

Nos. 25-238 & 25-566

In the Supreme Court of the United States

CUTBERTO VIRAMONTES, ET AL., *Petitioners*,

v.

COOK COUNTY, ILLINOIS, ET AL.

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.

On Writ of Certiorari to
the United States Courts of Appeals
for the Seventh and Second Circuits

**BRIEF FOR U.S. SENATORS TED CRUZ,
JIM JUSTICE, MIKE LEE, CYNTHIA LUMMIS,
AND JIM RISCH AND STATE LEGISLATORS
ROB SAMPSON AND TROY STUBBS AS
AMICI CURIAE SUPPORTING PETITIONERS**

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QUESTION PRESENTED

The question presented is:

Whether the Second and Fourteenth Amendments to the United States Constitution guarantee the right to possess AR-15 platform and similar semiautomatic rifles.

Amici address a single, antecedent question of constitutional method embedded in that inquiry:

Whether a legislature's feature-defined statutory classification—here, “assault weapon”—can itself establish that the objects it describes fall outside the constitutional term “Arms.”

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INTRODUCTION, SUMMARY, AND INTEREST OF *AMICI CURIAE*¹

“Assault weapon” is a statutory category. “Arm” is a constitutional one. This case presents an important question about the boundary between the two: whether a legislature’s decision to classify certain rifles as “assault weapons” can itself place those rifles outside the Second Amendment’s protection. It cannot. Legislatures may classify arms for regulation. But the power to classify arms for regulation is not the power to classify them out of the Constitution.

That distinction exposes the threshold error in the decision below. The Second Amendment protects “Arms.” U.S. Const. amend. II. This Court has defined that term broadly, reaching “prima facie, *** all instruments that constitute bearable arms.” *District of Columbia v. Heller*, 554 U.S. 570, 582 (2008). And just last Term, this Court reiterated that the threshold inquiry asks whether a law concerns “any weapon customarily used for offensive or defensive purposes[.]” *Wolford v. Lopez*, 146 S.Ct. 2032, 2043 (2026). Yet the Seventh Circuit’s rule in *Viramontes* below permits a legislature’s feature-defined category of “assault weapons” to become the unit of constitutional analysis and places the covered rifles outside “Arms” at the threshold. Pet.2a-3a (25-238). The result is that a statutory classification helps determine the scope of a constitutional noun.

¹ This brief was not authored in whole or in part by counsel for any party and no person or entity other than *Amici Curiae* or counsel has made a monetary contribution toward the brief’s preparation or submission.

The companion case, *Grant v. Higgins*, No. 25-566, presents a related problem at a different stage of the analysis. There, the Second Circuit relied on legislative judgments about the statutory class in determining its constitutional status, describing “dangerous and unusual” arms as including those “that legislators determined were *unusually dangerous* because of their characteristics” and emphasizing the availability of weapons “deemed *** less dangerous by the legislature.” Pet.31a, 50a (25-566). The two cases thus illustrate the same danger at different stages of the analysis. In *Viramontes*, legislative classification helps define what counts as an “Arm”; in *Grant*, legislative judgments about the resulting class help determine whether those Arms are constitutionally protected. In either case, the legislature’s regulatory judgment cannot substitute for the independent constitutional inquiry.

History points in the opposite direction. From the Founding onward, American governments routinely classified weapons by type, feature, bore, ammunition, configuration, and military role while continuing to describe the resulting subclasses as “arms” or “fire arms.” Appendix A collects dozens of colonial, Founding-era, and early-Republic enactments and official records in which governments classified particular weapons and weapon types within broader categories such as “arms” and “fire arms.” Appendix B separately collects restrictive laws showing governments regulating particular weapons and weapon classes without treating the act of classification itself as dispositive of whether the regulated objects were arms.

The judicial record confirms the same distinction. Antebellum courts that denied constitutional protection to particular weapons did not conclude that the weapons had ceased to be arms because government had classified them. Instead, they supplied an independent constitutional criterion for exclusion. Classification, regulation, and constitutional exclusion were separate inquiries.

The distinction reflects a broader constitutional principle. Government cannot control the scope of a constitutional guarantee by making its own statutory classification dispositive of the constitutional category. A legislature cannot manufacture a new category of unprotected speech simply by naming it, redefine property to escape the Takings Clause, or authorize a search and thereby place it outside the Fourth Amendment. The substantive rules governing those provisions differ, but the structural principle is the same: the Constitution determines the scope of its own terms.

The point here is therefore narrow but important. Illinois and Cook County may define “assault weapons,” including by reference to features, configuration, or military associations. But drawing that statutory line does not draw the constitutional boundary of “Arms.” Likewise, Connecticut’s legislative judgment that certain features make the weapons it classified unusually dangerous does not itself establish the constitutional significance of those features. If Respondents contend that the rifles at issue may nevertheless be prohibited, they must supply an independent constitutional basis for that conclusion and satisfy the historical inquiry this

Court's precedents require. They cannot prevail simply because a legislature classified the rifles for regulation—much less because a rifle has a particular grip, stock, handguard, or muzzle device.

Amici are U.S. Senator Ted Cruz of Texas, Chairman of the Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights of the Senate Committee on the Judiciary, and four other U.S. Senators, and two state legislators. Members of Congress swear an oath to uphold the Constitution, including its guarantees of fundamental individual rights. One of the most important of those rights is the Second Amendment's guarantee of the right to keep and bear arms. *Amici* accordingly have a substantial interest in its vigorous enforcement for ordinary, law-abiding Americans.

Amici also have a particular institutional interest in the question presented here. Legislating necessarily requires classification. Legislatures routinely draw statutory lines, including among different kinds of weapons. That authority is legitimate and indispensable. But legislators exercise it subject to a Constitution whose meaning they do not control. As a legislator charged both with classifying objects for regulation and with respecting the constitutional limits on that power, Senator Cruz has a substantial interest in preserving the distinction at the heart of this case: a legislature may classify Arms, but its classification cannot itself classify them out of the Constitution.

The following Members of Congress have joined this brief as *Amici Curiae*:

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Jim Justice (W. Va.)

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Rob Sampson, Senator (Conn.)

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ARGUMENT

The decision below collapses a statutory classification into a constitutional category. The companion case illustrates a related error: allowing legislative judgments about a statutory class to help supply the constitutional significance of that class. Three considerations show why those approaches are mistaken. First, constitutional categories are determined by the Constitution, not by the government's regulatory classifications. Second, American history confirms that distinction: governments classified species within "arms," while courts separately addressed their constitutional protection. Third, the characteristics Respondents invoke here may define a statutory class, but they cannot, without an independent constitutional criterion, define that class out of "Arms."

