

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, et al., *Respondents*.

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

**Brief for Amici Curiae the U.S. Sportsmen's
Alliance Foundation and Safari Club International
in Support of the Petitioners**

MICHAEL T. JEAN
Counsel of Record
U.S. Sportsmen's Alliance
Foundation
801 Kingsmill Parkway
Columbus, Ohio 43229
(248) 508-9765
MJean@sportsmensalliance.org
*Counsel for U.S. Sportsmen's
Alliance Foundation*

REGINA LENNOX
MADELINE DEMASKE
Safari Club
International
501 2nd Street NE
Washington, DC 20002
(202) 543-8733
litigation@safariclub.org
*Counsel for Safari Club
International*

September 4, 2026

TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF AUTHORITIES.....	iii
INTEREST OF AMICUS CURIAE.....	1
SUMMARY OF THE ARGUMENT	2
ARGUMENT	4
I. SEMI-AUTOMATIC RIFLES ARE ARMS IN COMMON USE FOR LAWFUL PURPOSES, INCLUDING HUNTING.	5
A. Semi-automatic rifles are arms covered by the plain text of the Second Amendment.....	5
B. Any firearms used for hunting are arms protected by the Second Amendment.....	5
1. <i>The Second Amendment historically protected arms that were commonly used for hunting.</i>	5
2. <i>Semi-automatic firearms are commonly used for hunting in the United States.</i>	9
C. Semi-automatic rifles are not dangerous and unusual.....	11
1. <i>The government cannot ban protected arms by merely claiming that they are dangerous.</i>	11
2. <i>Protected arms cannot be banned because a subset of the population uses them illegally.</i> 12	
D. The banned features are not dangerous and unusual.....	13

II. THERE IS NO PRECEDENT FOR BANNING A CLASS OF COMMONLY OWNED ARMS..	15
A. The semi-automatic rifle bans fail under a straightforward application of <i>Heller</i> and <i>Bruen</i>	15
B. This case does not call for a more nuanced approach.....	16
CONCLUSION	17

TABLE OF AUTHORITIES

Cases

<i>Almeida-Sanchez v. United States</i> , 413 U.S. 266 (1973)	11
<i>Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Att’y Gen. of New Jersey</i> , 183 F.4th 211 (3d Cir. 2026).....	9, 12
<i>Caetano v. Massachusetts</i> , 577 U.S. 411 (2016)	9
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008)	2, 3, 5, 9, 11, 12, 16
<i>Heller v. District of Columbia (“Heller II”)</i> , 670 F.3d 1244 (D.C. Cir. 2011)	5, 10, 13, 14
<i>Miller v. Bonta</i> , 542 F. Supp. 3d 1009 (S.D. Cal. 2021).....	14, 15
<i>N.Y. State Rifle & Pistol Ass’n v. Bruen</i> , 597 U.S. 1 (2022)	3, 4, 9, 15, 16
<i>N.Y. State Rifle & Pistol Ass’n, Inc. v. City of New York</i> , 590 U.S. 336 (2020).....	14
<i>N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo</i> , 804 F.3d 242 (2d Cir. 2015).....	15
<i>N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo</i> , 990 F. Supp. 2d 349 (W.D.N.Y. 2013).....	14
<i>Se. Promotions Ltd. v. Conrad</i> , 420 U.S. 546 (1975)	12
<i>Stenberg v. Carhart</i> , 530 U.S. 914 (2000)	12
<i>United States v. Rahimi</i> , 602 U.S. 680 (2024)	4, 8

<i>Wolford v. Lopez</i> , 146 S. Ct. 2032 (2026)	4, 5, 6, 11
---	-------------

Statutes

18 U.S.C. § 921(a)	13
18 U.S.C. § 922(a)	13
18 U.S.C. § 922(b)	13
Code of Ordinances of Cook Cnty., Ill., § 54-211(1)	13, 14
Conn. Gen. Stat. § 53-202a	13

