

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 OF MAJOR CITIES CHIEFS
ASSOCIATION, POLICE EXECUTIVE
RESEARCH FORUM, AND UNITED STATES
CONFERENCE OF MAYORS AS *AMICI
CURIAE* IN SUPPORT OF RESPONDENTS**

Mary B. McCord
Counsel of Record
Rupa Bhattacharyya
Institute for Constitutional
Advocacy & Protection
Georgetown Law
600 New Jersey Ave, NW
Washington, DC 20001
(202) 661-6607
mbm7@georgetown.edu

October 28, 2026

Counsel for Amici Curiae

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
INTEREST OF AMICI CURIAE	1
INTRODUCTION AND SUMMARY OF ARGUMENT	3
ARGUMENT	8
I. Mass Shootings Using Assault-Style Weapons Are an Increasing Threat to Our Communities.	8
II. Civilian Access to AR-15s Undermines Effective Law Enforcement and the Safety of Our Communities.....	12
A. Law enforcement officers are at risk when confronted with assault weapons.....	12
B. The presence of assault weapons undermines effective law enforcement. ..	14
III. Assault Weapons Exacerbate the Threat From Political Violence.....	20
IV. The Threat Posed By Assault Weapons Requires Communities To Respond With Regulatory Flexibility	30
A. Assault-weapons bans are an effective and permissible regulation.....	30
B. The availability of assault-style weapons does not render their regulation unconstitutional.....	34
CONCLUSION.....	39

TABLE OF AUTHORITIES

CASES

<i>Ariz. State Legis. v. Ariz. Indep. Redistricting Comm’n</i> , 576 U.S. 787 (2015).....	5
<i>Bevis v. City of Naperville</i> , 85 F.4th 1175 (7th Cir. 2023)	6
<i>Bianchi v. Brown</i> , 111 F.4th 438 (4th Cir. 2024) (en banc).....	6, 35, 37, 38
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008)	5, 31, 36
<i>Friedman v. City of Highland Park</i> , 784 F.3d 406 (7th Cir. 2015)	37
<i>Nat’l Ass’n for Gun Rts. v. Lamont</i> , 153 F.4th 213 (2d Cir. 2025), <i>cert. granted sub nom.</i> , 148 S. Ct. 2811 (2026)	6, 11, 12, 37
<i>Nat’l Ass’n for Gun Rts., Inc. v. City of Highland Park</i> , No. 1:22-cv-4774 (N.D. Ill. Jan. 19, 2023) ..	13
<i>New York State Rifle & Pistol Association v. Bruen</i> , 597 U.S. 1 (2022)	5, 6, 7, 32, 36
<i>Oregon Firearms Fed’n, Inc. v. Brown</i> , 644 F.Supp.3d 782 (D. Or. 2022)	8
<i>United States v. Lopez</i> , 514 U.S. 549 (1995)	32
<i>United States v. Rahimi</i> , 602 U.S. 680 (2024)	5, 31

PRESS ARTICLES

13News Now Staff, <i>4 Charged for Bringing Guns to Gloucester County School Board Meeting</i> , ABC 13News Now (July 14, 2023)	30
<i>A Partial List of Mass Shootings in the United States in 2022</i> , N.Y. Times (Jan. 24, 2023)	9
Adam Taylor, <i>The Islamic State Likes America's 'Dumb' Gun Laws, Defector Says</i> , Wash. Post (Aug. 4, 2016).....	24
Alex Horton, Monique Woo, & Tucker Harris, <i>Flannel, Muddy Girl Camo, and Man Cards. See the Ads Used to Sell the AR-15</i> , Wash. Post. (Mar. 27, 2023, updated Apr. 11, 2023).....	7
Cat Zakrzewski, <i>Election Workers Brace for a Torrent of Threats: 'I KNOW WHERE YOU SLEEP'</i> , Wash. Post (Nov. 8, 2022)	23
Clare Hymes, <i>Gunmakers Made Over \$1 Billion In Assault Weapon Sales In The Past Decade, Congressional Report Finds</i> , CBS News (July 27, 2022)	38
Dave Gilson & Brian Schatz, <i>A Brief History of America's Massive Gun-Buying Spree</i> , Mother Jones (May/June 2016)	37
Deneen Smith, <i>Man Who Killed Two Police Officers in Barron County Opened Fire with AR-15 During Traffic Stop</i> , Wisconsin Public Radio (May 19, 2023)	14

Diana Palmer & Timothy Zick, <i>The Second Amendment Has Become a Threat to the First</i> , Atlantic (Oct. 27, 2021)	29
Doc Louallen, <i>Police Question 2 Armed ‘Peacekeepers’ in Salt Lake City’s ‘No Kings’ Protest Death</i> , ABC News (June 16, 2025)	26
Ed Pilkington, <i>Many Americans Who Recently Bought Guns Open to Political Violence, Survey Finds</i> , The Guardian (Apr. 9, 2024)	22
Emma Bowman & Ayana Archie, <i>This Is How Handguns and Assault Weapons Affect the Human Body</i> , NPR (June 6, 2022)	11
Emma Bowman, et al., <i>What We Know so Far About the Buffalo Mass Shooting</i> , NPR (May 16, 2022)	20
Faith Karimi et al., <i>San Bernardino Shooters ‘Supporters’ of ISIS, Terror Group Says</i> , CNN (Dec. 5, 2015)	24
Fred Cantu, <i>BLM Protestor Allegedly Aiming Legally-Carried Rifle at Car May Have Led to his Death</i> , CBS Austin (July 27, 2020)	27
Greg Myre, <i>A Brief History of the AR-15</i> , NPR (Feb. 28, 2018)	7
Hannah Allam, <i>The Radicals’ Rifle</i> , Wash. Post (Mar. 27, 2023)	22
Jacob Knutson, <i>Election Officials: Armed ‘Vigilantes’ Near Ballot Drop Boxes in Arizona</i> , Axios (Oct. 23, 2022)	30
Jamie Thompson, <i>To Stop a Shooter</i> , The Atlantic (Jan. 29, 2024)	17, 18

Jason Hanna & Hollie Silverman, <i>Boulder Police Officer was the Last Person Killed in Grocery Massacre, Police Say</i> , CNN (Mar. 27, 2021).....	21
Jennifer Mascia, <i>How Often are AR-Style Rifles Used for Self-Defense?</i> , The Trace (Aug. 29, 2023)	35
Jennifer Mascia, <i>Are Handguns or Rifles Used More Often in Mass Shootings?</i> , The Trace (July 18, 2023)	10
Joey Palacios & Josh Peck, <i>Armed Protestors Gather Outside San Antonio's Aztec Theatre During Christmas-Themed Drag Show</i> , Tex. Pub. Radio (Dec. 14, 2022)	29
John Haworth, et al., <i>2 Connecticut Officers Killed in AR-15 Ambush After Apparent Phony 911 Call: Sources</i> , ABC News (Oct. 13, 2022)	15
Julie Carr Smyth, et al., <i>Gunman Pointed Rifle at Local Officer Before Firing at Trump During Rally, Sources Tell AP</i> , PBS News (July 14, 2024)	24
Kai Ryssdal & Maria Hollenhorst, <i>How School Shootings Shape Survivors' Economic Lives</i> , Marketplace (May 26, 2022)	34
Kat Tabor, <i>Armed Counter-demonstrators Confront Springfield Protest</i> , Eugene Weekly (Feb. 5, 2026)	28
Kelvin Shalvey & Meredith Deliso, <i>AR-15 Rifle Recovered from Scene where 4 Law Enforcement Officers were Killed in Charlotte: Police</i> , ABC News (April 30, 2024).....	14

<i>Kentucky Mass Shooter Detailed Mental Health Issues and Ease of Gun Purchase, The Guardian (Nov. 22, 2023).....</i>	13
<i>Kristina Sgueglia, Chattanooga Shootings 'Inspired' by Terrorists, FBI Chief Says, CNN (Dec. 16, 2015)</i>	24
<i>Maki Becker, Tops Security Guard Hailed as a Hero: "Aaron Died Saving Lives," Buff. News (May 25, 2022, updated Nov. 30, 2022)</i>	13
<i>Mark Scolforo, et al., Suspect in Killing of Pennsylvania Officers was a 24-Year Old Being Sought on Stalking Charges, PBS News (Sep. 18, 2025)</i>	14
<i>Michael J. Klein, Yes, the 1994 Assault Weapons Ban Saved Lives, Chicago Sun-Times (Dec. 24, 2022)</i>	31
<i>Nate Hegyi, The "Concerned Citizen Who Happens to be Armed" is Showing up at Protests, NPR (June 10, 2020)</i>	29
<i>Ned Parker & Peter Ensler, Political Violence In Polarized U.S. At Its Worst Since 1970s, Reuters (Aug. 9, 2023).....</i>	21
<i>Neil Vigdor, Death Toll in 1999 Columbine School Shooting Climbs to 14 With Homicide Ruling, N.Y. Times (March 13, 2025, updated March 18, 2025)</i>	16
<i>Nick Miroff, ISIS Fighter with American Accent Urges Supporters to Take Advantage of U.S. Gun Laws, Wash. Post (Dec. 27, 2017).....</i>	24