I. A Legislature May Classify Arms for Regulation; It May Not Classify Them Out of “Arms.”

The starting point is the distinction between classification and exclusion. Legislatures routinely classify objects they regulate, including weapons. But the constitutional significance of those classifications is a different question. This Court’s precedents require courts to determine the constitutional category independently, a structural rule reflected throughout the Bill of Rights.

A. The Constitution—not a statutory classification—determines what counts as an “Arm.”

The Constitution uses the word “Arms,” and it protects the right to “keep and bear [them].” U.S. Const. amend. II. *District of Columbia v. Heller* fixed that term’s meaning at the Founding: “Arms” are “[w]eapons of offence, or armour of defence.” 554 U.S. 570, 581 (2008) (quoting 1 *Dictionary of the English Language* 106 (4th ed. 1978) (1773)). The Amendment “extends, prima facie, to all instruments that constitute bearable arms,” including “arms *** that were not in existence at the time of the founding.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 28 (2022) (quoting *Heller*, 554 U.S. at 582). “Arms” is thus a general category defined by what an object *is*—whether a particular class of Arms is constitutionally protected is a separate question, governed by this Court’s Second Amendment doctrine rather than by a legislature’s classification.

Bruen fixed the order of analysis. A court first asks whether “the Second Amendment’s plain text covers an individual’s conduct”; if it does, “the Constitution presumptively protects that conduct,” and only then must the government “justify its regulation” by pointing to this Nation’s historical tradition. 597 U.S. at 24. Coverage comes first; justification comes second.

This Court’s recent decision in *Wolford v. Lopez* confirms both points and supplies the governing threshold formulation. 146 S.Ct. 2032 (2026). The plain-text question, *Wolford* explained, asks whether a law concerns “any form of ‘Arms,’” meaning “any weapon customarily used for offensive or defensive purposes[.]” *Id.* at 2043. That inquiry looks to the object, not to the government’s characterization of it. *Wolford* confirms that statutory characterization cannot substitute for the constitutional inquiry: the right protected by the Second Amendment is “entitled to no less protection than other constitutional rights,” and a State may not “sidestep” the guarantee by recharacterization. *Id.* at 2050 n.13 (second quotation quoting *Tyler v. Hennepin County*, 598 U.S. 631, 638-639 (2023)).

That sequence also identifies a particular way in which a court may improperly “smuggle additional limits, drawn from our regulatory tradition, into the plain-text stage.” *Id.* at 2054 n.1 (Barrett, J., concurring). A legislature first selects characteristics to define the objects it wishes to regulate; a court then treats the resulting regulatory subclass as though the legislature’s line itself carried constitutional significance. The first step is ordinary legislation. The

second requires an independent constitutional justification.

The decision below adhered to *Bevis*, which asked at *Bruen*'s first step whether the items in the statutory "assault weapon" class are "Arms," and answered no. *Bevis* reasoned that the AR-15 "is almost the same gun as the M16 machinegun" and belongs on the "military side" of a line dividing protected self-defense weapons from military ones. *Bevis v. City of Naperville*, 85 F.4th 1175, 1182, 1195 (7th Cir. 2023). The consequence, the court explained, is jurisdictional: if the items are not Arms, "the Second Amendment has nothing to say about these laws." *Id.* at 1192. The Fourth Circuit reached the same route in parallel, folding the historical inquiry into the threshold and treating the enumerated statutory list as the unit whose coverage is assessed. *Bianchi v. Brown*, 111 F.4th 438, 452-453 (4th Cir. 2024) (en banc), *cert. denied*, 145 S.Ct. 1534 (2025). Respondents defend precisely this framing, insisting that "the determinative question here is whether the assault weapons prohibited by the Ordinance are 'arms.'" BIO 30 (25-238).

That framing collapses distinct questions that must be kept in their proper sequence:

- (1) Is the object an "Arm"?
- (2) If it is an Arm, what independent constitutional criterion, if any, places that class of Arms outside constitutional protection?
- (3) If it is a protected Arm, does the Constitution nonetheless permit the challenged prohibition or regulation?

Bruen organizes these questions into a two-step framework: textual coverage comes first; historical justification follows. *Bruen*, 597 U.S. at 17. But that framework does not erase the distinction between whether an object is an “Arm” and whether an Arm may ultimately fall outside constitutional protection. And neither question can be answered simply by adopting the legislature’s classification. The statute may identify the objects under review; it cannot supply the constitutional rule governing them.

Neither of the first two questions can be answered by the statute under review. A legislature’s definition of “assault weapon” describes what the legislature chose to regulate, not what the Constitution chose to protect. Respondents therefore cannot make the features that define the regulatory class do double duty—first to mark the statutory subclass, and then, without an independent constitutional criterion, to establish that the subclass is not “Arms.” Those characteristics may be constitutionally relevant, but the legislature’s decision to collect them into a statutory class cannot itself supply their constitutional significance. If the government seeks to answer the second or third question against Petitioners, it must supply an independent constitutional reason for doing so. An independent constitutional criterion might establish that an object is not a bearable “Arm,” that it falls within a historically grounded limitation on the right, or that its regulation is consistent with historical tradition. See *Heller*, 554 U.S. at 627; *Bruen*, 597 U.S. at 19. *Amici* leave for others to argue which, if any, of those criteria Respondents can satisfy. The legislature’s

feature list is not a substitute for the constitutional analysis it presupposes.

Keeping those questions distinct also preserves the allocation of the constitutional burden. Under *Bruen*, once the Second Amendment’s plain text covers the conduct at issue, “the Constitution presumptively protects that conduct,” and the government must “affirmatively prove” that its regulation is consistent with the historical tradition. 597 U.S. at 19, 24; accord *United States v. Rahimi*, 602 U.S. 680, 737 (2024) (Barrett, J., concurring). If the features defining a statutory category themselves establish that its members are not “Arms,” the presumption never attaches and the government never shoulders its historical burden. Statutory line-drawing would thereby alter not only the scope of the right, but also the burden this Court assigned the government.

The companion case illustrates the same danger at a different stage of the analysis. The Second Circuit described “dangerous and unusual” arms as encompassing those “that legislators determined were unusually dangerous because of their characteristics.” Pet.31a (25-566) (emphasis omitted). It likewise relied on the continued availability of semiautomatic weapons “deemed less dangerous by the legislature.” *Id.* at 50a. But legislative identification of a characteristic or judgment about its dangerousness and constitutional significance are different things. A legislature may conclude that a feature warrants regulation; whether that feature places an Arm outside constitutional protection remains a constitutional question for the courts. Otherwise, legislative classification would not merely identify the

regulated class—it would establish the constitutional criterion that determines whether the class may be prohibited.