Other Authorities

Adams, John S., <i>Montana Supreme Court: VanDyke takes the spotlight</i> , Great Falls Tribune (Sept. 17, 2014)	10
Bellesiles, Michael A., <i>Firearms Regulation: A Historical Overview</i> , 28 Crime & Just. 137 (2001)	7, 8
Blumm, Michael C., & Ritchie, Lucas, <i>The Pioneer Spirit and the Public Trust: The American Rule of Capture and State Ownership of Wildlife</i> , 35 Env'tl. L. 673 (2005)	6, 7, 8
Churchill, Robert H., <i>Gun Regulation, the Police Power, and the Right to Keep Arms in Early America: The Legal Context of the Second Amendment</i> , 25 Law & Hist. Rev. 139 (2007)	9
Drabold, Will, <i>Here Are 7 Animals Hunters Kill Using an AR-15</i> , Time Magazine (July 6, 2016)	10
Favre, David S., <i>Wildlife Rights: The Ever-Widening Circle</i> , 9 Env'tl. L. 241 (1979)	7

Lueck, Dean, <i>The Economic Nature of Wildlife Law</i> , 81 J. Legal Stud. 291 (1989)	7
Smith, Mark W., NYSRPA v. Bruen: <i>A Supreme Court Victory for the Right to Keep and Bear Arms—and a Strong Rebuke to “Inferior Courts”</i> , 24 Harv. J.L. Pub. Pol’y Per Curium 1 (2022).....	16
Spitzer, Robert J., <i>Gun Law History in the U.S. & Second Amend. Rights</i> , 80 L. & Contemp. Probs. 55 (2017)	8
Usman, Jeffrey O., <i>The Game is Afoot: Constitutionalizing the Right to Hunt and Fish in the Tennessee Constitution</i> , 77 Tenn. L. Rev. 57 (2009)	8
Treatises	
2 Blackstone, <i>Commentaries</i> (St. George Tucker ed. 1803)	7, 8
2 William Blackstone, <i>Commentaries on the Laws of England</i> (1766)	6

INTEREST OF AMICUS CURIAE¹

The U.S. Sportsmen’s Alliance Foundation (“Sportsmen’s Alliance”) is an Ohio-based organization, incorporated under § 501(c)(3) of the Internal Revenue Code. It is dedicated to promoting and educating the public about our hunting, fishing, and trapping heritage, and science-based wildlife management. Sportsmen’s Alliance achieves its mission through public education and issue research, conducted both on its own and through partnerships with local sportsmen and conservation organizations. It also engages in litigation to protect hunting, trapping, fishing, and scientific wildlife management. Sportsmen’s Alliance has organizational members, including its parallel entity, the U.S. Sportsmen’s Alliance, an I.R.C. § 501(c)(4) nonprofit, whose membership consists of sportsmen from across the country, including from Connecticut and Illinois.

Safari Club International (“SCI”) is an Internal Revenue Code § 501(c)(4) nonprofit organization incorporated in Arizona and headquartered in Washington, DC. SCI has approximately 100,000 members and advocates and 180 chapters across the country and around the world. SCI has thousands of members and two chapters in Connecticut and Illinois. SCI’s missions include promoting hunting and sustainable-use conservation, as well as educating the public, courts, and policymakers about hunting and its role as a con-

¹ In accordance with Rule 37.6, counsel for amici curiae certifies that this brief was not authored in whole or in part by counsel for any party and that no person or entity other than amicus curiae, its members, or its counsel has made a monetary contribution for the preparation or submission of this brief.

servation and wildlife management tool. In advancing its missions, SCI advocates for expanding and protecting hunting access, which includes the use of firearms as a common method of harvesting game. SCI regularly intervenes in litigation that threatens the rights of SCI members and other hunters to use certain firearms or ammunition for hunting.

Sportsmen's Alliance and SCI have an interest in defending the Second Amendment. Firearms are part and parcel of our hunting heritage. Hunting is one of the core, lawful purposes for which arms can be kept under the Second Amendment, and many people place a higher value on hunting than some of the more frequently cited purposes behind the Second Amendment. *District of Columbia v. Heller*, 554 U.S. 570, 583 n.7, 599 (2008). The firearms at issue in this case are in common use for hunting, and Sportsmen's Alliance and SCI have an interest in ensuring that point is fully presented. This presentation will aid the Court in deciding this case.

SUMMARY OF THE ARGUMENT

In *Heller*, this Court held that handguns, the most popular type of firearm in the country, could not be banned under the Second Amendment. Now it must decide if semi-automatic rifles, the second most popular type of firearm owned by ordinary Americans, can be banned under the Second Amendment. The answer is no.

Semi-automatic rifles are arms under the plain meaning of the Second Amendment. They have been and currently are used for lawful purposes, including hunting, which is the focus of this brief.