Patrick Boyle, <i>The Cost of Surviving Gun Violence: Who Pays?</i> , Assoc. of Am. Medical Colleges (Oct. 18, 2022).....	33, 34
Ralph Ellis at al., <i>Orlando Shooting: 49 Killed, Shooter Pledged ISIS Allegiance</i> , CNN (June 13, 2016)	24
Vanessa Romo & Sharon Pruitt-Young, <i>What We Know About the 3 Men Who Were Shot by Kyle Rittenhouse</i> , NPR (Nov. 20, 2021).....	27
Zach Despart, “He has a Battle Rifle”: Police Feared Uvalde Gunman’s AR-15, Tex. Trib. (March 20, 2023).....	15, 16
Zara Abrams, <i>Stress of Mass Shootings Causing Cascade of Collective Traumas</i> , Am. Psych. Assoc. (Sept. 1, 2022).....	34

OTHER AUTHORITIES

Andrew Blum, <i>The Costs of Political Violence in the United States</i> , Democracy Fund (Feb. 2021)..	22
Andrew Gobbo, <i>The Economic Costs of Gun Violence in the United States</i> , Wash. Ctr. For Equitable Growth (July 18, 2023)	33
Armed Conflict Location & Event Data Project & Everytown for Gun Safety, <i>Armed Assembly: Guns, Demonstrations, and Political Violence in America</i> (Aug. 2021).....	21, 25
<i>Assault Weapons and High Capacity Magazines</i> , Brady	10, 31

Balbinder Singh Gill & Kose John, <i>The Economic Costs of Mass Shootings: Evidence from U.S. Housing Markets</i> , SSRN (Aug. 1, 2025).....	34
Bianca Ho & Kieran Doyle, <i>United States and Canada Overview: January 2026</i> , ACLED (Jan. 12, 2026)	25
Brad Spicer, <i>Improving the Probability of Courage In Active Shooter Response</i> , Police1 (May 15, 2026)	17
Bridging Divides Initiative, <i>Key Political Violence and Resilience Trends From 2025</i> , Princeton University	23
Brief for Major American Cities, The United States Conference of Mayors, and Legal Community Against Violence as <i>Amici Curiae</i> Supporting Petitioners, <i>D.C. v. Heller</i> , 554 U.S. 570 (2008) (No. 07-290)	32
Bruce Katz & Jeremy Nowak, <i>The New Localism: How Cities Can Thrive in an Age of Populism</i> (Brooking Institution Press, 2017)	5
Chairwoman Carolyn B. Maloney, H. Comm. on Oversight and Reform, 116 Cong., <i>The Committee’s Investigation Into Gun Industry Practices And Profits</i> (July 27, 2022)	39
Charles DiMaggio et al., <i>Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: An Analysis of Open-Source Data</i> , 86 J. Trauma & Acute Care Surgery 11 (2019)	30

Crim. Just. Info. Serv. Div. <i>Officers Killed and Assaulted in the Line of Duty, 2025</i> , U.S. Dep’t of Just. (May 2026)	14
Declaration of Louis Klarevas, <i>Wiese v. Bonta</i> , No. 2:17-cv-00903-WBS-CSK (E.D. Cal. Aug. 18, 2023), ECF No. 135-13	8, 31, 32
<i>Disarming Fear: Debunking Myths of Defensive Gun Use</i> , Everytown Research & Policy (Nov. 12, 2025)	35
Dustin Richardson, et al., <i>Policing Mass Demonstrations: Recommendations for Policy, Training, and Community Engagement</i> , Police Exec. Rsch. Forum (Dec. 2025)	25
First Amendment Assembly Working Group, <i>Law Enforcement Response to First Amendment Assemblies: Best Practices and Tactics</i> , MCCA (Apr. 2021)	27
Frank Straub, et al., <i>Rescue, Response, and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on the Pulse Nightclub</i> (2017)	19
<i>General Methodology</i> , Gun Violence Archive	9
Intelligence Commanders Group, <i>Report on the 2020 Protests and Civil Unrest</i> , MCCA (Oct. 2020)	27
J. Pete Blair & Aaron Duran, <i>How Police Officers Are Shot and Killed During Active Shooter Events: Implications for Response and Training</i> , 96 <i>The Police J.: Theory, Practice and Principles</i> 411 (2023)	20

Joint Econ. Comm. Democrats, <i>The Economic Toll of Gun Violence</i> (July 15, 2022)	34
Joseph Blocher & Reva B. Seigel, <i>When Guns Threaten the Public Square: A New Account of Public Safety Regulation</i> , 116 Nw. U. L. Rev. 139 (2021)	28
Letter from U.S. Conf. Mayors to Charles Schumer, Majority Leader, U.S. Senate, and Mitch McConnell, Republican Leader, U.S. Senate (Dec. 5, 2022).....	2
Letter from U.S. Conf. Mayors to U.S. Cong. (Apr. 19, 2023)	2
M. Hunter Martaindale, et al., <i>Wait for Backup or Not? How Police Officers View Their Role When Responding to an Active Shooter Event</i> , 21 J. Experimental Criminology 113 (2025)	16
Major Cities Chiefs Assoc., <i>MCCA Firearms Violence Policy</i> (May 30, 2018).....	1
Major Cities Chiefs Assoc., <i>S. 24/H.R. 698 Assault Weapons Ban of 2023 Support Letter</i> (March 1, 2023).....	1
Marjorie Stoneman Douglas High School Public Safety Commission, <i>Initial Report Submitted to the Governor, Speaker of the House of Representatives, and Senate President</i> (Jan 2, 2019)	16
<i>Mass Shootings in 2022</i> , Gun Violence Archive	9
<i>Mass Shootings in 2023</i> , Gun Violence Archive	9
<i>Mass Shootings in 2026</i> , Gun Violence Archive	9

<i>Mass Shootings in America</i> , Everytown Research & Policy (last updated March 2023)	12
Off. Dir. Nat’l Intel., Domestic Violent Extremism Poses Heightened Threat in 2021 (2021)	23
Police Exec. Rsch. Forum, <i>Reducing Gun Violence: What Works, and What Can Be Done Now</i> (March 2019).....	2
Police Exec. Rsch. Forum, <i>Transforming Police Recruit Training: 40 Guiding Principles</i> (Nov. 2022)	18, 19
<i>Prohibit Assault Weapons</i> , Everytown Research and Policy	11
Riley McCabe, <i>The Rising Threat of Anti-Government Domestic Terrorists: What the Data Tells Us</i> , Ctr. For Strategic & Int’l Studies (Oct. 21, 2024)	21
Robert Klemko, <i>The Policing Paradox</i> , Wash. Post (March 27, 2023).....	16
Scott W. Phillips, <i>Police Response to Active Shooter Events: How Officers See Their Role</i> , 23 Police Q. (2020).....	17
Tannuja D. Rozario & Paige Tetens, <i>Assault Weapons and High-Capacity Magazines</i> , Everytown Research and Policy (Mar. 19, 2019, updated June 24. 2026).....	10
<i>The Economic Cost of Gun Violence</i> , Everytown Research & Policy (July 19, 2022)	34
U.S. Gov’t Accountability Off., GAO-21-515, <i>Firearm Injuries: Health Care Service Needs and Costs</i> (2021)	33

William Blackstone, <i>Commentaries on the Laws of England</i> , Book 4 (1769).....	36
---	----

INTEREST OF AMICI CURIAE¹

Amici are the Major Cities Chiefs Association, the Police Executive Research Forum, and the United States Conference of Mayors.

The Major Cities Chiefs Association (“MCCA”) is a professional organization of police executives representing the largest cities in the United States and Canada. The mission of MCCA is to provide a forum for police executives from large population centers to address the challenges and issues of policing, to influence national and international policy that affects police services, and to enhance the development of current and future police leaders. In 2018, the MCCA formally adopted, through membership vote, a Firearms Violence Policy that advocates for “reinstat[ing] the assault weapons ban....”²

¹ Pursuant to Supreme Court Rule 37.6, counsel for *amici* certify that no counsel for a party authored this brief in whole or in part and that no person or entity, other than *amici* and their counsel, made a monetary contribution intended to fund this brief’s preparation or submission.

² Major Cities Chiefs Assoc., *MCCA Firearms Violence Policy* (May 30, 2018), https://majorcitieschiefs.com/wp-content/uploads/2021/01/mcca_gun_policy_revised_2018_copy.pdf. See also Major Cities Chiefs Assoc., *S. 24/H.R. 698 Assault Weapons Ban of 2023 Support Letter* (March 1, 2023), https://majorcitieschiefs.com/wp-content/uploads/2023/03/2023.03.01-S.-25_H.R.-698-Assault-Weapons-Ban-of-2023-Support-Letter.pdf.