B. The same distinction appears throughout the Bill of Rights.

The distinction between a statutory classification and an antecedent constitutional category is not peculiar to the Second Amendment. Although the substantive doctrines differ across the Bill of Rights, the same structural constraint recurs: the government’s regulatory classification does not control the antecedent constitutional category.

The First Amendment. Government may not manufacture a new category of unprotected speech simply by labeling it. This Court said as much in *United States v. Stevens*, refusing to recognize a new class of proscribable expression and rejecting any “freewheeling authority to declare new categories of speech outside the scope of the First Amendment.” 559 U.S. 460, 472 (2010). The Court returned to the theme last Term in *Chiles v. Salazar*, which held that a State could not convert protected speech into regulable “conduct” by characterization: “The First Amendment is no word game,” and the rights it protects cannot be “renamed away or their protections nullified by ‘mere labels.’” 146 S.Ct. 1010, 1023 (2026) (citation omitted). The label does not control; the substance does.

Suppose a legislature declared a category of “hate speech” and announced that expression within it is simply outside the First Amendment. That declaration would not make it so. Offensive and even hateful expression remains protected speech. Indeed, “the

proudest boast of our free speech jurisprudence is that we protect the freedom to express ‘the thought that we hate.’” *Matal v. Tam*, 582 U.S. 218, 246 (2017) (citation omitted). That does not mean no such expression may ever be regulated—true threats, incitement, and defamation may be. It means the Constitution, through its own recognized categories, decides the question. A legislature cannot decide it by coining a label; defining “hate speech” as a “true threat” does not remove it from the Constitution’s aegis. Replace “hate speech” with “assault weapon,” and “speech” with “Arm,” and the parallel is exact. The legislature may therefore define the class it regulates, but its label cannot determine whether the regulated expression is “speech.”

The Third Amendment. The Third Amendment forbids quartering “Soldiers” in private houses in peacetime without consent. “Soldiers,” like “Arms,” is a constitutional category: troops billeted in private homes would not cease to be “Soldiers” because a legislature reclassified them as “domestic-security personnel” or “civilian auxiliaries.” Cf. *Engblom v. Carey*, 677 F.2d 957, 961 (2d Cir. 1982) (holding National Guardsmen to be “Soldiers”). A constitutional noun means what the Constitution means, not what a later statute calls its referent.

The Fourth Amendment. A legislature’s authorization does not itself determine whether the Fourth Amendment is satisfied. A legislature may authorize an inspection by statute, but that statutory authorization does not answer whether the resulting search comports with the Constitution; courts apply the constitutional standard independently. In

Marshall v. Barlow's, Inc., the government argued that a statute authorizing warrantless inspections “represents a congressional construction of the Fourth Amendment that the courts should not reject.” 436 U.S. 307, 311 (1978). This Court directly answered: “we are unable to agree.” *Ibid.* Statutory authorization could not supply the constitutional answer.

The Fifth Amendment. The Takings Clause protects “private property,” and although state law is an important source of property definitions, this Court has refused to let a government define the constitutional category out from under the guarantee. In *Tyler v. Hennepin County*, the Court held that state law “cannot be the only source” of property for takings purposes, lest “a State *** ‘sidestep the Takings Clause by disavowing traditional property interests’ in assets it wishes to appropriate.” 598 U.S. 631, 638 (2023) (quoting *Phillips v. Washington Legal Found.*, 524 U.S. 156, 167 (1998)). The principle is older still: “a State, by *ipse dixit*, may not transform private property into public property without compensation” merely by relabeling it. *Webb’s Fabulous Pharmacies, Inc. v. Beckwith*, 449 U.S. 155, 164 (1980). This analogy carries a candid limit—background state law ordinarily helps define property interests. But even there, the government may not manipulate that law to escape the guarantee.

* * *

These four applications of the same distinction show that although substantive tests differ, the structural proposition does not. In each context, the government may classify the object of regulation, but

its classification does not control the antecedent constitutional category. *Wolford* confirms that the Second Amendment is “entitled to no less protection than other constitutional rights” and cannot be “sidestep[ped]” through characterization. 146 S.Ct. at 2050 n.13 (second quotation quoting *Tyler*, 598 U.S. at 638-639).

II. American History Confirms that Classification Is Not Exclusion.

The structural rule does not stand on doctrine alone. It is confirmed by the practice of American governments and courts from the Founding through the Fourteenth Amendment era—and confirmed, tellingly, from several independent directions. Legislatures and executives classified weapons within “Arms.” They also imposed substantial restrictions on particular weapons and weapon classes without treating regulation as a declaration that the regulated objects were no longer arms. Courts separately decided whether particular arms were protected or regulable. Across those distinct bodies of evidence, classification, regulation, and constitutional exclusion remained separate questions.

A. Governments classified species within “Arms” by type, features, and function.

American governments have classified weapons since before the Founding—and they did so while continuing to call the classified objects “arms.” Appendix A collects dozens of colonial, Founding-era, and early-Republic enactments and official records in which governments distinguished weapons by type, bore, configuration, ammunition, or military role

while treating the specified weapons within broader categories such as “arms,” “fire arms,” or “arms, ammunition and accoutrements.” The strongest examples follow.

The federal Militia Act of 1792 required the enrolled citizen to appear with a “musket or firelock” of specified bore, a bayonet, and ammunition, and separately provided for the rifle—differentiating weapons by type, feature, and role while gathering them all under “arms, ammunition and accoutrements.”¹ Delaware’s 1793 militia act is the cleanest state analogue, naming muskets, rifles, fuzees, pistols, sabres, and espontoons and referring to them collectively as the citizen’s “arms.”² The pattern was not regional or idiosyncratic; it recurs from New England to the Northwest Territory to the trans-Mississippi West. See App’x A. Thus, a legislature that wished to require, inspect, or equip reached for the collective noun “arms” and then specified the kinds and features within it.

The Executive Branch used the same language in its communications with Congress. In 1818, the War Department transmitted to Congress a “Statement of the Number and Species of Arms” manufactured and repaired at the national armories, enumerating muskets, rifles, pistols, and carbines as different “species of arms.”³ The relationship that the militia

¹ Militia Act of 1792, ch. 33, §1, 1 Stat. 271, 271-272.

² An Act for Establishing the Militia in This State, ch. 36, §4, 1793 Del. Laws 199, 202-204.

³ George Bomford, Ordnance Dep’t, Statement of the Number and Species of Arms Manufactured and Repaired at the National

statutes reflect structurally, this federal report states explicitly: distinct weapon types are varieties of one category, “arms.”