Hunters have been using semi-automatic rifles for over a century. The AR-15 rifle is one of the most commonly used. Its popularity turns on a number of factors: ease of use, weight and portability, affordability, adaptability, and more. It is regularly used for wildlife management, predator hunting, and medium-to-large game hunting.

Any arm commonly used for hunting cannot be banned under the Second Amendment. The Second Amendment is a direct repudiation of classist European laws that prohibited common people from owning firearms and harvesting game. Moreover, in this country's early years, ordinary Americans were expected to assemble for militia duty with their arms, and many did so with their hunting firearms. The founders would not have imagined banning these arms.

Nor are semi-automatic rifles dangerous and unusual. They are the second most popular type of firearm, due in large part to their use in recreational shooting and hunting. They are rarely used in crimes—far less than handguns, the most popular type of firearm. The government cannot ban them by falsely labeling them “assault weapons.” Moreover, the banned features are not dangerous or unusual. They are incremental improvements to traditional grips, stocks, forearms, and muzzles—not dramatic technological advances.

Accordingly, the bans that Cook County and Connecticut have enacted fail under a straightforward application of *Heller* and *New York State Rifle and Pistol Association v. Bruen*, 597 U.S. 1 (2022). The Court should strike them down.

ARGUMENT

“[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.” *Bruen*, 597 U.S. at 17. And “[o]nly if a firearm regulation is consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside the Second Amendment’s ‘unqualified command.’” *Id.* (citation omitted).

At the first step of the textual analysis, the Court considers three “subsidiary questions”: first, “does the law apply to ‘the people’—which is to say, to ‘all members of the political community?’”; second, “does it concern any form of ‘Arms,’ i.e., any weapon customarily used for offensive or defensive purposes?”; and third “does the law place any restrictions on ... the ‘keeping’ (i.e., possession) ... of arms?” *Wolford v. Lopez*, 146 S. Ct. 2032, 2043 (2026). If the answers are yes, as they are here,² the law “is presumptively unconstitutional.” *Id.* at 2044.

That leads to the second step, where the government “bears the burden to ‘justify its regulation.’” *United States v. Rahimi*, 602 U.S. 680, 691 (2024) (quoting *Bruen*, 597 U.S. at 24). It must show that the regulation is “part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.” *Bruen*, 597 U.S. at 19. The semi-automatic rifle bans at issue here fail this straightforward test.

² The only subsidiary question at issue here is whether semi-automatic rifles are arms. It is undeniable that bans enacted by Cook County and the State of Connecticut apply to ordinary Americans and to the possession of arms.

I. SEMI-AUTOMATIC RIFLES ARE ARMS IN COMMON USE FOR LAWFUL PURPOSES, INCLUDING HUNTING.

A. Semi-automatic rifles are arms covered by the plain text of the Second Amendment.

Semi-automatic rifles are clearly arms under the Second Amendment. They are “customarily used for offensive or defensive purposes.” *Wolford*, 146 S. Ct. at 2043. They fall within the plain meaning of the term, as the founders would have understood it. *See Heller*, 554 U.S. at 581 (collecting founding era dictionary definitions). Moreover, “[t]here is no meaningful or persuasive constitutional distinction between semi-automatic handguns and semi-automatic rifles.” *Heller v. District of Columbia (“Heller II”)*, 670 F.3d 1244, 1269 (D.C. Cir. 2011) (Kavanaugh, J., dissenting). Semi-automatic rifles, therefore, are protected under the plain meaning of the Second Amendment, just as handguns are.

B. Any firearms used for hunting are arms protected by the Second Amendment.

Although additional historical analysis is not *required* at step one, the historical analysis confirms that semi-automatic rifles are protected by the Second Amendment because they are commonly used for lawful hunting. *Heller*, 554 U.S. at 599.

1. *The Second Amendment historically protected arms that were commonly used for hunting.*

The Court has been clear that the founders’ “central concern” behind the Second Amendment was “se-

curing the fundamental right of self-defense.” *Wolford*, 146 S. Ct. at 2042 (citation omitted). The need was particularly acute in the late 18th century, when the lack of police forces meant that the American people were left on their own to defend themselves. But self-defense is not the only reason the right to keep and bear arms was secured “among the other treasured liberties protected by the Bill of Rights.” *Id.* Indeed, “most Americans in the late 18th century also ‘undoubtedly thought’ that the codified Second Amendment was ‘important for hunting,’ which, particularly for those moving west, was an important source of sustenance.” *Id.* at 2042 n.4 (citation omitted).

