

IN THE
Supreme Court of the United States

CUTBERTO VIRAMONTES, *et al.*,

Petitioners,

v.

COOK COUNTY, ILLINOIS, *et al.*,

Respondents.

[Additional Caption Listed On Inside Cover]

ON WRITS OF CERTIORARI TO THE UNITED STATES COURTS OF
APPEALS FOR THE SEVENTH AND SECOND CIRCUIT

**BRIEF OF ALLIANCE FOR GUN RESPONSIBILITY,
COALITION FOR A SAFER DELAWARE,
MARYLANDERS TO PREVENT GUN VIOLENCE,
MASSACHUSETTS COALITION TO PREVENT
GUN VIOLENCE, NEW YORKERS AGAINST GUN
VIOLENCE, AND RHODE ISLAND COALITION
AGAINST GUN VIOLENCE AS *AMICI CURIAE*
SUPPORTING RESPONDENTS**

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EDDIE GRANT, JR., *et al.*,

Petitioners,

v.

RONNELL HIGGINS, IN HIS OFFICIAL CAPACITY
AS COMMISSIONER OF THE CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND
PUBLIC TRANSPORTATION, *et al.*,

Respondents.

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INTEREST OF *AMICI CURIAE*¹

Amici Alliance for Gun Responsibility, Coalition for a Safer Delaware, Marylanders to Prevent Gun Violence, Massachusetts Coalition to Prevent Gun Violence, New Yorkers Against Gun Violence, and Rhode Island Coalition Against Gun Violence (collectively, “Amici”) are nonprofit organizations dedicated to preventing gun violence and protecting public safety in their respective states. Through legislative advocacy, public education, community engagement, and other gun-violence-prevention initiatives, Amici work to reduce firearm-related injuries and deaths and promote the safety and well-being of the communities they serve.

Amici have extensive experience addressing the consequences of gun violence at the state and local levels. Their work brings them into direct contact with policymakers, community members, and individuals affected by firearm violence, providing them with perspectives on the public safety challenges confronting their states and the legislative measures adopted to address those challenges.

Amici have a substantial interest in this case because its resolution will affect the authority of state legislatures to respond to public safety threats through the reasonable regulation of firearms. Each state in which Amici reside

1. No counsel for any party authored any part of this brief. No person or entity other than *Amici* made a monetary contribution for preparation or submission of this brief, and appropriate notice was provided to the parties. This amicus brief was approved for filing on behalf of Amici by their respective executive committees and/or boards of directors.

and work has enacted an assault weapons ban similar to those challenged by petitioners. Drawing on their experience advocating for and evaluating gun-violence-prevention measures across multiple jurisdictions, Amici submit this brief to provide the Court with a state-level perspective on the challenges posed by assault weapons and the role of state legislative judgments in addressing those challenges.

SUMMARY OF ARGUMENT

I. Assault weapons are a relatively new technology in our nation’s history and possess features that when combined make them materially different from historic rifles and particularly lethal in mass-shootings. An assault weapon’s high-velocity ammunition, rapid semiautomatic fire, and accuracy at a distance together enable shooters to kill many more victims, inflict severe injuries on others, and expose responding officers to additional danger—all within minutes, and sometimes within seconds. Comparisons that isolate a single feature of the assault weapon fail to address the cumulative capabilities that make assault weapons particularly lethal in mass shootings.

II. The emergence and widespread availability of these assault weapons in the years since the lapse of the Federal Assault Weapons Ban have coincided with increases in both active-shooter incidents and fatalities in mass-shootings.² Several shootings were so devastating

2. Decl. of John J. Donohue ¶ 41, *Grant v. Lamont*, No. 3:22-cv-01223-VDO (D. Conn. July 22, 2023), ECF No. 59-2 (hereafter “Grant Donohue Decl.”).

that their horror can be evoked simply by naming the places where they occurred: Sandy Hook, Uvalde, Pulse, Aurora, Las Vegas, Tops, Tree of Life, and First Baptist Church, to name a few. In response to this new societal scourge, states enacted assault weapons bans to reduce the deadliness of future mass shootings.