And this classification practice was not confined to militia supply and inventory. It appears in ordinary regulatory legislation as well. Massachusetts’s firearms-proof laws are the clearest non-militia example. Regulating the private manufacture and sale of guns, Massachusetts in 1814 required the proof of privately made “Fire Arms,” classifying musket barrels and pistol barrels by bore and subjecting them to a proof charge as subclasses of the statutory category “Fire Arms.”⁴ The regulatory line ran between one feature-defined subclass of firearms and another; it did not run between “firearm” and “not a firearm.” Governments used “arms” and “fire arms” as umbrella categories, and differentiated weapons by physical characteristics within them outside the militia context as well. Feature-based classification of weapons is neither a modern invention nor a constitutional anomaly. In the sources *Amici* examined, it was a familiar way of describing and regulating different kinds of arms.

Most important here, military function itself operated as an axis of classification within “arms.” Founding-era governments equipped infantry, riflemen, cavalry, artillery, and officers differently,

Armories (Feb. 12, 1818), in 1 *American State Papers: Military Affairs* 679-680 (Gales & Seaton 1832), <https://tinyurl.com/543nzzk8>.

⁴ An Act in Addition to an Act to Provide for the Proof of Fire Arms, ch. 193, §§1-2, 1814 Mass. Acts 464, 464-465.

while aggregating their role-specific implements as “arms and accoutrements.” New Jersey’s 1781 militia law prescribed different arms and accoutrements by military role, including pistols and a broad-sword for cavalry; the 1792 Act and its state counterparts distinguished the arms of infantry from those of horse and artillery.⁵ Thus, military function historically distinguished among arms; it did not itself determine whether a weapon was an “Arm.”

B. Antebellum courts separately asked whether an Arm was constitutionally protected or regulable.

The judicial record points the same way. One antebellum decision, *Aymette v. Tennessee*, 21 Tenn. 154 (1840), construes Tennessee’s guarantee of the right to “keep and bear arms for their common defence,” holding that the arms secured were “such as are usually employed in civilized warfare, and that constitute the ordinary military equipment,” and that a Bowie knife—a weapon of “private broils”—was not among them, *id.* at 155, 158. Crucially, the court did not hold that the knife was not an “arm.” It said the opposite: such a weapon “might come under the appellation of an ‘arm,’” while concluding that “[t]he right to keep and bear them is not, therefore, secured by the constitution.” *Id.* at 158-159. That judgment is about constitutional protection, not about semantic

⁵ See An Act for the Regulating, Training and Arraying of the Militia, and for Providing More Effectually for the Defence and Security of the State, ch. 242, §§11-12, 14, 19, 54, 1781 N.J. Laws 166, 169-180; Militia Act of 1792, ch. 33, §1, 1 Stat. 271, 271-272; sources collected in Appendix A.

membership. The knife was an arm; it was not, in the court's view, a *protected* arm. *Amici* do not rely on *Aymette*'s military-suitability rule as governing law. Whatever the validity of that rule, *Aymette*'s method is unmistakable: it treated semantic membership in "arms" and constitutional protection as separate questions.

Other antebellum courts confirm the breadth of "Arms" as the category here. Georgia's Supreme Court in *Nunn v. Georgia*, 1 Ga. 243 (1846), refused to confine the right to militia weapons, protecting "arms of every description, and not such merely as are used by the militia," even as it sustained a regulation of the manner of carry, *id.* at 251 (emphasis omitted). And in *Arkansas v. Buzzard*, 4 Ark. 18 (1842), the Arkansas Supreme Court observed that "the term 'arms,' in its most comprehensive signification, probably includes every description of weapon," and even "in the most restricted sense, includes guns or firearms of every description, as well as powder, lead and flints, and such other things as are necessarily used in leading and discharging them," while treating the challenged carry restriction as a permissible regulation of a weapon that remained an arm, *id.* at 21-22. And Texas's *Cockrum v. State* held a Bowie knife to be a protected arm—"[t]he right to carry a bowie-knife for lawful defense is secured, and must be admitted"—while sustaining an enhanced penalty for its abuse, treating the weapon's dangerousness as a reason to regulate its misuse, not a reason to deny that it was an arm. 24 Tex. 394, 402-403 (1859). *Cockrum* is the mirror image of the decision below: alleged dangerousness bore on regulation, not on coverage.

C. These independent historical records converge on the same distinction.

The historical records converge from three directions. Appendix A shows governments classifying weapons by type, feature, bore, configuration, and role while treating the resulting classes within “arms” or “fire arms.” Appendix B shows governments restricting particular weapons and weapon classes—sometimes severely—without treating regulatory classification itself as establishing that those objects ceased to be arms. And the antebellum cases separately asked whether particular arms were constitutionally protected or regulable. In the sources *Amici* examined, the government’s creation of a weapon class did not itself determine whether the objects within it were “arms.” Classification and constitutional exclusion remained distinct.

Nor does the substantial historical regulation of particular weapons undermine that conclusion. Founding-era and antebellum governments restricted concealed carry, regulated gunpowder storage, disarmed certain persons, and singled out weapons such as Bowie knives for special regulation. See App’x B. But even the most restrictive laws *Amici* examined regulated who could possess weapons, where gunpowder could be stored, how weapons could be carried or used, and even whether particular weapon classes could be sold or subjected to special taxation; they did not purport to make the legislature’s classification itself dispositive of semantic membership in “arms.” Status-based disarmament regulated who could possess arms; gunpowder laws regulated the quantity and location of ammunition or

explosive material; and antebellum statutes regulated Bowie knives by name, by manner of carry, and even by “form, shape or size,” while contemporaneous courts separately addressed whether such weapons were constitutionally protected. See *Cockrum*, 24 Tex. at 402-403. The strongest contrary material therefore confirms the distinction: historical governments could regulate a weapon class because of what distinguished the class without treating those distinguishing characteristics as sufficient to remove its members from “arms.”

III. The Features that Define the Statutory Class for These Rifles Do Not Define Their Constitutional Category as “Arms.”

Respondents and the courts below rest on the rifles’ characteristics—military character, physical features, configuration, and weapon type—to place them outside “Arms.” Illinois and Cook County may of course create a statutory category called “assault weapons,” and may define it using those criteria. *Amici* do not question that authority; legislating necessarily requires classification. Nor does *Amici*’s argument depend on disputing Respondents’ characterization of any particular feature of these rifles. Even assuming the asserted military lineage, resemblance, configuration, and functional characteristics, the constitutional question remains what significance the Constitution gives those characteristics. The broader modes of classification Respondents invoke—weapon type, physical characteristics, configuration, and military function—are familiar in the historical record as ways of distinguishing within “arms.” Their use to define a

regulatory subclass therefore cannot, without an independent constitutional criterion, establish that the objects in that subclass cease to be “Arms.”