The Police Executive Research Forum (“PERF”) is a police research and policy organization which helps to improve the delivery of police services through the exercise of strong national leadership; public debate of political and criminal justice issues; and research and policy development. Since 2019, PERF has recommended limiting the availability of high-powered firearms, including by banning the “future sale and importation of military-style weapons that have no purpose except to kill large numbers of people as quickly as possible.”³

The United States Conference of Mayors (“Conference”) is the official non-partisan organization of the more than 1,400 United States cities with populations of 30,000 or more. Its members suffer a disproportionate share of gun violence in the United States and have a common interest in maintaining the flexibility to address this problem in the manner local officials determine to be most effective and appropriate. The Conference has maintained a consistent policy favoring bans on assault weapons.⁴

³ Police Exec. Rsch. Forum, *Reducing Gun Violence: What Works, and What Can Be Done Now* 14 (March 2019), <https://www.policeforum.org/assets/reducinggunviolence.pdf>.

⁴ See Letter from U.S. Conf. Mayors to U.S. Cong. (Apr. 19, 2023), <https://perma.cc/7Z6V-BWSZ>; Letter from U.S. Conf. Mayors to Charles Schumer, Majority Leader, U.S. Senate, and Mitch McConnell, Republican Leader, U.S. Senate (Dec. 5, 2022), <https://www.usmayors.org/2022/12/05/mayors-whose-cities-had-mass-shootings-urge-senate-to-pass-bipartisan-gun-safety-legislation/>.

As the officials most responsible for protecting the safety of the communities they serve, *amici* understand that unfettered access to assault-style weapons like the AR-15 poses a grave public safety threat to the nation. Regulations that ban the possession of these weapons are crucial to securing public safety, protecting law enforcement officers, and preventing malign actors from readily obtaining the lethal firearms they use to commit acts of terror and political violence. *Amici* have a strong interest in the regulation of assault weapons to prevent those who would wield them from endangering community members, law enforcement officers, and civic engagement.

INTRODUCTION AND SUMMARY OF ARGUMENT

Amici here—chiefs of police and city mayors—are the public officials most responsible for ensuring the safety and security of the communities they serve. They communicate safety information, respond to threats, calm the public, investigate crimes, and prosecute offenders. Law enforcement officials, in particular, are the first line of defense when a threat arises—they respond to the scene, control or eliminate the threat, collect evidence, and provide aid to those injured or threatened. Their job is to make people feel safe and they often do so at risk to their own lives. This is especially so when law enforcement responds to a scene where a shooter wields an assault-style weapon. These weapons are inherently dangerous: they are military-grade weapons designed to cause enormous harm in short periods of time. Law enforcement officers who encounter shooters armed

with these weapons are often out-gunned and under-protected from the threat they pose.

As local public officials, we have watched as the incidences of mass shootings in our communities rise. We have watched as our churches, grocery stores, neighborhoods, office buildings, and schools become targets for shooters wielding assault weapons. We have watched our teachers, neighbors, pastors, office workers, and children die from gunfire. We have watched as political violence has chilled civic engagement and the exercise of constitutional rights. And we have watched our law enforcement officers struggle to respond to the unique, dangerous threat posed by assault weapons, and sometimes suffer grave injury when they do so. We have a responsibility to our communities to protect our constituents from these threats, a responsibility each of us takes seriously. We have a duty to do more than watch.

Local governments and law enforcement have long been required—and empowered—to solve novel problems across a host of issue areas. See *Ariz. State Legis. v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 817 (2015) (recognizing “the role of the States as laboratories for devising solutions to difficult legal problems” (internal quotation marks and citation omitted)). Local governments must innovate to “deal

with pressing social, economic, and environmental concerns.”⁵

Few problems underscore the need for regulatory innovation like the increasing availability of assault-style weapons. In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), this Court preserved a degree of flexibility for local governments to protect their constituents. *Bruen* reaffirmed that our Nation has a “historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’” *Bruen*, 597 U.S. at 21 (quoting *District of Columbia v. Heller*, 554 U.S. 570, 627 (2008)). As this Court reaffirmed recently, the Second Amendment is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *United States v. Rahimi*, 602 U.S. 680, 691 (2024) (quoting *Heller*, 554 U.S. at 626). Indeed, since the Founding, states have banned a range of weapons, from clubs and Bowie knives to multi-shot firearms and machine guns.

Cook County’s Ordinance and the two Connecticut Acts at issue fit comfortably within *Bruen*’s tradition of regulation. The Second Amendment is not “a regulatory straightjacket.” 597 U.S. at 30. As the Second Circuit explained, particularly dangerous weapons like assault-style rifles that are not commonly used for self-defense are unprotected by the Second Amendment, and state and local governments may prohibit them. *See Nat’l Ass’n for*

⁵ Bruce Katz & Jeremy Nowak, *The New Localism* viii (Brookings Institution Press 2017).

Gun Rts. v. Lamont, 153 F.4th 213, 222, 240 (2d Cir. 2025), *cert. granted sub nom.*, 148 S. Ct. 2811 (2026); *accord Bianchi v. Brown*, 111 F.4th 438, 460 (4th Cir. 2024) (en banc) (“*Bruen* implies that a weapon must be ‘in common use today for self-defense’ to be within the ambit of the Second Amendment.” (citation omitted); *Bevis v. City of Naperville*, 85 F.4th 1175, 1195 (7th Cir. 2023) (weapons subject to Illinois assault weapons ban were not protected by Second Amendment because they “are much more like machineguns and military-grade weaponry than they are like the many different types of firearms that are used for individual self-defense (or so the legislature was entitled to conclude)”).

Even assuming military-grade assault weapons are covered by the Second Amendment, they nevertheless represent the kinds of “dramatic technological changes” raising “unprecedented societal concerns” that require “a more nuanced [Second Amendment] approach.” *Bruen*, 597 U.S. at 27. The first assault weapon, the AR-15, became available for commercial sale in 1964.⁶ In the last 20 years or so, since the massacre at Columbine in 1999, mass shootings—in which assault weapons are often

⁶ Alex Horton, Monique Woo, & Tucker Harris, *Flannel, Muddy Girl Camo, and Man Cards. See the Ads Used to Sell the AR-15*, Wash. Post. (Mar. 27, 2023, updated Apr. 11, 2023), <https://www.washingtonpost.com/business/interactive/2023/history-of-ar-15-marketing/>.

used⁷—have caused communities across the Nation to experience previously unknown forms of tragedy and terror. Political violence and domestic extremism have increasingly jeopardized citizens’ safety and ability to participate in civic life. And shooters wielding assault weapons do great harm: they can injure or kill more people more quickly than other firearms, and law enforcement response can be delayed while officers assemble the resources needed to confront a shooter with such a deadly and dangerous weapon.

Bruen recognized that local jurisdictions may adapt to these “novel modern conditions,” *id.* at 31 (citation omitted), by fashioning regulatory responses “to circumstances beyond those the Founders specifically anticipated.” *Id.* at 28. State and local bans on assault weapons are just such regulatory responses; that these weapons are currently available in some jurisdictions and have become popular does not preclude sensible public safety measures that are well within the historical tradition of regulating dangerous or unusual weapons. Without this latitude, our local governments and police will be paralyzed in the face of a growing epidemic of gun violence, and our communities will suffer the harms.

⁷ Greg Myre, *A Brief History of the AR-15*, NPR (Feb. 28. 2018), <https://www.npr.org/2018/02/28/588861820/a-brief-history-of-the-ar-15>.

ARGUMENT

I. Mass Shootings Using Assault-Style Weapons Are an Increasing Threat to Our Communities.

Mass shootings were essentially unknown for the first two centuries of the Nation’s history. According to expert evidence introduced in cases challenging regulatory bans, the first mass shooting in America resulting in double-digit fatalities did not occur until 1949. *See Oregon Firearms Fed’n, Inc. v. Brown*, 644 F.Supp.3d 782, 803 (D. Or. 2022); Declaration of Louis Klarevas ¶16, *Wiese v. Bonta*, No. 2:17-cv-00903-WBS-CSK (E.D. Cal. Aug. 18, 2023), ECF No. 135-13 (“Klarevas Decl.”). This shooting was followed by a second similar incident in 1966, a third in 1975, and a fourth in 1982. *See* Klarevas Decl. ¶17. In other words, these tragedies were initially non-existent, and then occurred roughly once a decade.

The frequency and intensity of mass shootings have increased exponentially. Whereas the first four mass shootings resulting in ten or more deaths occurred over more than three decades, the same number of double-digit killings took place in the two years of 2022 and 2023 alone.⁸ These included, within ten days, the racially motivated killing of ten Black

⁸ *See Mass Shootings in 2023*, Gun Violence Archive, <https://www.gunviolencearchive.org/reports/mass-murders?year=2022> (last visited July 13, 2026); *Mass Shootings in 2022*, Gun Violence Archive, <https://www.gunviolencearchive.org/reports/mass-shooting?year=2022> (last visited July 13, 2026).

victims at Tops Friendly Markets in Buffalo, New York, and the murder of 19 children and two teachers at Robb Elementary School in Uvalde, Texas, both using assault-style rifles.⁹

Mass shootings, defined as when “four or more people are shot or killed in a single incident, not including the shooter,” now occur more than *daily*.¹⁰ In 2026, as of October 26, there have been 387 mass shootings resulting in 366 deaths and 1,651 people injured.¹¹

In recent years, mass shootings are particularly likely to involve assault-style weapons. From 2010 to 2020, 34 percent of mass shootings involved an assault weapon, but from 2020 to 2023, the rate skyrocketed to 59 percent.¹² Assault weapon and high capacity magazine usage in mass shootings between 2016 and 2025 “resulted in four times as many people shot, twice as many people killed, and more than 13 times as many people nonfatally injured” than in

⁹ See *A Partial List of Mass Shootings in the United States in 2022*, N.Y. Times (Jan. 24, 2023), <https://perma.cc/7GAP-8LA5>.

