g., Snope v. Brown*, 145 S. Ct. 1534, 1535 (2025) (statement of Thomas, J.) (“AR-15s fall squarely within this category.”); *Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Att’y Gen. N.J.*, 183 F.4th 211, 239 (3d Cir. 2026) (“Because semi-automatic rifles are firearms, they are ‘Arms’ within the meaning of the Second Amendment.”); *accord Caetano v.*

Massachusetts, 577 U.S. 411, 411 (2016) (per curiam) (applying the “bearable arms” inquiry and rejecting arguments “that the Second Amendment does not extend to stun guns”).

AR-15s and similar rifles also satisfy the rule identified in *Heller*. States may not ban arms “in common use” for lawful purposes. 554 U.S. at 624–25 (citing *United States v. Miller*, 307 U.S. 174, 179 (1939)); see *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 47 (2022). This Court has already unanimously concluded that “[t]he AR-15 is the most popular rifle in the country.” *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 297 (2025).

The data bears that out. The Third Circuit recently concluded that approximately 24 million AR-15s and similar rifles are in circulation and are possessed for lawful purposes including self-defense, target shooting, and hunting. *Ass’n of N.J. Rifle & Pistol Clubs*, 183 F.4th at 241–42. That evidence was unambiguous: “Regardless of where those lines may be drawn, the many millions of semi-automatic rifles in circulation for lawful purposes are plainly in common use.” *Id.* at 242. Indeed, the millions of lawfully possessed AR-15s make their common use “undeniabl[e].” See *Harrel v. Raoul*, 144 S. Ct. 2491, 2492 (2024) (statement of Thomas, J.) (“The AR-15 is . . . undeniably ‘in common use today.’” (quotation omitted)); *Heller v. District of Columbia*, 670 F.3d 1244, 1287 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) (finding “million[s]” of “semi-automatic AR-15 rifles” showed “common use”); accord *Caetano*, 577 U.S. at 420 (Alito, J., concurring) (finding

“hundreds of thousands of Tasers and stun guns” established common use).

Because “[t]he Second Amendment protects the right of ‘all Americans’ to keep and bear firearms for self-defense,” *United States v. Hemani*, 146 S. Ct. 1677, 1685 (2026) (quoting *Heller*, 554 U.S. at 581), States cannot exclude the Nation’s most popular rifle from constitutional protection.

II. THE COURT SHOULD ENSURE THAT CONSTITUTIONAL PROTECTION FOR AR-15 PLATFORM RIFLES CANNOT BE CIRCUMVENTED THROUGH FEATURE-BASED RESTRICTIONS.

The Court should take care to ensure that its holding protects law-abiding Americans’ right to keep and bear the AR-15 and similar semi-automatic rifles. After all, the term “AR-15” refers not to a single firearm but to a family of rifles that share common characteristics. Thus, any decision recognizing constitutional protection for those rifles should prevent States from circumventing that protection through restrictions directed at detachable magazines and other ordinary components that would functionally outlaw AR-15 platform rifles.

A. The AR-15 Platform Is A Family Of Rifles With Common Features.

The question presented asks whether the Constitution protects possession of “AR-15 platform and similar semiautomatic rifles.” That framing is important because “AR-15” does not describe a single firearm. Rather, the term refers to a family of

semiautomatic rifles built on a common platform with common characteristics but manufactured by numerous companies in varied configurations. See *Ass’n of N.J. Rifle & Pistol Clubs*, 183 F.4th at 238 (“The AR-15 is a ‘style’ of semi-automatic rifle made by various manufacturers and sold to the public since 1964.” (citation omitted)).

Consider the AR-15’s origin and modern form. The term originates from the Colt 1964 ArmaLite Rifle-15 design that featured two receivers, a long barrel, a pistol grip, a stock, and a detachable magazine. The platform today maintains this same general design but encompasses rifles produced by a wide variety of manufacturers and countless different configurations. See Nicholas J. Johnson, *Administering the Second Amendment: Law, Politics, and Taxonomy*, 50 Santa Clara L. Rev. 1263, 1270 (2010) (“Nearly all of the major manufacturers now make AR platform guns.”); *Modern Sporting Rifle: The Facts*, NSSF: The Firearm Industry Trade Association, <https://tinyurl.com/muetane5> (last visited Sep. 3, 2026). Thus, just as there is a commonly accepted definition of “car” or “bicycle” that refer to broad classes of products with shared features, the AR-15 refers to a broad class of rifles with shared capabilities and features.