Military character and military association.

Respondents rely on the AR-15’s asserted military lineage, resemblance, suitability, and function. But as Part II shows, military function historically operated as an axis of classification among “arms.” Military association therefore cannot itself establish that a weapon is not an “Arm.” If military character permits regulation, Respondents must identify an independent constitutional rule producing that result. The Seventh Circuit’s “military side of th[e] line” cannot itself do that work. *Bevis*, 85 F.4th at 1182.

Nor is an AR-15 “almost the same gun” as the military’s M16 in the critical respect identified by federal law. *Bevis*, 85 F.4th at 1195. An ordinary AR-15 is semiautomatic: each trigger pull fires one round. A machinegun, by contrast, “shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot by a single function of the trigger.” 26 U.S.C. §5845(b). That operational difference—not appearance or lineage—separates an ordinary semiautomatic AR-15 from an automatic machinegun.

Physical features and configuration.

Respondents rely on enumerated physical features and configuration to define the class. But historical governments also classified arms by physical characteristics—bore, barrel length, configuration, and ammunition—while continuing to call the results “arms” and “fire arms.” And regulation itself could

turn on physical form: Tennessee’s 1838 concealed-carry law covered knives or weapons resembling Bowie knives or Arkansas toothpicks in “form, shape or size.” See App’x B. *Amici* do not contend that a Founding-era barrel specification is the precise equivalent of a modern pistol grip, flash suppressor, or detachable magazine. The narrower point is enough: physical characteristics have long differentiated kinds of arms, and differentiation does not itself establish nonmembership in “Arms.”

Illinois classifies a semiautomatic rifle accepting a detachable magazine as an “assault weapon” based on features including a pistol or thumbhole grip; a forward grip; an adjustable stock; a flash suppressor; a grenade launcher; or a barrel shroud. 720 I.L.C.S. 5/24-1.9(a)(1)(A). None of those features change the rifle’s semiautomatic firing mechanism. Grips affect how it is held; an adjustable stock affects fit; a barrel shroud protects the support hand from heat; and a flash suppressor affects muzzle flash. Even attaching a grenade launcher does not change how the underlying rifle fires. Illinois may select such features for regulation, but the list cannot itself define the constitutional category. A rifle does not move in and out of “Arms” because its stock adjusts, its handguard protects against heat, or its muzzle device changes.

Weapon type. Respondents treat the AR-15-platform rifle as a distinct type of weapon. But the historical sources repeatedly distinguished rifles, muskets, pistols, carbines, and fusees while treating such weapon types as species or kinds within “arms.” The vocabulary could be explicit: Alabama’s 1839 concealed-weapons law regulated “any species of fire

arms.” See App’x B. A distinct species of Arm does not cease to be an Arm merely because it is distinct.

The point is not that these characteristics can never matter. It is that they cannot establish semantic exclusion merely because they define the class the legislature chose to regulate. If Respondents contend that military character, configuration, or some other characteristic supplies an independent constitutional reason these Arms may be prohibited, they must identify and defend an independent constitutional basis for excluding these Arms from protection or permitting their regulation. The statutory classification itself cannot supply that basis. The statute may identify the objects under review. It cannot supply the constitutional rule governing them.

Amici support Petitioners’ submission that these rifles are protected, but their brief does not ultimately depend on resolving every dispute about their features or lineage. Whatever the resolution of those disputes, *Bevis*’s threshold holding cannot stand. The proper sequence is to identify the regulated objects, determine whether they are “Arms” under the Constitution’s meaning, and then require any further claim that those Arms are unprotected or may be prohibited to rest on an independent constitutional basis, rather than on the legislature’s classification itself. What a court may not do is allow the legislature’s regulatory class to supply the constitutional answer by its own terms. That error alone requires reversal of the reasoning below.

CONCLUSION

Legislatures classify. That is their work, as *Amici* can attest. But the authority to create a statutory category is not the authority to define the constitutional category that limits the legislature. “Assault weapon” is a statutory category. “Arm” is a constitutional one. Whether a rifle has an adjustable stock, a heat-protecting handguard, or a particular muzzle device may determine its statutory classification. It cannot determine whether the rifle is an “Arm.” That question is governed by the Constitution, not the legislature’s feature list. The judgments below should be reversed.

Respectfully submitted,

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APPENDIX

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APPENDIX A

Founding-Era and Early Republic Government Classifications of Arms

Year	Arms, Ammunition, and Accoutrements / Weapon Classifications
1756 DE ¹	musket or fuzee; bayonet; worm; priming wire; cartouche box; powder; bullets; flints. Statute subsequently refers to “such Arms and Ammunition.”
1757 VA ²	firelock; bayonet; double cartouch box; powder; bullets. Statute subsequently refers to “the Arms aforesaid.”
1763 NY ³	“Musket, Fowling-Piece, or other Fire-Arm whatsoever”

¹ An Act for Establishing a Militia in This Government (Del. 1756), Delaware Public Archives Document 1111-000-000_18928d, <https://tinyurl.com/56yw52b9>.

² An Act for the Better Regulating and Disciplining the Militia, ch. 3, §§1, 4, 1757 Va. Acts 15, 16, <https://tinyurl.com/2vcxay7t>.

³ *Laws of New-York from the Year 1691, to 1773 Inclusive* 441-442 (Hugh Gainé ed., 1774), <https://tinyurl.com/yht8wnme>.

1770 GA ⁴	gun or pair of pistols; ammunition. Statute subsequently refers to “the arms and ammunition by this act directed.”
1778 NJ ⁵	musket; bayonet; steel ramrod and worm; cartridge box; cartridges; priming wire; brush; flints; knapsack; canteen; alternatively, rifle and tomahawk. Statute refers collectively to “Arms, Accoutrements and Ammunition above specified.”
1779 PA ⁶	cannon; mortar; other ordnance; blunderbuss; wall-piece; musket; fusee; carbine; pistols; other fire arms; hand gun; sword; cutlass; bayonet; pike; other warlike weapon. Statute refers to “fire arms, or other weapons used in war” and separately enumerates the specified weapons.

⁴ *A Digest of the Laws of the State of Georgia* 157-158 (Robert Watkins & George Watkins eds., 1800), <https://tinyurl.com/583m8wnm>.

⁵ An Act for the Regulating, Training and Arraying of the Militia, ch. 22, §§11-12, 1778 N.J. Laws 42, 42-45, <https://tinyurl.com/ymdxe37w>.