¹⁰ *General Methodology*, Gun Violence Archive, <https://www.gunviolencearchive.org/methodology> (last visited July 13, 2026); *Mass Shootings in 2026*, Gun Violence Archive, <https://www.gunviolencearchive.org/reports/mass-shooting?year=2026> (last visited Oct. 28, 2026).

¹¹ See *Mass Shootings in 2026*, *supra* note 10.

¹² Jennifer Mascia, *Are Handguns or Rifles Used More Often in Mass Shootings?*, The Trace (July 18, 2023), <https://www.thetrace.org/2023/07/mass-shooting-type-of-gun-used-data/>.

incidents where the shooter used neither.¹³ And between 2016 and 2025, “all 10 of the highest-casualty mass shootings in the US have involved both an assault weapon and a high-capacity magazine.”¹⁴

Assault-style weapons are popular with mass shooters because they are designed to be extremely effective at maiming and killing their targets. Semiautomatic assault weapons “can load and fire subsequent rounds much faster than manually operated firearms,” which “allow[s] a shooter to fire more rounds over a short period without pausing to reload.”¹⁵ Each assault weapon “round has up to four times the muzzle velocity of a handgun round” and “inflicts greater damage to the human body.”¹⁶ And while “[b]ullets from weapons such as handguns typically pierce straight through a target, ... weapons

¹³ Tannuja D. Rozario & Paige Tetens, *Assault Weapons and High-Capacity Magazines*, Everytown Research and Policy (Mar. 19, 2019, updated June 24, 2026), <https://everytownresearch.org/report/assault-weapons-and-high-capacity-magazines/>.

¹⁴ *Id.*; see also *Assault Weapons and High Capacity Magazines*, Brady, https://www.bradyunited.org/resources/issues/what-are-assault-weapons-and-high-capacity-magazines_ (last visited Oct. 13, 2026) (18 of the most notorious mass shootings involving assault weapons resulted in 316 deaths and over 830 people injured).

¹⁵ *Prohibit Assault Weapons*, Everytown Research and Policy, <https://everytownresearch.org/solution/assault-weapon-ban> (last visited Oct. 21, 2026).

¹⁶ *Id.*

such as the AR-15s used in many mass shootings[] can liquefy organs.”¹⁷

The Second Circuit, in its opinion below, carefully considered this evidence in reaching its conclusion that assault weapons are particularly dangerous and may be regulated without violating the Second Amendment. The panel recognized that “prevalent firearms of the founding and reconstruction eras ... are technologically distinguishable from modern AR-15–style firearms” because, unlike earlier firearms, “today’s assault weapons ... are dramatically and reliably lethal.” *Nat’l Ass’n. for Gun Rts.*, 153 F.4th at 238. “An AR-15 can hold 30 rounds; is accurate within 400 yards; has a muzzle velocity of approximately 3,251 feet per second; can be reloaded with full magazines in as little as three seconds; and can empty a thirty-round magazine in five seconds.” *Id.*

The panel accentuated the unreasonable danger posed by AR-15s: weapons “initially developed for modern military combat.” *Id.* at 240. “The AR-15 is more lethal to victims, bystanders, and law enforcement than ordinary handguns typically used for self-defense.” *Id.* “Its powerful centerfire ammunition can penetrate standard construction walls, car doors, and law enforcement officers’ body armor” because even its standard rounds are “designed to fragment and mushroom’ in a victim’s

¹⁷ Emma Bowman & Ayana Archie, *This Is How Handguns and Assault Weapons Affect the Human Body*, NPR (June 6, 2022), <https://perma.cc/XG6G-6PGL>.

body.” *Id.* (citation omitted). In light of these characteristics, it is unsurprising that “[m]ass shooting incidents with four or more people killed where the shooter used an assault rifle resulted in an average of 2.3 times more people killed and 22.7 times more people wounded compared to incidents where the shooter did not use an assault rifle.”¹⁸

The threat posed to our communities by mass shooters wielding assault weapons is one *amici* cannot ignore.

II. Civilian Access to AR-15s Undermines Effective Law Enforcement and the Safety of Our Communities.

A. Law enforcement officers are at risk when confronted with assault weapons.

Suspects wielding assault weapons pose a significant risk to law enforcement. First responders, including *amici*, face significant obstacles to responding effectively in the face of the firepower that mass shooters now deploy. During the 2022 Fourth of July shooting in Highland Park, Illinois, half of the City’s Police Department was present at the parade, but by the time officers reached the shooter, he had killed seven and wounded 48. *See* Defendant City of Highland Park’s Opposition to Motion for Preliminary Injunction at 7-9, *Nat’l Ass’n for Gun Rts., Inc. v. City of Highland Park*, No. 1:22-cv-4774 (N.D. Ill. Jan. 19,

¹⁸ *Mass Shootings in America*, Everytown Research & Policy (last updated March 2023), <https://everytownresearch.org/mass-shootings-in-america>.

2023). Even if police had confronted the shooter earlier, they would have been at grave risk given that they were not wearing rifle-rated ballistic vests. *See id.* at 9.

Officers present at other shootings have fared worse: at the Buffalo grocery store shooting in 2022, an armed security guard died while trying to stop an assailant wielding a high-powered rifle and wearing body armor.¹⁹ And in 2023, a man with an AR-15—writing in his journal that it was “so easy” to buy the rifle that it was “ridiculous”—critically wounded a responding police officer and killed five workers in a Louisville, Kentucky, bank.²⁰

The number of officers assaulted and injured by firearms reached a ten-year high in 2023,²¹ and the danger continues. In 2025, in rural Pennsylvania, three police officers were killed and two critically

¹⁹ See Maki Becker, *Tops Security Guard Hailed as a Hero: “Aaron Died Saving Lives,”* Buff. News (May 25, 2022, updated Nov. 30, 2022), <https://perma.cc/QJZ4-552Q>.

²⁰ See *Kentucky Mass Shooter Detailed Mental Health Issues and Ease of Gun Purchase*, The Guardian (Nov. 22, 2023), <https://www.theguardian.com/us-news/2023/nov/22/louisville-mass-shooter-mental-health-gun-access>.

²¹ Crim. Just. Info. Serv. Div. *Officers Killed and Assaulted in the Line of Duty, 2025*, at 13, U.S. Dep’t of Just. (May 2026), <https://cde.ucr.cjis.gov/LATEST/resources/reports/Officers%20Killed%20and%20Assaulted%20in%20the%20Line%20of%20Duty%2C%202025.pdf>.

injured by a shooter wielding an assault rifle.²² In 2024, in Charlotte, North Carolina, four law enforcement officers, including a Deputy U.S. Marshal, were killed and four others injured by a suspect armed with an AR-15 and a handgun.²³ In 2023, two police officers were killed in Wisconsin when a suspect opened fire with an AR-15 during a traffic stop.²⁴ And in 2022, two officers were killed in Connecticut when they were ambushed by a suspect with an AR-15.²⁵

B. The presence of assault weapons undermines effective law enforcement.

²² Mark Scolforo, et al., *Suspect in Killing of Pennsylvania Officers was a 24-Year Old Being Sought on Stalking Charges*, PBS News (Sep. 18, 2025), <https://www.pbs.org/newshour/nation/suspect-in-killing-of-3-pennsylvania-officers>.

²³ Kelvin Shalvey & Meredith Deliso, *AR-15 Rifle Recovered from Scene where 4 Law Enforcement Officers were Killed in Charlotte: Police*, ABC News (April 30, 2024), <https://abc7news.com/post/charlotte-shootout-us-marshal-3-law-enforcement-officers-killed-serving-warrant/14744903/>.

²⁴ Deneen Smith, *Man Who Killed Two Police Officers in Barron County Opened Fire with AR-15 During Traffic Stop*, Wisconsin Public Radio (May 19, 2023), <https://www.wpr.org/justice/man-killed-2-police-officers-barron-county-legally-purchased-gun-mental-health>.

²⁵ John Haworth, et al., *2 Connecticut Officers Killed in AR-15 Ambush After Apparent Phony 911 Call: Sources*, ABC News (Oct. 13, 2022), <https://abcnews.com/US/police-officers-killed-injured-overnight-shooting/story?id=91430674>.