There is also substantial customization within those features. Thanks to the AR-platform’s modular design, gunowners routinely configure their rifles with different barrels, stocks, grips, handguards, triggers, optics, and magazines depending on their intended use. See *How to Customize Your AR-15 For Suppression*, Silencer Shop (Oct. 22, 2024), <https://tinyurl.com/mwraat58>; *Parts & Accessories*

Guides – PSA Blog, Palmetto State Armory (June 15, 2026), <https://tinyurl.com/mr334czc>.

As a result, two rifles may both fall within the AR-15 family while differing substantially in appearance, dimensions, caliber, weight, and accessories. Indeed, the popularity of the platform stems in large part from its flexibility and adaptability, which allows law-abiding Americans to configure rifles for home defense, recreational shooting, hunting, competition, and other lawful purposes. See Stephen P. Halbrook, *Banning America’s Rifle: An Assault on the Second Amendment*, 22 *The Federalist Society Review* 152 (“The AR-15 rifle has aptly been called ‘America’s Rifle.’”); *id.* at 163 (“today rifles such as the AR-15 are in wide use for both self-protection and target competitions”); *id.* at 168 (“Semiautomatic rifles with magazines holding 10, 15, 20, and 30 cartridges have become common for use in target shooting, competitions, hunting, self-protection, protection of livestock, law enforcement, and other lawful purposes.”).

That modularity and customizability does not make each component extraneous to the platform. A detachable magazine, for example, holds and supplies the ammunition that the rifle’s semiautomatic action loads and fires one round at a time. See Matt Rittman, *How an AR-15 Works*, YouTube, at 0:15–0:58 (Aug. 10, 2022), <https://tinyurl.com/24eykv53> (illustrating how an AR-15 detachable magazine is loaded). Magazines capable of holding more than ten rounds likewise are not exotic deviations from the platform. See *Ass’n of N.J. Rifle and Pistol Clubs, Inc.*, 183 F.4th at 249–50 (explaining that the “24 million AR-15s and similar sport rifles in circulation . . . typically come standard

with twenty- or thirty-round magazines,” and “there are over 100 million 30-round AR-15 magazines in circulation”). They have been manufactured and possessed nationwide for decades. *See NSSF Report Reveals Firearm Magazines with Capacity Over 10 Rounds is National Standard*, NSSF: The Firearm Industry Trade Association (Apr. 12, 2024), <https://tinyurl.com/4u5u74w7> (discussing the Detachable Magazine Report that surveyed 30-plus years of detachable magazine production and confirmed that “the national standard for magazine capacity for America’s gun owners is greater than 10 rounds”). In other words, detachable magazines are an ordinary characteristic of AR-15 platform rifles.

Because the AR-15 platform encompasses numerous rifles and configurations, constitutional protection cannot turn on a particular configuration of a particular firearm. A decision protecting only a narrow subset of AR-15 platform rifles would invite governments to redraw the relevant category through feature-based definitions and component restrictions. For example, if it is permissible to enact laws—like the statutes at issue here—that ban semiautomatic firearms based on the presence of detachable magazines, adjustable stocks, or pistol grips, then regulators can effectively prohibit broad categories of the AR-15 platform and similar rifles.

B. Constitutional Protection For AR-15 Platform Rifles Should Not Be Circumvented Through Feature-Based Restrictions.

Some jurisdictions have restricted discrete components of protected Arms—effectively banning the underlying firearm through piecemeal

regulations. If this Court holds that AR-15 platform and similar semiautomatic rifles are protected Arms, it should make clear that States may not circumvent that holding through feature-based definitions that effectively prohibit the same rifles.

1. Some Jurisdictions Impose Bans On Discrete Features Of Protected Arms To Effectively Ban The Arm Itself.

Recognition that AR-15 rifles are protected arms will mean little if States and localities may simply ban detachable magazines and other ordinary components through which those rifles operate, or the common features and accessories through which owners regularly configure them for lawful uses. That concern is neither speculative nor novel in the Second Amendment context. After this Court invalidated New York’s restrictive public-carry regime in *Bruen*, Hawaii (and four other States) replaced its prior law with a “new method of restricting law-abiding citizens from carrying firearms for self-defense” that “achieved a similar result.” *Wolford*, 146 S. Ct. at 2040, 2045. This Court rejected that effort because the resulting “tight web of laws” “hobble[d] what the Second Amendment protects: the right of Americans to carry arms for self-defense as they go about their daily lives.” *Id.* at 2041, 2046.