⁶ 1779 Pa. Laws 193, 198-199, §§4-5, <https://tinyurl.com/jx6x3pyy>.

1779 VT ⁷	firelock with specified barrel length or “other good Fire-arms”; sword, cutlass, tomahawk, or bayonet; worm; priming wire; cartouche box or powder horn and bullet pouch; ammunition; flints. Statute subsequently refers to “such Arms and Ammunition.”
1781 NJ ⁸	musket; bayonet; steel ramrod and worm; cartridge box; cartridges; priming wire; brush; flints; knapsack; canteen; alternatively, rifle and tomahawk; cavalry: pistols; broad-sword; horse; saddle; bridle. Statute uses “Arms, Accoutrements, and Ammunition above specified.”
1782 DE ⁹	musket or firelock; bayonet; cartridge box; cartridges; flints. Statute subsequently refers to the prescribed equipment as “Arms.”

⁷ Acts and Laws of the State of Vermont 19-20 (1779), <https://tinyurl.com/mtsw4dr4>.

⁸ An Act for the Regulating, Training and Arraying of the Militia, ch. 242, §§11-12, 14, 19, 54, 1781 N.J. Laws 166, 169-180, <https://tinyurl.com/3rzzdakt>.

⁹ An Act for Establishing a Militia Within This State, 1781 Del. Laws 1, 3, <https://tinyurl.com/mtp42d9z>.

1786 NH ¹⁰	musket; bayonet; cartridge box; ammunition; fusee; sword/hanger; half-pike/esponton. Statute refers collectively to prescribed “arms and accoutrements.”
1786 NY ¹¹	musket/firelock; bayonet; cartridges suited to bore; sword/hanger; pistols; sabre. Statute requires inspection and reporting of “Arms, Ammunition, Accoutrements.”
1788 Nw. Terr. ¹²	musket and bayonet or rifle; cartridge box; cartridges or powder and lead; flints. Persons are to be “armed, equipped and accoutred” with the specified items; statute subsequently refers to “the arms and accoutrements.”

¹⁰ An Act for Forming and Regulating the Militia Within This State (June 24, 1786), reprinted in *The Laws of the State of New-Hampshire* 409-410 (1792), <https://tinyurl.com/3stevk73>.

¹¹ An Act to Regulate the Militia, ch. 25, 1786 N.Y. Laws 38-40, <https://tinyurl.com/y8dev2h9>.

¹² A Law for Regulating and Establishing the Militia in the Territory of the United States North-West of the River Ohio, ch. 1, in *Laws of the Territory of the United States North-West of the River Ohio* 3-4 (Childs & Swaine 1792), <https://tinyurl.com/nc8dv6pj>.

1791 SC ¹³	musket and bayonet or other sufficient gun; sword, broadsword, cutlass, or hatchet; powder horn; shot pouch; balls suited to gun. Express distinction: statute separately assesses deficiencies for enumerated “article of arms or accoutrements.”
1792 USA ¹⁴	musket/firelock or rifle; bayonet; cartridge box; cartridges; knapsack; pouch; powder horn; shot bag; balls; flints; sword/hanger. Statute subsequently refers collectively to “arms, ammunition and accoutrements, required as aforesaid.”
1793 MA ¹⁵	musket or rifle; specified bore; bayonet; cartridge box; ammunition; knapsack and prescribed equipment. Statute subsequently refers to “arms ammunition and accoutrements.”

¹³ An Act to Amend and More Effectually Put in Force *** the Act *** for the Regulation of the Militia, 1791 S.C. Acts 16-17, <https://tinyurl.com/mry8cxfk>.

¹⁴ Militia Act of 1792, ch. 33, §1, 1 Stat. 271, 271-272, <https://tinyurl.com/msxrkd4s>.

¹⁵ An Act for Regulating and Governing the Militia, ch. 1, §§18-19, 24, 37-38, 1793 Mass. Acts 289, 297-307, <https://tinyurl.com/3475y3wz>.

1793 DE ¹⁶	musket/firelock; rifle; fuzee; pistols; sabre; sword/hanger; cartridge box; belt; knapsack; ammunition; bore specifications. Statute introduces the enumeration as “the arms, ammunition and accoutrements hereinafter mentioned, viz.”
1794 RI ¹⁷	gun; bayonet; cartridge box; cartridges; flints; other equipment required by the federal Militia Act. Statute requires militiamen to be “armed and equipped according to” the federal Militia Act and imposes item-specific deficiency fines.
1797 DE ¹⁸	“guns, swords, pistols, fowling pieces, clubs, or other arms and weapons whatsoever.”

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¹⁶ An Act for Establishing the Militia in This State, ch. 36, §4, 1793 Del. Laws 199, 202-204 (Peter Brynberg & Samuel Andrews), <https://tinyurl.com/y8n2yrer>.

¹⁷ An Act to Organize the Militia of This State, §§1, 4-6, 10, 1794 R.I. Pub. Laws 14, 14-22 (Carter & Wilkinson 1794), <https://tinyurl.com/4nzm634s>.

¹⁸ An Act, ch. 43, §6, 1797 Del. Laws 104, <https://tinyurl.com/5n7eyxje> (This statute underscores the importance of the Second Amendment; governments that intend to deprive a person of liberty, as was done through slavery, must first disarm those persons.).

1799 CT ¹⁹	gun or pair of pistols; sword; bayonet; cartridge box; ammunition. Express distinction: statute fixes separate fines for deficiencies in “Arms, Ammunition and Accoutrements,” itemizing the particular deficiencies.
1800 Alexandria, DC ²⁰	“Musket, Fowling-piece, Pistol, or other Fire Arms.”
1805 USA ²¹	official militia return tabulates sabres; pairs of pistols; muskets; rifles; fusees; bayonets; cartridge boxes and other military equipment under “Arms, Ammunition, and Accoutrements.”
1806 NJ ²²	musket; gun; rifle; fusee; pistol; subsequently described collectively as “fire arms.”

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¹⁹ Act of Oct. 10, 1799, ¶ 4, 1799 Conn. Acts 511, 512-513 (Hudson & Goodwin), <https://tinyurl.com/tf82hka9>.

²⁰ An Act to Prevent Accidents from Horses and Carriages, etc., §3, in *Laws of the Mayor and Commonalty of the Town of Alexandria, [Virginia]* 19 (1800), <https://tinyurl.com/4yyunv4m>.

²¹ *Return of the Militia of the United States*, in 1 American State Papers: Military Affairs 185, 185-186 (Walter Lowrie & Matthew St. Clair Clarke eds., Gales & Seaton 1832), <https://tinyurl.com/543nzzk8>.