Of particular salience to *amici*, assault-style rifles compromise the effectiveness of law enforcement in responding to mass shootings and other threats to community safety. During the 2022 Uvalde school shooting, the first police officers on scene entered Robb Elementary School but quickly realized they were outgunned by an 18-year-old wielding an AR-15.²⁶ The gunman's bullets "grazed two officers in the head," and the group—fearing for their lives—retreated.²⁷ For over an hour, nearly 400 law enforcement officers waited outside the building as a Border Patrol SWAT team, equipped with protective body armor and shields that could match the stopping power of the assailant's assault weapon, travelled over 60 miles to respond to the shooting.²⁸ As a result, the shooter gained an extra 77 minutes to slaughter the students and teachers trapped in the school: Twenty-one were killed; 17 injured.²⁹

Similarly, during the 2018 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, the single school police officer on duty was armed with only a handgun and was not wearing body

²⁶ Zach Despart, "He has a Battle Rifle": Police Feared Uvalde Gunman's AR-15, Tex. Trib. (March 20, 2023), <https://www.texastribune.org/2023/03/20/uvalde-shooting-police-ar-15-2/>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

armor.³⁰ Rather than sweep the building to find and engage the shooter creating carnage with an AR-15, the Deputy sought cover in the base of a stairwell in an adjacent school building, where he remained for “approximately 48 minutes”³¹ while 17 people were shot to death.

Since the 1999 Columbine High School shooting, when police waited 40 minutes before entering the school and more than a dozen people died,³² it has been the policy of law enforcement entities across the nation to immediately intervene in the event of a mass shooting.³³ But the ‘fight-or-flight’ response

³⁰ Marjorie Stoneman Douglas High School Public Safety Commission, *Initial Report Submitted to the Governor, Speaker of the House of Representatives, and Senate President* 77 (Jan 2, 2019), <https://saferfl.org/wp-content/uploads/msdhs-psc-report.pdf>.

³¹ *Id.* at 29.

³² Robert Klemko, *The Policing Paradox*, Wash. Post (March 27, 2023), <https://www.washingtonpost.com/nation/interactive/2023/police-ar-15-gun-control/>; Neil Vigdor, *Death Toll in 1999 Columbine School Shooting Climbs to 14 With Homicide Ruling*, N.Y. Times (March 13, 2025, updated March 18, 2025), <https://www.nytimes.com/2025/03/13/us/columbine-school-shooting-death-toll.html>.

³³ See M. Hunter Martaindale, et al., *Wait for Backup or Not? How Police Officers View Their Role When Responding to an Active Shooter Event*, 21 J. Experimental Criminology 113, 120-21 (2025). But see Scott W. Phillips, *Police Response to Active Shooter Events: How Officers See Their Role*, 23 Police Q. 262, 273 (2020) (finding that “officers do not agree that a responding officer should immediately enter an active shooter incident.”).

officers sometimes experience when confronted with an active shooter situation may preempt law enforcement training that necessarily cannot simulate the life-or-death stakes of the immediate moment.³⁴ As now-Chief Paul Humphrey of the Louisville Metro Police Department has put it: “A lot of guys are really tough until they hear that rifle fire ... When you’re standing there with what feels like an insignificant tool, a pistol, and you’re hearing someone with a rifle going to work very close to you, it’s intimidating. You feel like you’re going on a suicide mission ... [and go into] the freeze response.”³⁵

Training to overcome this freeze response poses its own risks. Effective policing demands empathy as well as bravery: “The skills it takes to respond to an active shooter are different from the ambassadorial skills needed in the nonviolent aspects of community policing.”³⁶ Creating a police force equipped to address the former undermines effective policing in the latter. *Amici* PERF’s comprehensive assessment of recruit training, for instance, reached an “overarching conclusion” that puts the problem succinctly: “In too many instances, [police] academies

³⁴ See Brad Spicer, *Improving the Probability of Courage In Active Shooter Response*, Police1 (May 15, 2026), <https://www.police1.com/active-shooter/improving-the-probability-of-courage-in-active-shooter-response>.

³⁵ Jamie Thompson, *To Stop a Shooter*, The Atlantic (Jan. 29, 2024), <https://www.theatlantic.com/magazine/archive/2024/03/parkland-shooter-scot-peterson-coward-broward/6771>.

³⁶ *Id.* (quoting forensic psychiatrist Charles A. Morgan III).

continue to train officers to be warriors, even though their agencies and communities expect them to also be guardians, social workers, and community partners. ... Communities don't want their police officers operating like soldiers; they want officers who are part of the community and have strong interpersonal skills and other traits to serve effectively as community guardians.”³⁷

Law enforcement's struggle to respond to the civilian use of AR-15s is not isolated to incidents like Uvalde and Parkland. Where officers intervene, these situations pose significant and often lethal risks. In the June 2016 attack at the Pulse Nightclub in Orlando, Florida, a local detective was on the scene assisting security.³⁸ When the gunman opened fire, the detective “immediately recognized that his ... handgun ... was no match for the [assault rifle] being fired inside the club and moved to a position that afforded him more cover in the parking lot.”³⁹ By the time additional officers and a SWAT team arrived and breached the club, the shooter had fired

³⁷ Police Exec. Rsch. Forum, *Transforming Police Recruit Training: 40 Guiding Principles* 8-9 (Nov. 2022), <https://www.policeforum.org/assets/TransformingRecruitTraining.pdf>.

³⁸ Frank Straub, et al., *Rescue, Response, and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on the Pulse Nightclub* 16 (2017), available at <https://www.fbi.gov/file-repository/reports-and-publications/critical-incident-review-of-orlando-nightclub-attack.pdf/view>.

³⁹ *Id.* (footnote omitted).

“approximately 200 rounds in less than five minutes.”⁴⁰ In all, 49 people were killed and 53 others injured in the nightclub shooting.⁴¹

In other mass shootings, brave responses by officers facing assault weapons have disproportionately resulted in law enforcement deaths relative to encounters with other firearms. In active shooter events occurring between 2000 and 2018, “an officer was shot [while] responding to an active shooter in about 12% of the events (or about 1 out of every 8 events).”⁴² And being shot with a rifle was far more lethal than being shot with a pistol or shotgun: “Officers who were shot in the torso with a rifle were 12 times more likely to die than those shot with a pistol or shotgun.”⁴³

In the 2022 Buffalo supermarket mass shooting, the gunman entered the store in tactical gear and

⁴⁰ *Id.* at 18-19.

⁴¹ *Id.* at x.

⁴² J. Pete Blair & Aaron Duran, *How Police Officers Are Shot and Killed During Active Shooter Events: Implications for Response and Training*, 96 *The Police J.: Theory, Practice and Principles* 411, 419 (2023), <https://digital.library.txst.edu/bitstreams/aec707c9-2c36-4a8f-90e0-874b7bf1d66f/download>.

⁴³ *Id.* at 421.

opened fire with an assault-style rifle.⁴⁴ The on-duty security guard attempted to stop the shooter by firing his gun, but the gunman's body armor shielded him from the bullet.⁴⁵ The gunman then killed the guard and nine others before police apprehended him.⁴⁶ Similarly, a police officer was shot and killed in 2021 while engaging a shooter in a Boulder, Colorado, grocery store who was armed with an assault-style weapon and killed 10 people.⁴⁷

III. Assault Weapons Exacerbate the Threat From Political Violence.

In addition to the unprecedented problem of mass shootings, the Nation has seen a startling surge in political and ideologically motivated violence,⁴⁸

⁴⁴ Emma Bowman, et al., *What We Know so Far About the Buffalo Mass Shooting*, NPR (May 16, 2022), <https://www.npr.org/2022/05/15/1099028397/buffalo-shooting-what-we-know>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Jason Hanna & Hollie Silverman, *Boulder Police Officer was the Last Person Killed in Grocery Massacre, Police Say*, CNN (Mar. 27, 2021), <https://www.cnn.com/2021/03/27/us/boulder-colorado-shooting-saturday/index.html>.

⁴⁸ See, e.g., Riley McCabe, *The Rising Threat of Anti-Government Domestic Terrorists: What the Data Tells Us*, Ctr. For Strategic & Int'l Studies (Oct. 21, 2024), <https://www.csis.org/analysis/rising-threat-anti-government-domestic-terrorism-what-data-tells-us>.

reaching its highest levels since the 1970s.⁴⁹ “The number of domestic terrorist attacks and plots against government targets motivated by partisan political beliefs in the past five years is nearly triple the number of such incidents in the previous 25 years combined[.]”⁵⁰ Beyond targeted attacks, the presence of firearms at protests and demonstrations correlates to an increase in violence at those demonstrations, challenging law enforcement efforts to protect public safety while safeguarding civil liberties.⁵¹ And although not all acts of political violence involve the use of an assault-style weapon, many do, causing a chilling effect on the exercise of constitutional rights.⁵² “[P]olitical violence, *by design*, ... creates

⁴⁹ Ned Parker & Peter Ensler, *Political Violence In Polarized U.S. At Its Worst Since 1970s*, Reuters (Aug. 9, 2023), <https://www.reuters.com/investigates/special-report/usa-politics-violence/>.

⁵⁰ McCabe, *supra* note 48, at 10.