There was good reason to protect arms used for hunting. Common people (i.e., those who were not among the peerage) could not hunt in the European feudal system, which required keeping them “in as low a condition as possible, and especially to prohibit them the use of arms. Nothing could do this more effectually than a prohibition of hunting and sporting....” 2 William Blackstone, *Commentaries on the Laws of England* 413 (1766). Accordingly, game was managed “for the benefit of the king and his favored subjects.” Michael C. Blumm & Lucas Ritchie, *The Pioneer Spirit and the Public Trust: The American Rule of Capture and State Ownership of Wildlife*, 35 *Envtl. L.* 673, 680 (2005). If an ordinary individual hunted without the King’s blessing, he could be punished “by castration, banishment, and even death.” *Id.* King James I made the Crown’s position clear in dismissing the idea that common people should be able to keep arms for hunting: “It is not fit that clowns should have these sports.” Michael A. Bellesiles, *Firearms Regula-*

tion: A Historical Overview, 28 *Crime & Just.* 137, 140–41 (2001) (citation omitted).

To keep common men from hunting, Parliament passed “game laws” or “qualification acts,” which were in effect from 1389 to 1831. Dean Lueck, *The Economic Nature of Wildlife Law*, 81 *J. Legal Stud.* 291, 293 (1989). Under these laws, only men who owned significant quantities of income-producing land (estimated at over 350 acres), were the “son or heir-apparent of an esquire, or other person of higher degree,” or had authorization from the Crown could hunt. *Id.* at 294, n.14. Anyone who was not qualified under the statute was prohibited from hunting and “restricted from owning hounds and other ‘engines’ (such as guns, traps, and nets) used to kill game.” *Id.* As a further example, the Game Act of 1671 declared that possession of a firearm by an unqualified person automatically established an intent to hunt and authorized the seizure of the firearm. Bellesiles, *Firearms Regulation*, at 141. Thus, these qualification laws also served as a pretext for depriving people of their rights to self-defense, in the name of protecting wildlife. 2 Blackstone, *Commentaries*, 414 n.3 (St. George Tucker ed. 1803).

“During the early years of the colonial period, Americans tried to adopt the English class system and the English method of controlling wildlife.” David S. Favre, *Wildlife Rights: The Ever-Widening Circle*, 9 *Envtl. L.* 241, 247 (1979). That did not last long. “America’s early settlers promptly rejected their mother country’s legacy of conditioning the right to take game on wealth and birthright.” Blumm & Ritchie, *The Pioneer Spirit and the Public Trust*, at 685 (citation omitted). Nineteenth-century courts con-

sistently rejected qualification laws as “productive of tyranny” and “contrary to the spirit of our institutions.” *Id.* at 685 n.77 (collecting authorities). In fact, St. George Tucker observed that the Second Amendment gives “hope” that “the people,” not just “independent country gentleman,” will hold the right to keep and bear arms “as the surest pledge of their liberty.” 2 Blackstone, *Commentaries* at 414 n.3 (St. George Tucker ed., 1803).³

After rejecting the class-based system of hunting, States affirmatively allowed (and continue to allow) hunting using firearms. *E.g.*, Robert J. Spitzer, *Gun Law History in the U.S. & Second Amend. Rights*, 80 L. & Contemp. Probs. 55, 60 (2017); Jeffrey O. Usman, *The Game is Afoot: Constitutionalizing the Right to Hunt and Fish in the Tennessee Constitution*, 77 Tenn. L. Rev. 57, 80–81 (2009).

As access to hunting with firearms for the common man expanded, the common man’s choice of arms for militia service reflected this focus and common use. “Throughout early American history, militiamen routinely came to muster with hunting weapons of all kinds. Muskets, rifles and fowling pieces, and ‘smooth bored guns or firelocks,’ were commonly recorded on official reports of militia armament, and Revolutionary militiamen often went into battle with whatever

³ Unfortunately, the lessons from the past were not always remembered: “all the southern states had race-based restrictions on hunting, militia membership, and gun ownership that had been actively enforced in the antebellum period.” Bellesiles, *Firearms Regulation* at 159. But these should be remembered only as cautionary tales and not incorporated into modern constitutional jurisprudence. *Rahimi*, 602 U.S. at 775–76 (Thomas, J., dissenting).