²² An Act for Establishing and Conducting the Military Force of New Jersey, ch. 187, §53, 1806 N.J. Laws 536, 564, <https://tinyurl.com/yc4nkuwn>.

1807 Ind. Terr. ²³	guns and other specified military equipment; ammunition. Act expressly regulates “Arms, and other Warlike Implements, and Ammunition.”
1812 DE ²⁴	Act regulating “fire-arms” enumerates gun; ordnance; musket; fowling-piece; fusee; pistol.
1812 MD ²⁵	official “Statement of Arms and Military Stores” separately enumerates muskets; rifles; pistols; horsemen's swords; artillery swords.

²³ An Act to Prevent the Disposing of Arms, and Other Warlike Implements, and Ammunition to Indians and Others, ch. 91, §§1-2, 1807 Ind. Acts 515, 515-516, <https://tinyurl.com/ms8yzjcf>.

²⁴ An Act to Prevent the Discharging of Fire-Arms Within the Towns and Villages, 1812 Del. Laws 522-523, <https://tinyurl.com/ykd4y23v>.

²⁵ A *Statement of Arms and Military Stores in the Possession of the State of Maryland* (June 16, 1812), <https://tinyurl.com/uevjzn52>.

1813 KY ²⁶	pocket pistol; dirk; large knife; sword concealed in a cane; other deadly weapon. Act is expressly titled “An Act to Prevent Persons in This Commonwealth from Wearing Concealed Arms, Except in Certain Cases” and enumerates the specified weapons in its operative prohibition.
1814 MA ²⁷	statute regulating proof of “Fire Arms” separately classifies musket barrels and pistol barrels and specifies bore and proof requirements.
1814 Miss. Terr. ²⁸	rifle, musket, or shotgun for privates; swords for commissioned officers; prescribed equipment. Statute subsequently refers collectively to “the arms and accoutrements of all such volunteers.”

²⁶ An Act to Prevent Persons in This Commonwealth from Wearing Concealed Arms, Except in Certain Cases, ch. 89, §1, 1812 Ky. Acts 100, 100-101 (Gerard & Berry 1813), <https://tinyurl.com/5n7fs8xm>.

²⁷ An Act in Addition to an Act to Provide for the Proof of Fire Arms, ch. 193, §§1-2, 1814 Mass. Acts 464, 464-465, <https://tinyurl.com/ew4mxjzt>.

²⁸ An Act to Authorize the Governor of Mississippi Territory to Accept of the Services of Citizens Exempted from Militia Duty, §2, 1814 Miss. Laws 16, <https://tinyurl.com/386abe7d>.

1815 Mo. Terr. ²⁹	musket; fusil; rifle; bayonet; bore-specific ammunition; sword/hanger; prescribed equipment. Statute subsequently refers to “arms, ammunition and accoutrements required as aforesaid.”
1818 VT ³⁰	musket; rifle; bayonet; cartridge box; cartridges; sword/hanger; pair of pistols. Statute refers to prescribed “arms and equipments.”
1818 USA (War Dep’t) ³¹	official “Statement of the Number and Species of Arms” expressly enumerates muskets; rifles; pistols; carbines as species of arms.

²⁹ An Act to Reduce into One the Several Laws Regulating the Militia, ch. 131, §4 (Mo. Terr. Jan. 18, 1815), <https://tinyurl.com/2suasx8r>.

³⁰ An Act Regulating and Governing the Militia of Vermont §§14, 17 (Nov. 10, 1818), reprinted in *An Act Regulating and Governing the Militia of Vermont* (1819), <https://tinyurl.com/37xaacbc>.

³¹ Statement of the Number and Species of Arms Manufactured and Repaired at the National Armories (Feb. 12, 1818), in 1 *American State Papers: Military Affairs* 679-680 (Gales & Seaton 1832), <https://tinyurl.com/543nzzk8>.

1819 NH ³²	officers “armed with” sword/hanger and pair of pistols; infantry “armed with” firelock; riflemen “armed with” rifle; also bayonet, cartridge box, ammunition, and other prescribed equipment.
1821 ME ³³	statute provides for proof of barrels of “all new, or unused fire arms” and expressly distinguishes a “musket, pistol, or rifle barrel.”
1827 DE ³⁴	gun; pistol; sword; dirk; other unusual or dangerous weapon. Statute expressly describes the enumerated objects as “weapon or arms.”

³² An Act for Arranging and Regulating the Militia Within This State, reprinted in 8 *Laws of New Hampshire* 831-862 (1920), <https://tinyurl.com/bdjrau>.

³³ An Act to Provide for the Proof of Fire Arms, ch. 162, §1, in 2 *Laws of the State of Maine* 685-686 (1821), <https://tinyurl.com/33sbsmu7>.

³⁴ An Act Concerning Certain Crimes and Offences Committed, ch. 50, §8, 1827 Del. Laws 125-126, <https://tinyurl.com/3khyab9u>; see *supra* n.18.

1828 Fla. Terr. ³⁵	firelock of any kind; military or other weapons; powder; lead. Statute subsequently provides for forfeiture of “all such arms and ammunition.”
1828 Cincinnati, OH ³⁶	cannon; carronade; blunderbuss; swivel; musket; fowling-piece; rifle; pistol; “other fire arms.”
1828 Pittsburgh, PA ³⁷	gun; pistol; fowling piece; “any other fire-arms.”

³⁵ An Act Relating to Crimes and Misdemeanors Committed, §§9-11, 47, 55, 1828 Fla. Terr. Acts 174, 177, 185-188, <https://tinyurl.com/5n6h4j5j>; see *supra* n.18.

³⁶ An Ordinance to Prevent Accidents from the Discharge of Cannon and Other Fire Arms, §§1-2 (1828), <https://tinyurl.com/3uken5sw>.

³⁷ An Additional Ordinance, §§2-3 (July 30, 1827), reprinted in *By-Laws and Ordinances of the City of Pittsburgh* 187-188 (1828), <https://tinyurl.com/ms69ppaw>.

APPENDIX B

Historical Weapon Restrictions

Year	Restriction	Weapon / Class	Statutory Treatment
1762 N.Y.C. ³⁸	Storage / safety: Gunpowder storage	gunpowder >28 lbs.	Regulates quantity and place of storage; does not address whether any weapon is an “Arm”
1776 MA ³⁹	Status-based disarmament: Persons refusing association	“Arms, Ammunition and Warlike Implements”	Directs that specified persons be “disarmed” and that their “Arms, Ammunition and Warlike Implements” be taken

³⁸ A Law for the Better Securing of the City of New-York, from the Danger of Gun-Powder, no. 21, §§1-6, *in Laws, Statutes, Ordinances and Constitutions* 39-40 (John Holt 1763) (enacted 1762), <https://tinyurl.com/4mrs2n5s>.