Some States may try to do the same here if the Court leaves any ambiguity in holding that AR-15s are protected by the Second Amendment. The most immediate route would be to leave the rifle nominally protected while prohibiting its core features.

The laws at issue in this case are prime examples. Cook County’s ordinance prohibits a semiautomatic rifle capable of accepting a detachable magazine if the rifle also has a pistol grip, a forward grip, a folding, telescoping, or thumbhole stock, a barrel shroud, or a muzzle brake. Cook County, Ill., Code § 54-211(1)(A)–(E). Connecticut similarly prohibits a semiautomatic rifle “that has an ability to accept a detachable magazine” and any one of a “folding or telescoping stock,” “[a]ny grip of the weapon, including a pistol grip” or “thumbhole stock,” or other features. Conn. Gen. Stat. § 53-202a(1)(E). Because features like detachable magazines, grips, and folding stocks are ubiquitous among AR-15s and similar rifles, these feature-based restrictions operate, in effect, as bans on the most popular rifles in America.

Other examples abound. Illinois’s statute prohibits a semiautomatic rifle that accepts a detachable magazine and possesses one additional feature, “such as a pistol grip or a flash suppressor,” while separately banning numerous identified AR-platform variants. 720 Ill. Comp. Stat. 5/24-1.9(a)(1)(A); see *Bevis v. City of Naperville*, 85 F.4th 1175, 1207–08 (7th Cir. 2023) (Brennan, J., dissenting) (explaining that Illinois’s law “dramatically redefines the legality of firearms and magazines in Illinois” and “bans almost 100 more rifles by name”). Comparable laws target thumbhole stocks, forward grips, barrel shrouds, fixed magazines exceeding ten rounds, and dozens of named semiautomatic firearms built on the same platform. See, e.g., *Bianchi v. Brown*, 111 F.4th 438, 442–43 (4th Cir. 2024) (describing Maryland’s ban). And more States have recently tried to join the mix. E.g., Va. Code. Ann. § 18.2-308.2:2(F) (prohibiting covered

transactions involving semiautomatic centerfire rifles defined through a detachable-magazine-plus-feature test). *But see Santolla v. Katz*, No. CL26-1139, letter op. at 5–6 (Va. Cir. Ct. Wash. Cnty. June 29, 2026), <https://tinyurl.com/4jcfj4tk> (preliminarily enjoining Virginia’s firearm and magazine bans after concluding that the feature-based definition covered “virtually all semi-automatic centerfire rifles including the AR-15 style rifles” and likely violated the right to keep and bear arms), amended by letter op. at 2–3 (July 7, 2026), <https://tinyurl.com/2h2ub6y2> (extending injunction statewide); *see also Crump v. Katz*, No. CL26000201-00, Order Granting Preliminary Injunction (Va. Cir. Ct. Lancaster Cnty. June 30, 2026), <https://tinyurl.com/5n7x2y8t> (separately preliminarily enjoining enforcement of the amended “assault firearm” definition, operative firearms prohibitions, and magazine restriction).

A common tactic some States have employed is to place strict limits on the detachable magazines that feed ammunition into the AR-15 rifle. California, for example, outlaws what it calls “large-capacity magazines.” But its definition for these magazines—those “capable of accepting more than ten rounds of ammunition”—means that the State prohibits “the *most common* magazines in the country” owned by “nearly 40 million Americans.” *Duncan v. Bonta*, 133 F.4th 852, 891–92 (9th Cir. 2025) (en banc) (emphasis in original) (Bumatay, J., dissenting); *accord Ass’n of N.J. Rifle & Pistol Clubs*, 183 F.4th at 250 (noting that “there are over 100 million 30-round AR-15 magazines in circulation”).

The Ninth Circuit, in upholding this ban, employed reasoning that illustrates how a holding

that protects the AR-15 could be narrowed in practice. In that court’s view, a magazine with more than ten rounds receives no Second Amendment protection because it is not itself an “Arm,” *see Duncan*, 133 F.4th at 867 (“Without an accompanying firearm, a large-capacity magazine is benign, useless in combat for either offense or defense.”), and because a rifle may still be fired using a magazine with “ten or fewer rounds,” *id.* at 868.