weapons came to hand.” Robert H. Churchill, *Gun Regulation, the Police Power, and the Right to Keep Arms in Early America: The Legal Context of the Second Amendment*, 25 Law & Hist. Rev. 139, 167 (2007). “The keeping of” these arms “by individual citizens was a private act rendered immune from state interference because it facilitated the public act of collective self-defense.” *Id.*

2. Semi-automatic firearms are commonly used for hunting in the United States.

The historical tradition confirms that arms were commonly used for hunting. And modern evidence confirms that semi-automatic rifles are “in common use” today and are not in any way “highly unusual in society at large.” *Bruen*, 597 U.S. at 47 (quoting *Heller*, 554 U.S. at 627). Tens of millions of Americans own semi-automatic sporting rifles and use them for lawful purposes. Recently, a court “found that there are around 24 million AR-15s and similar sports weapons in circulation—a figure that is surpassed only by the number of registered handgun owners within the United States.” *Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Att’y Gen. of New Jersey*, 183 F.4th 211, 241 (3d Cir. 2026). That figure dwarfs the roughly 200,000 civilians who owned stun guns and tasers when the Court held that they were protected under the Second Amendment. *Caetano v. Massachusetts*, 577 U.S. 411, 420 (2016) (Alito, J., concurring).

Hunting is one of the primary purposes for owning and using a semi-automatic rifle. Many Americans use these firearms for predator hunting, varmint control, and medium- to big-game hunting, depending on which ammunition is chambered. “Semiautomatic rifles,” such as the Winchester Models 1903, 1905, 1907,

and 1910, “have been used to hunt since the early 1900s.” Will Drabold, *Here Are 7 Animals Hunters Kill Using an AR-15*, Time Magazine (July 6, 2016), available at <https://time.com/4390506/gun-control-ar-15-semiautomatic-rifles/>. In fact, just before Colt introduced the AR-15 to the civilian market in 1963, it advertised the firearm as a “superb hunting partner.” *Id.* That statement is still true.

AR-platform firearms are commonly used for hunting for a number of reasons. Their relatively light weight and ability to be taken down allows them to be carried in backpacks on goat hunts in the Hawaiian mountains. *Id.* For animals that travel in packs and move quickly—like hogs in Texas, antelope jackrabbits in Arizona, coyotes in Maine, or seals (harvested by native subsistence hunters) in Alaska—a second shot can be fired quickly without taking an eye off the target or moving the hand to work the bolt. *Id.* Even federal judges have been known to enjoy hunting with semi-automatic rifles. John S. Adams, *Montana Supreme Court: VanDyke takes the spotlight*, Great Falls Tribune (Sept. 17, 2014), available at <https://www.greatfallstribune.com/story/news/local/2014/09/17/vandyke-politician-nature/15812491/> (“Plus semi-auto firearms are fun to hunt elk with, as the attached picture attests.” (quoting an email from then Solicitor General of Montana Lawrence VanDyke)).

It is no surprise then that courts have found, “[s]emi-automatic rifles ... are in common use by law-abiding citizens for ... hunting, and other lawful uses.” *Heller II*, 670 F.3d at 1269 (Kavanaugh, J., dissenting). Accordingly, semi-automatic rifles are arms protected by the Second Amendment.

C. Semi-automatic rifles are not dangerous and unusual.

Cook County and Connecticut seek to subvert the Second Amendment’s text and the people’s historical tradition by asserting that semi-automatic rifles are “dangerous and unusual” and fall outside of the Second Amendment’s protections. *See Heller*, 554 U.S. at 627. But semi-automatic rifles are neither. The government cannot nullify the Second Amendment by invoking these words, or by relying on limited data suggesting that a small subset misuses these arms.

1. *The government cannot ban protected arms by merely claiming that they are dangerous.*

Firearms cannot be banned merely by claiming they are dangerous. Arms covered by the Second Amendment are “customarily used for offensive or defensive purposes.” *Wolford*, 146 S. Ct. at 2043. They include “any thing that a man wears for his defence, or takes into his hands, or useth in wrath to cast at or strike another.” *Heller*, 554 U.S. at 581 (citation omitted). Under that definition, *all* arms have the potential to be dangerous. Their dangerous potential is what makes them valuable for hunting and defense in the first place. The Second Amendment would be meaningless, however, if anything classified as “dangerous” to regulators could be banned. *Cf. Almeida-Sanchez v. United States*, 413 U.S. 266, 273 (1973) (“The needs of law enforcement stand in constant tension with the Constitution’s protections of the individual against certain exercises of official power. It is precisely the predictability of these pressures that counsels a resolute loyalty to constitutional safeguards”).