³⁹ An Act for the Executing in the Colony of the Massachusetts-Bay, in New-England, One Resolve of Mar. 14, 1776, ch. 7, 1775 Mass. Acts 31, 31-35 (Benjamin Edes 1776), <https://tinyurl.com/5336v3ec>.

1777 VA ⁴⁰	Status-based disarmament: Persons refusing allegiance oath	arms; accoutrements; ammunition	Directs that recusants “be disarmed”; separately refers to their lack of “arms, accoutrements, and ammunitions”
1779 PA ⁴¹	Status-based disarmament: Suspected non-oath-takers	cannon; mortar; ordnance; blunderbuss; wall-piece; musket; fusee; carbine; pistols; hand gun; sword; cutlass; bayonet; pike	Describes covered objects as “fire arms, or other weapons used in war” and “warlike weapon[s]”

⁴⁰ An Act to Oblige the Free Male Inhabitants of This State, ch. 3, 1777 Va. Acts 8, 8-9 (Alexander Purdie), <https://tinyurl.com/4tkk3n6>.

⁴¹ Act of Apr. 2, 1779, §§4-5, 1779 Pa. Laws 198, 198-199 (John Dunlap), <https://tinyurl.com/jx6x3pyy>.

1787 PA (Phila.) ⁴²	Storage / safety: Gunpowder storage, transport, search, and seizure	gunpowder >30 lbs.	Regulates quantity, storage, and transport; authorizes warrant-based search and seizure
1788 N.Y.C. ⁴³	Storage / safety: Gunpowder storage, transport, search, and seizure	gunpowder >28 lbs.	Regulates quantity, storage, and transport; authorizes warrant-based search and seizure

⁴² An Act for Securing the City of Philadelphia, ch. 328, §§1-6, 12-13 (Pa. 1787), reprinted in *Pennsylvania Consolidated Statutes* (Hall & Sellers 1793), <https://tinyurl.com/2tuym36>.

⁴³ An Act to Prevent the Storing of Gun-Powder Within Certain Parts of the City, ch. 81, 1788 N.Y. Laws 184, 184-186 (Samuel & John Loudon), <https://tinyurl.com/28ued8ft>.

1813 KY ⁴⁴	Manner of carry: Concealed-arms prohibition	pocket pistol; dirk; large knife; sword in cane	Act expressly regulates concealed wearing of “Arms”; operative provision enumerates the covered weapons
1813 LA ⁴⁵	Manner / use: Concealed carry and unnecessary public arming	dirk; dagger; knife; pistol; other deadly weapon	Describes covered objects as “weapon[s]” and “deadly weapon[s]”; does not address whether they are “Arms”

⁴⁴ An Act to Prevent Persons in This Commonwealth from Wearing Concealed Arms, Except in Certain Cases, ch. 89, §1, 1812 Ky. Acts 100, 100-101 (Gerard & Berry 1813) (approved Feb. 3, 1813), <https://tinyurl.com/5n7fs8xm>.

⁴⁵ An Act Against Carrying Concealed Weapons, and Going Armed in Public Places in an Unnecessary Manner, §§1-3, 1813 La. Acts 172, 172-175 (Baird & Wagner 1813), <https://tinyurl.com/ykk6eack>.

1837 GA ⁴⁶	Sale / carry / possession: Deadly-weapons restrictions	Bowie and other knives; pistols; dirks; sword canes; spears	Expressly describes covered knives as manufactured and sold for wearing or carrying “as arms of offence or defense”
1837 MS ⁴⁷	Conduct / use: Dueling, fighting, and threatening display	rifle; shotgun; sword; sword cane; pistol; dirk; Bowie knife; other deadly weapon	Describes covered objects as “deadly weapon[s]”; regulates their use without addressing whether they are “Arms”

⁴⁶ An Act to Guard and Protect the Citizens of This State, §§1-4, 1837 Ga. Acts 90, 90-91, <https://tinyurl.com/3pcd4523>.

⁴⁷ An Act to Prevent the Evil Practice of Dueling in This State, §§1-10, 1837 Miss. Laws 288, 288-292 (G.R. Fall), <https://tinyurl.com/yv2j3skm>.

1838 TN ⁴⁸	Manner of carry: Concealed-carry prohibition	Bowie knife; Arkansas toothpick; knife or weapon resembling either	Defines covered class by resemblance in “form, shape or size”; prohibits concealed carry
1838 Fla. Terr. ⁴⁹	Taxation / sale / carry: Tax on specified weapons	dirk; pocket pistol; sword cane; Bowie knife	Supplements an Act titled to prevent carrying “arms secretly”; taxes vending and openly carrying specified “weapons”
1838 VA ⁵⁰	Manner of carry: Concealed-weapons prohibition	pistol; dirk; Bowie knife; similar deadly weapon	Describes covered objects as “weapon[s]”; does not address whether they are “Arms”

⁴⁸ An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in This State, ch. 137, §2, 1837-1838 Tenn. Pub. Acts 200, 200-201, <https://tinyurl.com/4dp85wsh>.

⁴⁹ Act of Feb. 10, 1838, No. 24, §§1-3, 1838 Fla. Terr. Laws 36, 36 (S.S. Sibley), <https://tinyurl.com/mudvpaer>.

⁵⁰ An Act to Prevent the Carrying of Concealed Weapons, ch. 101, §1, Gen. Assemb. (Va. 1838), in *Acts of the General Assembly of Virginia, Passed at the Session of 1838*, at 76 (Thomas Ritchie 1838), <https://tinyurl.com/3xdus77t>.

1838 AR ⁵¹	Manner of carry: Concealed-weapons prohibition	pistol; dirk; butcher/large knife; sword in cane	Prohibits carrying listed objects “concealed as a weapon”; does not address whether they are “Arms”
1839 AL ⁵²	Manner of carry: Concealed-weapons prohibition	“any species of fire arms”; Bowie knife; Arkansas tooth-pick; dirk; other deadly weapon	Regulates “any species of fire arms” alongside specifically enumerated weapons

⁵¹ 1838 Ark. Acts 280, in *Revised Statutes of the State of Arkansas*, ch. 44, div. VIII, art. I, §13, at 280 (William McK. Ball & Sam C. Roane eds., 1838), <https://tinyurl.com/ym3atr8f>.

⁵² An Act to Suppress the Evil Practice of Carrying Weapons Secretly, No. 77, §§1-3, 1838 Ala. Laws 67, 67-68 (Hale & Eaton 1838) (approved Feb. 1, 1839), <https://tinyurl.com/47nkc8rn>.