⁵¹ See Armed Conflict Location & Event Data Project & Everytown for Gun Safety, *Armed Assembly: Guns, Demonstrations, and Political Violence in America* 4 (Aug. 2021) (“ACLED & Everytown”) <https://perma.cc/A9QL-WK3E>.

⁵² A University of California-Davis study measuring the willingness to engage in political violence found marked differences between owners of assault weapons and non-gun owners. See Ed Pilkington, *Many Americans Who Recently Bought Guns Open to Political Violence, Survey Finds*, The Guardian (Apr. 9, 2024), <https://www.theguardian.com/us->
(*cont'd*)

harm and imposes costs on society well beyond the violent incident itself.”⁵³

The burden is particularly heavy for local governments. A 2021 U.S. government report found that militant violent extremists “typically target[] law enforcement and government personnel and facilities.”⁵⁴ These include police officers, election workers, and other local officials.⁵⁵ This diminishes

news/2024/apr/09/guns-political-violence-study (“Participants in the UC Davis survey were asked whether they believed that violence was justified in the pursuit of a range of specific political objectives. About 39% of gun owners said yes, compared with 30% of non-owners. That differential is moderate. But the gap becomes far more serious when the same question is put to subsets of gun owners. About 42% of owners of assault-type rifles said political violence could be justified....”); *see also* Hannah Allam, *The Radicals’ Rifle*, Wash. Post (Mar. 27, 2023), <https://www.washingtonpost.com/nation/interactive/2023/ar-15-armed-extremist-militia-groups/> (discussing “how militants on opposing extremes of American society are arming in anticipation of unrest, and overlap in the belief that civilians with rifles — and specifically, AR-15s — provide an important check on federal powers”).

⁵³ Andrew Blum, *The Costs of Political Violence in the United States* 11, Democracy Fund (Feb. 2021), <https://perma.cc/9Y2P-N7PP>.

⁵⁴ Off. Dir. Nat’l Intel., *Domestic Violent Extremism Poses Heightened Threat in 2021*, at 2 (2021), <https://perma.cc/5LFF-RN4Y>.

⁵⁵ *See, e.g.*, Cat Zakrzewski, *Election Workers Brace for a Torrent of Threats: ‘I KNOW WHERE YOU SLEEP’*, Wash. Post (Nov. 8, 2022), <https://www.washingtonpost.com/technology/2022/11/08/election-workers-online-threats/>.

their willingness to continue to serve; according to a 2025 survey, “75% of local officials are now less willing to engage in key political activities due to concerns about hostility” following high-profile incidents of political violence.⁵⁶

The widespread availability of assault-style rifles exacerbates the problem of political violence and the harms to effective law enforcement.⁵⁷ During the July 2024 attempted assassination of then-presidential-candidate Donald Trump in Butler, Pennsylvania, local law enforcement were deterred from engaging the would-be assassin: “The gunman had his father’s

⁵⁶ Bridging Divides Initiative, *Key Political Violence and Resilience Trends From 2025*, Princeton University, <https://bridgingdivides.princeton.edu/key-political-violence-and-resilience-trends-2025> (last visited Oct. 25, 2026).

⁵⁷ Beyond violence based on domestic political ideologies, foreign terrorist organizations have repeatedly urged their adherents to take advantage of easy access to assault weapons to commit terrorist attacks in the United States. See Adam Taylor, *The Islamic State Likes America’s ‘Dumb’ Gun Laws, Defector Says*, Wash. Post (Aug. 4, 2016), <https://perma.cc/EU67-A6CY>; Nick Miroff, *ISIS Fighter with American Accent Urges Supporters to Take Advantage of U.S. Gun Laws*, Wash. Post (Dec. 27, 2017), <https://perma.cc/3DUA-SWER>. The threat has been a reality for law enforcement officials and mayors in Orlando, Florida; San Bernardino, California; and Chattanooga, Tennessee, among others. See Ralph Ellis et al., *Orlando Shooting: 49 Killed, Shooter Pledged ISIS Allegiance*, CNN (June 13, 2016), <https://perma.cc/A3HG-LLGF>; Faith Karimi et al., *San Bernardino Shooters ‘Supporters’ of ISIS, Terror Group Says*, CNN (Dec. 5, 2015), <https://perma.cc/3GJX-QN47>; Kristina Sgueglia, *Chattanooga Shootings ‘Inspired’ by Terrorists, FBI Chief Says*, CNN (Dec. 16, 2015), <https://perma.cc/MX83-ZRUP>.

AR-style rifle and was perched atop a nearby roof ... A local law enforcement officer climbed the roof and found [the shooter], who pointed the rifle at the officer. The officer then retreated down the ladder, and the gunman quickly fired toward Trump[.]⁵⁸ Because the assailant had an assault weapon, he was able to prevent officers from confronting him on the roof, buying him time to shoot at the presidential candidate.

The presence of assault-style weapons also needlessly complicates law enforcement's role in protecting public safety at protests and demonstrations, endangering communities and undermining civil liberties.⁵⁹ In a large-scale political protest, law enforcement plays an important, but delicate, role. "On the one hand, they must uphold the fundamental right to free assembly and expression guaranteed by the United States Constitution, while on the other hand, they must maintain safety and order."⁶⁰ When protesters or

⁵⁸ Julie Carr Smyth, et al., *Gunman Pointed Rifle at Local Officer Before Firing at Trump During Rally, Sources Tell AP*, PBS News (July 14, 2024), <https://www.pbs.org/newshour/politics/gunman-pointed-rifle-at-local-officer-before-firing-at-trump-during-rally-sources-tell-ap>.

⁵⁹ See generally ACLED & Everytown, *supra* note 51.

⁶⁰ Dustin Richardson, et al., *Policing Mass Demonstrations: Recommendations for Policy, Training, and Community Engagement* vi, Police Exec. Rsch. Forum vi (Dec. 2025), <https://www.policeforum.org/assets/PolicingMassDemonstrations.pdf>.

counter-protestors are armed with assault weapons, the situation may escalate at any moment.

In 2025, firearms were present at twice the number of demonstrations as in 2024.⁶¹ According to a 2021 report, “armed demonstrations [we]re nearly six times as likely to turn violent or destructive compared to unarmed demonstrations.”⁶² They were also more deadly: “A fatality was reported at approximately one out of every 2,963 demonstrations where no firearm was identified, compared to about one out of every 62 demonstrations where there was a firearm identified.”⁶³ And this increased violence is attributable not just to those who are armed, but also to *unarmed* individuals, indicating that “the presence of firearms at a demonstration can serve to escalate tensions in contentious contexts, indirectly contributing to a more dangerous environment.”⁶⁴

Escalations such as these are not hypothetical. At a Salt Lake City, Utah, “No Kings” protest in 2025 that drew thousands of people, violence erupted when a man carrying an AR-15-style rifle was confronted by

⁶¹ Bianca Ho & Kieran Doyle, *United States and Canada Overview: January 2026*, ACLED (Jan. 12, 2026), <https://acleddata.com/update/united-states-and-canada-overview-january-2026>.

⁶² ACLED & Everytown, *supra* n. 51 at 2.

⁶³ *Id.* at 3.

⁶⁴ *Id.* at 4.

armed volunteer event “peacekeepers.”⁶⁵ After a shooting left a bystander dead, police responded, arrested the individual with the AR-15, and detained the “peacekeepers” for investigation.⁶⁶ In Kenosha, Wisconsin, in 2020, during civil unrest following a police shooting, 17-year-old Kyle Rittenhouse patrolled the streets openly carrying an AR-15-style rifle, subsequently shooting three protesters and killing two.⁶⁷ Also in 2020, a man carrying an AK-47-style assault rifle was shot at a Black Lives Matter protest in Austin, Texas, after he approached a vehicle and pointed his weapon at the driver; the fatal shots were fired from inside the car.⁶⁸

Amici are particularly affected by the potential for violence at protests. In 2020 alone, “nearly 80% of *amici* Major Cities Chiefs Association members

⁶⁵ Doc Louallen, *Police Question 2 Armed ‘Peacekeepers’ in Salt Lake City’s ‘No Kings’ Protest Death*, ABC News (June 16, 2025), <https://www-cdn.abcnews.com/US/police-question-2-armed-peacekeepers-salt-lake-citys/story?id=122910671>.

⁶⁶ *Id.*

⁶⁷ See Vanessa Romo & Sharon Pruitt-Young, *What We Know About the 3 Men Who Were Shot by Kyle Rittenhouse*, NPR (Nov. 20, 2021), <https://www.npr.org/2021/11/20/1057571558/what-we-know-3-men-kyle-rittenhouse-victims-rosenbaum-huber-grosskreutz>.