Yet, these common arms are banned under the false pretense of being so-called “assault weapons.” First, that is a made-up and intentionally pejorative term. “Prior to 1989, the term ‘assault weapon’ did not exist in the lexicon of firearms. It is a political term, developed by anti-gun publicists to expand the category of ‘assault rifles’ so as to allow an attack on as many additional firearms as possible on the basis of undefined evil appearance.” *Stenberg v. Carhart*, 530 U.S. 914, 1001 n.16 (2000) (Thomas, J., dissenting) (citation omitted). And second, that is insufficient to justify a restriction on an enumerated, fundamental right. “While the State is welcome to market its policy goals using catchy slogans, the rights of our Republic are built on sturdier stuff.” *Ass’n of N.J. Rifle & Pistol Clubs*, 183 F.4th at 262 (Matey, J., concurring) (cleaned up). Cook County and Connecticut cannot defend their broad bans on the possession and use of arms with bare labels that are unsupported by data, history, or common sense.

***2. Protected arms cannot be banned
because a subset of the population
uses them illegally.***

Nor can these governments escape the Constitution just because some people misuse protected arms.

“[A] free society prefers to punish the few who abuse [their] rights ... after they break the law than to throttle them and all others beforehand.” *Se. Promotions Ltd. v. Conrad*, 420 U.S. 546, 559 (1975). This is true when it comes to the Second Amendment. The Court has already held that handguns may not be banned despite “the problem of handgun violence in this country.” *Heller*, 554 U.S. at 636. “Moreover, semi-automatic *handguns* are used in connection with

violent crimes far more than semi-automatic *rifles* are.” *Heller II*, 670 F.3d at 1269–70 (Kavanaugh, J., dissenting). According to the Federal Bureau of Investigation’s Crime Data Explorer, 68,893 homicides were committed with handguns over the last decade, while rifles—all types of rifles, not just semi-automatic rifles—accounted for 4,214 homicides, a small fraction of the handgun number. FBI, *Crime Data Explorer*, available at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/shr>.

Thus, semi-automatic rifles are not dangerous and unusual, nor are they the preferred firearm for criminals. They are used in homicides 94% less than handguns are.

D. The banned features are not dangerous and unusual.

Cook County’s ordinance defines assault weapon as a “semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:” (A) a pistol grip; (B) a protruding grip for the non-trigger hand; (C) a folding, telescoping, or thumbhole stock; (D) a barrel shroud; or (E) a “muzzle brake or muzzle compensator.” Code of Ordinances of Cook Cnty., Ill., § 54-211(1). Connecticut’s definition shares many of the same features but also includes flash suppressors and grenade launchers. Conn. Gen. Stat. § 53-202a(1)(E)(i). Aside from grenade launchers, which are federally banned destructive devices, 18 U.S.C. §§ 921(a)(4), 922(a)(4), (b)(4), these features are *not* dangerous and unusual.

Start with the pistol grip. Some courts have ac-

cepted the argument that pistol grips make the rifle easier to shoot from the hip. *Heller II*, 670 F.3d at 1262–63; *N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 990 F. Supp. 2d 349, 370 (W.D.N.Y. 2013), *aff’d in part, rev’d in part*, 804 F.3d 242 (2d Cir. 2015). But this falls apart under any “serious probing.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. City of New York*, 590 U.S. 336, 370 (2020) (Alito, J., dissenting). Anyone who pretends to hold a rifle with a vertical grip at their hip would instantly realize (1) it is not a comfortable position for the wrist to be in and (2) one could get a better, more comfortable grip on a more traditional rifle stock at the hip.

Vertical or protruding forward grips for the non-trigger hand do not make the firearm easier to shoot from the hip. One would have to stretch their forward arm farther to reach it. But they primarily allow for more accurate shooting from the shoulder. *Miller v. Bonta*, 542 F. Supp. 3d 1009, 1035 n.48 (S.D. Cal. 2021), *vacated and remanded*, No. 21-55608, 2022 WL 3095986 (9th Cir. Aug. 1, 2022).