The Ninth Circuit’s reasoning would allow States to effectively ban *any* firearm—including AR-15s. After all, even though AR-15s are designed to be used with a detachable magazine, it is technically possible to fire any firearm by chambering a single bullet. Taken to its logical conclusion then, the Ninth Circuit’s reasoning would allow States to limit gun owners to single-shot weapons—eviscerating much of the market today and banning all AR-15s—without even implicating the Second Amendment. Allowing regulators to use component-by-component restrictions to fundamentally change the firearms available to the public runs afoul of this Court’s teaching that States cannot “ban the possession of [a protected Arm] so long as the possession of other firearms . . . is allowed.” *Heller*, 554 U.S. at 629.

This logic also does not end at magazines. Consider barrels as another example. Virtually every firearm—including the AR-15—uses a barrel. And that is for good reason: “In rifles and handguns, the barrel is the single most important factor in determining accuracy.” *Gun Barrels: How Do They Work?*, NRA Family (Oct. 4, 2017), <https://tinyurl.com/428jjbrm>. “Accuracy, in turn, promotes safety.” *Mock*, 75 F.4th at 588 (Willet, J.,

concurring). However, guns “can fire even with no barrel”—albeit with serious adverse impacts on accuracy. Brad Miller, *Who Needs a Barrel?*, *Guns Magazine* (2022), <https://tinyurl.com/6c9f77b6>. Thus, if barrels are not afforded Second Amendment protection, States would have broad authority to restrict the weapons available to Americans—including AR-15s.

The same goes for shoulder stocks (also called buttstocks). Most long guns use shoulder stocks for a simple reason: they allow the user to more safely and effectively fire larger-caliber ammunition by absorbing the recoil in his shoulder. *See How to Choose the Right AR-15 Rifle Stock*, Palmetto State Armory, <https://tinyurl.com/a2pjsnut> (last visited Sep. 3, 2026) (“A rifle’s stock is the most critical component of any gun’s ergonomics.”). However, it is possible to operate such guns without stocks. Indeed, there are firearms on the market that shoot shotgun shells without shoulder stocks. *See, e.g.*, 590 Shockwave, Mossberg, <https://tinyurl.com/yc26sv5u> (last visited Sep. 3, 2026). So, just like with magazines and barrels, banning shoulder stocks could severely restrict the availability of AR-15s—along with virtually every other standard rifle or shotgun.

The bottom line is simple: holding that the Second Amendment protects the AR-15 would be a hollow guarantee if that protection extends to the rifle in name only.

2. Any Holding Protecting AR-15 Platform Rifles Should Guard Against Indirect Feature-Based Prohibitions.

If this Court holds that the Second Amendment protects the AR-15 and similar semiautomatic rifles, it should make clear that States may not circumvent this protection by banning capabilities and features common to this family of firearms.

That holding would reflect core constitutional principles. By preventing the use of piecemeal component regulations to effectively ban protected Arms, this Court would stop States from “do[ing] indirectly what [they are] barred from doing directly.” *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 190 (2024); cf. *Cummings v. Missouri*, 71 U.S. 277, 288 (1866) (“what cannot be done directly cannot be done indirectly”). That ensures constitutional protections rest on “substance over labels,” *McElrath v. Georgia*, 601 U.S. 87, 96 (2024), and prevents the Second Amendment from being “easily circumvented” such that it is rendered a “vain and idle enactment,” *Monge v. California*, 524 U.S. 721, 738 (1998) (Scalia, J., dissenting) (quotations omitted) (alterations accepted) (quoting *Slaughter-House Cases*, 83 U.S. 36 (1872)).