⁶⁸ See Fred Cantu, *BLM Protester Allegedly Aiming Legally-Carried Rifle at Car May Have Led to his Death*, CBS Austin (July 27, 2020), <https://cbsaustin.com/news/local/black-lives-matter-protester-aiming-legally-carried-rifle-at-car-may-have-led-to-his-death>.

experienced at least one violent assembly[.]”⁶⁹ and around “72% of major city law enforcement agencies had officers harmed during the protests.”⁷⁰ “A slight majority of agencies (51%) were also confronted with firearms,” which “required an elevated and more complex response from law enforcement agencies.”⁷¹ A number of officers were severely harmed: “Five agencies reported police officers being shot or critically injured during protests. One agency reported four of their officers being shot and a retired police captain killed by protesters using firearms.”⁷²

Even when armed protests do not turn violent, they deter citizens from exercising their rights.⁷³ This is intuitive for local officials, who have dealt repeatedly with the chilling effect that armed

⁶⁹ First Amendment Assembly Working Group, *Law Enforcement Response to First Amendment Assemblies: Best Practices and Tactics*, MCCA 3 (Apr. 2021), <https://majorcitieschiefs.com/wp-content/uploads/2021/05/MCCA-First-Amendment-Assembly-Working-Group-Final-Report.pdf>.

⁷⁰ Intelligence Commanders Group, *Report on the 2020 Protests and Civil Unrest*, MCCA 9 (Oct. 2020), <https://majorcitieschiefs.com/wp-content/uploads/2021/01/MCCA-Report-on-the-2020-Protest-and-Civil-Unrest.pdf>.

⁷¹ *Id.* at 12.

⁷² *Id.*

⁷³ See Joseph Blocher & Reva B. Seigel, *When Guns Threaten the Public Square: A New Account of Public Safety Regulation*, 116 Nw. U. L. Rev. 139, 146 (2021).

protestors have on First Amendment activities. In Springfield, Oregon, for example, a peaceful protest outside City Hall “quickly became heated” when counter-protestors arrived “wearing tactical gear and carrying AR-15s.”⁷⁴ Their presence “shift[ed] the atmosphere of the event,” creating “visible tension” that ended in tear gas and a shattered window.⁷⁵ A recent study “found that participants were far less likely to attend a protest, carry a sign, vocalize their views, or bring children ... if they knew firearms would be present.”⁷⁶ This was true regardless of participants’ political ideology or whether they themselves owned a gun.⁷⁷ Moreover, the presence of armed protestors on one ideological “side” can inspire a response from protestors on the other side, thereby

⁷⁴ Kat Tabor, *Armed Counter-demonstrators Confront Springfield Protest*, Eugene Weekly (Feb. 5, 2026), <https://eugeneweekly.com/2026/02/05/armed-counter-demonstrators-confront-springfield-protest>.

⁷⁵ *Id.*

⁷⁶ Diana Palmer & Timothy Zick, *The Second Amendment Has Become a Threat to the First*, Atlantic (Oct. 27, 2021), <https://perma.cc/A98W-ZRVS>.

⁷⁷ *Id.*

increasing the chilling effect (and risk of violence) for all attendees.⁷⁸

The stifling effects of assault-style rifles are not limited to participation in peaceful protests. Recent years have seen a swell of armed activity in other centers of civil life, including the presence of armed individuals at polling places, vote-count centers, and school and county board meetings.⁷⁹ As in the case of peaceful protests, this armed activity deters citizens from exercising their freedom of speech and assembly, and it also deters them from engaging in other core democratic functions, such as voting and petitioning their government.

⁷⁸ See, e.g., Joey Palacios & Josh Peck, *Armed Protestors Gather Outside San Antonio's Aztec Theatre During Christmas-Themed Drag Show*, Tex. Pub. Radio (Dec. 14, 2022), <https://perma.cc/DNB8-W74J>; see also Nate Hegyi, *The "Concerned Citizen Who Happens to be Armed" is Showing up at Protests*, NPR (June 10, 2020), <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/06/10/873751544/the-concerned-citizen-who-happens-to-be-armed-is-showing-up-at-protests>.

⁷⁹ See, e.g., Jacob Knutson, *Election Officials: Armed "Vigilantes" Near Ballot Drop Boxes in Arizona*, Axios (Oct. 23, 2022), <https://www.axios.com/2022/10/23/mesa-arizona-armed-vigilantes-ballot-drop-box>; 13News Now Staff, *4 Charged for Bringing Guns to Gloucester County School Board Meeting*, ABC 13News Now (July 14, 2023), <https://www.13newsnow.com/article/news/crime/4-charged-guns-gloucester-county-school-board-meeting/291-c0abc566-302f-40a5-b378-ae4932007948>.

IV. The Threat Posed By Assault Weapons Requires Communities To Respond With Regulatory Flexibility.

A. Assault-weapons bans are an effective and permissible regulation.

In the face of these threats, local jurisdictions have adopted measures, such as the Ordinance and Acts challenged in this case, that can save lives by restricting the weapons that mass shooters and extremists are most likely to use. At the federal level, “[m]ass-shooting related homicides in the United States were reduced during the years of the federal assault weapons ban of 1994 to 2004,”⁸⁰ but increased nearly five-fold thereafter.⁸¹ The production of assault weapons exploded after the federal ban expired, with 100,000 manufactured in 2004, and millions annually in subsequent years.⁸² Thus, the federal ban was successful in limiting the availability

⁸⁰ Charles DiMaggio et al., *Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban*, 86 J. Trauma & Acute Care Surgery 11, 12 (2019).

⁸¹ See Michael J. Klein, *Yes, the 1994 Assault Weapons Ban Saved Lives*, Chicago Sun-Times (Dec. 24, 2022), <https://chicago.suntimes.com/2022/12/24/23522697/federal-assault-weapons-ban-1994-saved-lives-the-conversation-michael-klein> (“[T]he risk of a person in the U.S. dying in a mass shooting was 70% lower during the period of the assault weapons ban.”).

⁸² See *Assault Weapons and High-Capacity Magazines*, Brady, <https://www.bradyunited.org/resources/issues/what-are-assault-weapons-and-high-capacity-magazines> (last visited Oct. 12, 2026).

of assault weapons and in preventing harm. States and communities seek to replicate these results.

The success of the now-expired federal ban demonstrates the need for the kind of regulatory flexibility that *Bruen* contemplated. The Second Amendment is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Rahimi*, 602 U.S. at 691 (quoting *Heller*, 554 U.S. at 626). Although a motivated shooter may find another way to kill and injure, assault-weapons bans provide a significant deterrent effect by “suppress[ing] the inclinations of potential mass shooters to go on killing rampages in the first place because their means of choice is unavailable.” Klarevas Decl. ¶ 25. “[S]hould deterrence fail, bans force perpetrators to substitute less lethal instruments for more dangerous, prohibited ones, reducing the casualty tolls of attacks when they do occur.” *Id.* Thus, as some of the *amici* here have previously explained, “cities have adopted a range of approaches to confront the particular threats of gun violence that their communities face,” and “[t]his range puts in sharp focus ‘the theory and utility of our federalism as the States perform their role as laboratories for experimentation to devise various solutions where the best solution is far from clear.’”⁸³

⁸³ See Brief for Major American Cities, The United States Conference of Mayors, and Legal Community Against Violence as *Amici Curiae* Supporting Petitioners [hereinafter “*Amici Brief*”] at 11, *D.C. v. Heller*, 554 U.S. 570 (2008) (No. 07-290) (citation omitted).

This flexibility is particularly critical where cities face “novel” and “unprecedented societal concerns” like those posed by the use of assault-style weapons in mass shootings and acts of political violence. *Bruen*, 597 U.S. at 27, 31 (internal quotation marks and citation omitted). In addressing this problem, “data from cities and their varying approaches to municipal firearms regulation [] show that cities need flexibility to craft locally tailored solutions to the particular threats and costs of gun violence that their residents face.”⁸⁴

Mass shootings inflict unique and devastating harms. In addition to the incalculable costs of lost lives, survivors of gun violence “face a long ordeal of pain and medical care that collectively costs patients, hospitals, and governments billions of dollars each year.”⁸⁵ This includes not only initial medical payments, but also ongoing expenses to manage physical and psychological pain, and the costs of “diminished quality of life for victims and their families.”⁸⁶ The harms include decreased educational attainment in children exposed to gun violence,

⁸⁴ *Id.* at 12.

⁸⁵ Patrick Boyle, *The Cost of Surviving Gun Violence: Who Pays?*, Assoc. of Am. Medical Colleges (Oct. 18, 2022), <https://perma.cc/GG7P-BWUD>.