A telescoping stock allows the firearm’s length to be adjusted and fitted properly to operators with different arm lengths. *Id.* at 1036. A folding stock allows the firearm to be transported and stored more easily by reducing its size. But “it does not make a rifle easily concealable for most criminal activities.” *Id.* These assumptions are not based in fact.

A barrel shroud, as the Cook County ordinance declares, “allow[s] the bearer to hold the firearm with the non-trigger hand without being burned.” Code of Ordinances of Cook Cnty., Ill., § 54-211(1)(D). It does not function any differently than traditional wooden forearms do.

A muzzle brake reduces the firearm’s recoil by venting and redirecting some of the expelled gas upward or to the sides instead of it all exiting the end of the barrel. *N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d 242, 268 (2d Cir. 2015).

And lastly, a flash suppressor prevents the shooter from being blinded by their muzzle flash when shooting in dark conditions. *Miller*, 542 F. Supp. 3d at 1035.

These features are incremental improvements to traditional firearm parts that allow the firearm to be better controlled—which is why they are popular with hunters. They are not dangerous. And just as important, they are standard features on the second most popular type of firearm in the country. They cannot be unusual.

II. THERE IS NO PRECEDENT FOR BANNING A CLASS OF COMMONLY OWNED ARMS.

A. The semi-automatic rifle bans fail under a straightforward application of *Heller* and *Bruen*.

The semi-automatic rifle bans fail the “fairly straightforward” inquiry under *Bruen*. 597 U.S. at 26. “[W]hen a challenged regulation addresses a general societal problem that has persisted since the 18th century,” the Court looks to “the lack of a distinctly similar historical regulation addressing that problem” or whether “earlier generations addressed the societal problem ... through materially different means.” *Id.*

Bruen explains how *Heller* is an example of a regulation failing the straightforward analysis. *Id.* at 27. The perceived societal problem was handgun violence in urban areas. *Id.* That was not a unique problem, and the Court noted that the founders could have enacted a similar ban but did not. *Id.* Rather, they chose not to ban firearms used for self-defense. Accordingly, the Second Amendment forbids the “prohibition of an entire class of ‘arms’ that is overwhelmingly chosen by American society for that lawful purpose.” *Heller*, 554 U.S. at 628. The Respondents have imposed such blanket prohibitions for the same perceived societal problem. The case is on all fours of *Heller*, and semi-automatic rifle bans should be struck down.

B. This case does not call for a more nuanced approach.

This is not a case concerning “unprecedented societal concerns or dramatic technological changes [that] may require a more nuanced approach.” *Bruen*, 597 U.S. at 27. As discussed above, the case concerns modest improvements to traditional grips, stocks, forearms, and muzzles—all of which benefit hunters. Further, the founders were aware that some would misuse firearms. *See, e.g.*, Mark W. Smith, NYSRPA v. Bruen: A Supreme Court Victory for the Right to Keep and Bear Arms—and a Strong Rebuke to “Inferior Courts”, 24 Harv. J.L. Pub. Pol’y Per Curium 1, 9 (2022). But “the right to keep and bear arms was ‘understood to be an individual right protecting against both public and private violence.’” *Bruen*, 597 U.S. at 45 (quoting *Heller*, 554 U.S. at 594).

* * *

In the aggregate, semi-automatic rifles are com-

monly used for lawful purposes like hunting and have been for over a century. They do not trigger new societal concerns or represent dramatic technological changes; rather, they reflect a choice by American hunters to use a light, comfortable, customizable, and flexible arm well-suited to modern needs. The semi-automatic rifle bans enacted by Cook County and Connecticut fail a straightforward application of *Heller* and *Bruen* and should be struck down accordingly.

CONCLUSION

For the foregoing reasons, the judgment of the courts of appeals should be reversed.

Respectfully submitted,

MICHAEL T. JEAN
Counsel of Record
 U.S. Sportsmen's Alliance
 Foundation
 801 Kingsmill Parkway
 Columbus, Ohio 43229
 (248) 508-9765
 MJean@sportsmensalliance.org
Counsel for Amicus Curiae
Sportsmen's Alliance
Foundation

REGINA LENNOX
 MADELINE DEMASKE
 Safari Club International
 501 2nd Street NE

Washington, DC 20002
(202) 543-8733
litigation@safariclub.org

*Counsel for Amicus Curiae
Safari Club International*