Protection of common AR-15 components and accessories would also align with the text of the Second Amendment. The Second Amendment “extends, prima facie, to all instruments that constitute bearable arms,” including “modern instruments that facilitate armed self-defense.” *Bruen*, 597 U.S. at 28 (quoting *Heller*, 554 U.S. at 582). That includes the accessories and components

of a firearm because they work to “facilitate armed defense.” *Ibid.*; cf. *Heller*, 554 U.S. at 628–30, 635 (invalidating D.C. law that required firearms to be “disassembled or bound by a trigger lock at all times” because those restrictions “render[ed] it inoperable” and made it “impossible for citizens to use [a firearm] for the core lawful purpose of self-defense”). Indeed, this Court has recognized in construing federal firearms law that a firearm’s legal character depends on its component parts. See *United States v. Thompson/Center Arms Co.*, 504 U.S. 505, 510 (1992) (plurality opinion) (“Congress must . . . have understood ‘making’ to cover more than final assembly,” and thus “some disassembled aggregation of parts must be included.”); see also *Ass’n of N.J. Rifle & Pistol Clubs, Inc.*, 183 F.4th at 247 (explaining that because “magazines feed ammunition into certain guns, and ammunition is necessary for such a gun to function as intended,” magazines themselves qualify as protected “Arms”).

Components protection comports with the Second Amendment’s antimajoritarian purpose. The Second Amendment, like much of the Bill of Rights, was designed to “guard against [the right’s] . . . erosion by majoritarian legislation or judicial fiat.” *Hemani*, 146 S. Ct. at 1685 (citing *Bruen*, 597 U.S. at 25). As *Heller* cautioned, “[t]he very enumeration of the right takes out of the hands of government” the authority to decide whether the right “is *really worth* insisting upon.” 554 U.S. at 634 (emphasis in original). Allowing regulators to dictate through feature-based restrictions the Arms available to law-abiding Americans would vest with the Government a power the Second Amendment guaranteed to “the people.” U.S. Const. amend. II.

Protecting the common features of AR-15s also reflects the maxim that constitutional rights protect the acts and instrumentalities necessary to their meaningful exercise. *See, e.g., Luis v. United States*, 578 U.S. 5, 26 (2016) (Thomas, J., concurring) (“Constitutional rights . . . implicitly protect those closely related acts necessary to their exercise.”); *accord Hanson v. District of Columbia*, 120 F.4th 223, 232 (D.C. Cir. 2024) (explaining that the government cannot “sidestep the Second Amendment with a regulation prohibiting possession at the component level,” including by banning “a firing pin” (citation omitted)). Thus, just as a restraint on printing offends the First Amendment because it restrains the ability to speak, *see Grosjean v. Am. Press Co.*, 297 U.S. 233, 245 (1936), a restriction on common firearms components or accessories offends the Second Amendment because it restrains the ability to keep and bear Arms.

Preventing States from disaggregating protected firearms into individual features and components is the only workable approach to effectuate the Second Amendment’s guarantees. It accommodates the reality that a “web of laws” that do not technically regulate firearms as such can still “severely restrict[]” Americans’ rights protected by the Second Amendment. *Wolford*, 146 S. Ct. at 2046. And it avoids the kind of “judge-empowering interest-balancing inquiry,” *Bruen*, 597 U.S. at 22 (quotations omitted), that would result from an amorphous inquiry of *which* piecemeal elements of the AR-15 are permissible based on “future judges’ assessments of [their] usefulness,” *Heller*, 554 U.S. at 634. In other words, judges should not be permitted to declare that *some* “magazine[s] for firearms” are protected, “[b]ut

[not] a *large-capacity* magazine.” *Duncan*, 133 F.4th at 867–68 (emphasis in original); *see id.* at 899 (Bumatay, J., dissenting) (“As soon as you add one more round—*poof*—the magazine . . . disappears from the Second Amendment’s ambit. Call this the ‘magic bullet’ theory of the Ninth Circuit.”).

At bottom, drawing constitutional lines among individual firearm components would invite the very erosion against which the Second Amendment guards. Today, a State may decide to prohibit the detachable magazines ordinarily possessed with AR-15 platform rifles. Tomorrow, it may target stocks, grips, receivers, handguards, bolts, barrels, or other components ubiquitous among lawful owners. The cumulative result would be constitutional protection for an abstraction, not for the functional rifles Americans actually keep and bear. The Constitution cannot tolerate such a result. When “the government crosses the line from permissible regulation into unconstitutional infringement,” courts have “a duty to say so,” “no less in the Second Amendment context than in any other.” *Hemani*, 146 S. Ct. at 1685 (citing *Bruen*, 597 U.S. at 17).

The Court should therefore make clear that States cannot evade constitutional protection for the AR-15 platform by banning its common characteristics and features.

CONCLUSION

The Court should reverse.

Respectfully Submitted,

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