⁸⁶ *Id.* See also U.S. Gov’t Accountability Off., GAO-21-515, *Firearm Injuries: Health Care Service Needs and Costs* 8-9 (2021) (finding that “average cost of initial treatment for firearm injury patients—whether ED-only or inpatient care—was more than twice the average cost of treating other patients in the hospital”).

significantly increased expenditures on school security, and depressed business and housing price growth in local economies.⁸⁷ Survivors of school shootings in particular suffer long-term economic consequences, including reduced employment and earnings.⁸⁸ When the losses borne by survivors, families, communities, employers, and taxpayers are taken together, gun violence costs the United States over \$557 billion annually, or about 2.6 percent of

⁸⁷ See Andrew Gobbo, *The Economic Costs of Gun Violence in the United States*, Wash. Ctr. For Equitable Growth (July 18, 2023), <https://equitablegrowth.org/the-economic-costs-of-gun-violence-in-the-united-states/> (costs include “public funding being directed toward security infrastructure for schools instead of other educational programs, reduced tax base due to limited business activity in areas suffering from gun violence and crime, and funding from federal government, states, and localities spent on healthcare costs for those who are uninsured”); Abel Brodeur & Hasin Yousaf, *On the Economic Consequences of Mass Shootings*, 107 *The Rev. of Econ. and Stats.* 109 (2025) (“residents of targeted areas: (i) develop pessimistic views of financial and local business conditions; and (ii) are more likely to report poor mental health, which hinders usual activities such as work ...”), <https://direct.mit.edu/rest/article-abstract/107/1/109/113173/On-the-Economic-Consequences-of-Mass-Shootings?redirectedFrom=fulltext>); Balbinder Singh Gill & Kose John, *The Economic Costs of Mass Shootings: Evidence from U.S. Housing Markets*, SSRN (Aug. 1, 2025), <https://ssrn.com/abstract=5409985> (“following a mass shooting: buyer interest declines, homes take longer to sell, price concessions become more frequent, and listing prices fall.”).

⁸⁸ See Kai Ryssdal & Maria Hollenhorst, *How School Shootings Shape Survivors’ Economic Lives*, Marketplace (May 26, 2022), <https://perma.cc/9X35-7L2Z>.

gross domestic product.⁸⁹ And these costs are most acute in mass shootings.⁹⁰ Local communities act well within the law when they try to lower these costs and prevent other harms by regulating assault-style weapons.

B. The availability of assault-style weapons does not render their regulation unconstitutional.

Petitioners argue that assault-style weapons like the AR-15 cannot be regulated because they are “in common use” today. *See, e.g.*, Brief of the Petitioners at 31-33. But this is wrong factually and legally. First, Petitioners overstate how common these weapons are because they confuse the number *in circulation* with the number *used for lawful self-defense*. A long-term study found that assault weapons were used or brandished in self-defense only 51 times in the course of the nearly ten-year span from 2014 to 2023,⁹¹ as compared to firearms more generally (mostly handguns), which, between 2019 and 2023, were estimated to be used or brandished in

⁸⁹ *See The Economic Cost of Gun Violence*, Everytown Research & Policy (July 19, 2022), <https://perma.cc/T8Z4-QYF9>.

⁹⁰ *See* Boyle, *supra* note 85 (“Injuries from mass shootings are especially severe and costly.”); *see also* Zara Abrams, *Stress of Mass Shootings Causing Cascade of Collective Traumas*, Am. Psych. Assoc. (Sept. 1, 2022), <https://perma.cc/8TAV-VW3V>.

⁹¹ *See* Jennifer Mascia, *How Often are AR-Style Rifles Used for Self-Defense?*, The Trace (Aug. 29, 2023), <https://www.thetrace.org/2023/08/ar15-rifle-self-defense-shooting-data/> (analyzing Gun Violence Archive data).

self-defense an estimated 69,000 times *a year* nationally.⁹² Assault weapons created for military use are not commonly used for self-defense. See *Bianchi*, 111 F.4th at 452-53 (Maryland’s assault weapons law regulated firearms that are “dangerous and unusual weapons” not “in common use today for self-defense.’ Rather, they are weapons ‘most useful in military service’ with firepower far exceeding the needs of the typical self-defense situation. These weapons ... do not fit within the Second Amendment’s ambit” (internal citations omitted)).

Second, Petitioners’ argument runs headlong into *Bruen*’s admonition that “dramatic technological changes may require a more nuanced approach” to firearms regulation. 597 U.S. at 27. *Bruen* recognized a tradition going back to the Founding of regulating “dangerous and unusual weapons,” *id.* at 21 (quoting *Heller*, 554 U.S. at 627),⁹³ as more lethal weapons emerged. The challenged Ordinance and Acts fit within that tradition; assault weapons have only been

⁹² *Disarming Fear: Debunking Myths of Defensive Gun Use*, Everytown Research & Policy, (Nov. 12, 2025), <https://everytownresearch.org/report/disarming-fear-debunking-myths-of-defensive-gun-use/>.

⁹³ In *Heller*, the Court relied on Blackstone for this long tradition, but Blackstone referred to the offense of “riding or going armed with dangerous *or* unusual weapons,” not “dangerous *and* unusual weapons.” 4 William Blackstone, *Commentaries on the Laws of England* 148-49 (1769) (“The offence of *riding or going armed*, with dangerous *or* unusual weapons, is a crime against the public peace, by terrifying the good people of the land; and is particularly prohibited by the statute of Northampton” (third emphasis added)).

commercially available to civilians since 1964, with sales starting to rise in the early 1990s,⁹⁴ and there has been an explosion in mass shootings involving assault weapons since the Columbine massacre in 1999.⁹⁵

In the face of this newer technology and threat, Petitioners’ argument proves too much. As Judge Easterbrook explained in his opinion upholding a city ordinance banning assault weapons, “[d]uring Prohibition the Thompson submachine gun (the ‘Tommy gun’) was all too common in Chicago, but that popularity didn’t give it a constitutional immunity[.]” *Friedman v. City of Highland Park*, 784 F.3d 406, 408 (7th Cir. 2015). To the contrary, “relying on how common a weapon is at the time of litigation would be circular,” because it would imply that “the reason why a particular weapon can be banned is that there is a statute banning it, so that it isn’t commonly owned.” *Id.* at 409. Judge Wilkinson made a related point when writing for the *en banc* Fourth Circuit in *Bianchi*: “The Framers recognized they could not foresee all the dangers that novel weaponry would someday pose, or the circumstances that would invoke

⁹⁴ See Dave Gilson & Brian Schatz, *A Brief History of America’s Massive Gun-Buying Spree*, Mother Jones (May/June 2016), <https://www.motherjones.com/politics/2016/06/gun-industry-nra-assault-weapon-timeline/>.

⁹⁵ The earlier of the Connecticut Acts at issue was enacted just four months after the 2021 mass shooting at Sandy Hook Elementary School in Newtown, where a shooter armed with an assault weapon killed 20 children and six staff members. See *Nat’l Ass’n for Gun Rts.*, 153 F.4th at 222.

the basic power of government to protect the governed.” 111 F.4th at 473. “We shudder to imagine the hubris with which a court would disable representative government at the very moment that lethal technologies are proceeding at an accelerated and indeed unprecedented pace.” *Id.*

By Petitioners’ logic, if a jurisdiction does not act immediately to ban a novel and dangerous weapon, thus permitting that weapon to enter into common use, the jurisdiction can *never* ban the weapon. This time-sensitive approach to regulation finds no basis in the Constitution, is inconsistent with prudent governance,⁹⁶ and would reward manufacturers and advertisers for moving rapidly and recklessly to get new and dangerous weapons into common use before legislators can act.⁹⁷

⁹⁶ Brief for the Cook County Respondents at 49-52. *See also Bianchi*, 111 F.4th at 462 (“[T]he arc of weapons regulation in our nation has mimicked a call and response composition, in which society laments the harm certain excessively dangerous weapons are wreaking, and the state, pursuant to its police power, legislates in kind.”).

⁹⁷ *See, e.g.*, Clare Hymes, *Gunmakers Made Over \$1 Billion In Assault Weapon Sales In The Past Decade, Congressional Report Finds*, CBS News (July 27, 2022), <https://www.cbsnews.com/news/gunmakers-made-over-1-billion-in-assault-weapon-sales-in-the-past-decade-congressional-report-finds/>; Chairwoman Carolyn B. Maloney, *(cont’d)*

If jurisdictions lose the flexibility to devise regulatory responses to new and dangerous threats, law enforcement, mayors, and other local and state officials will be hamstrung in their ability to ensure public safety, while left to manage the fallout of mass shootings and acts of politically motivated violence when they inevitably occur. Such events place substantial demands on local and state resources beyond the incalculable human toll they exact. A ruling in favor of Petitioners would impair the ability of *amici*'s members not only to protect their communities, but also to govern the cities for which they are responsible.

H. Comm. on Oversight and Reform, 116 Cong., *The Committee's Investigation Into Gun Industry Practices And Profits* (July 27, 2022) ("Materials obtained by the Committee show how sellers tout assault rifles' military pedigree, make covert references to violent white supremacists ... , and prey on young men's insecurities by claiming their weapons will put them 'at the top of the testosterone food chain.'"), <https://oversightdemocrats.house.gov/imo/media/doc/2022.07.27%20Supplemental%20MEMO%20for%20the%207-27-2022%20FC%20Gun%20Manufacturer%20Hearing.pdf>.

CONCLUSION

For the reasons stated herein, *amici* respectfully urge this Court to affirm the decisions below.

Respectfully submitted,

Mary B. McCord

Counsel of Record

Rupa Bhattacharyya

Institute for Constitutional

Advocacy & Protection

Georgetown Law Center

600 New Jersey Ave, NW

Washington, DC 20001

(202) 661-6607

mbm7@georgetown.edu

October 28, 2026