III. Assault weapons bans work. State-level assault weapons bans have cut mass shooting fatalities in half.³ In the decade after the Federal Assault Weapons Ban was lifted the U.S. experienced a 239% increase in mass shooting deaths.⁴

IV. Assault weapons bans reflect the considered judgment of democratically elected legislatures responding to the people they represent. A majority of Americans favor such bans and recognize that assault weapons are uniquely dangerous and rarely used for self-defense.

While the historical analogues in *District of Columbia v. Heller* and *Bruen* “are relatively simple to draw, other cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *N.Y. State Rifle & Pistol Ass’n v.*

3. Mark Gius, *The Impact of State and Federal Assault Weapons Bans on Public Mass Shootings*, 22 Applied Econ. Letters 281 (2015).

4. Press Release, U.S. Senate Comm. on the Judiciary, Democrats, *Studies: Gun Massacre Deaths Dropped During Assault Weapons Ban, Increased After Expiration* (Sept. 24, 2019), available at <https://www.judiciary.senate.gov/press/dem/releases/studies-gun-massacre-deaths-dropped-during-assault-weapons-ban-increased-after-expiration>.

Bruen, 597 U.S. 1, 27 (2022). The unprecedented surge in mass shootings and dramatic advances in assault weapon technology constitute precisely the kinds of changes that warrant a nuanced assessment of state legislatures' decisions to regulate, including ban, these particularly lethal and uniquely modern weapons.

The Second Amendment is not subject to an entirely different body of rules than the other Bill of Rights guarantees. *Bruen*, 597 U.S. 1 at 70 (citing *McDonald v. Chicago*, 561 U.S. 742, 780 (2010)). This Court's Second Amendment precedents were not meant to suggest "a law trapped in amber." *United States v. Rahimi*, 602 U.S. 680, 691 (2024). When dramatic technological changes and unprecedented societal concerns are implicated, state legislatures must be permitted to respond.

The Court should therefore affirm the decisions of the Seventh and Second Circuits and hold that assault weapons bans do not violate the Second Amendment. To hold otherwise would trap the law in amber and force democratically elected legislatures to abandon an effective response to an unprecedented societal concern.

ARGUMENT

I. Due To Their Unique Characteristics, Assault Weapons Inflict Greater Harm.

Assault weapons have a combination of characteristics that make them uniquely lethal in active shooter scenarios. Assault weapons are typically designed to use high velocity ammunition, increasing their ability to inflict severe wounds more likely leading to death; have a semiautomatic

rate of fire, increasing the number of bullets that can be fired in a single incident; and have the ability to shoot long distances with accuracy, even through walls.

Bullets from an AR-15 assault weapon cause far more damage to the human body than those from a handgun.⁵ Assault weapons like the AR-15 are designed to accommodate high-velocity rounds, allowing these weapons to fire bullets at such a high velocity that the bullets produce an energy cavity that damages tissue surrounding the direct bullet path.⁶ Bullets fired from assault weapons can fracture bone even without a direct hit.⁷ In contrast, typical handgun bullets primarily cause localized injuries along their bullet path.⁸ Injuries from assault weapon rounds are thus more damaging, more traumatic, and less survivable than gunshot wounds from other types of weapons.

5. Ruby Mellen, Jonathan Baran, Shelly Tan & Nate Jones, *What Does an AR-15 Do to a Human Body? A Visual Examination of the Deadly Damage*, Wash. Post (Mar. 27, 2023), available at <https://www.washingtonpost.com/nation/interactive/2023/ar-15-damage-to-human-body/>.

6. Panagiotis K. Stefanopoulos et al., *Wound Ballistics 101: The Mechanisms of Soft Tissue Wounding by Bullets*, 43 Eur. J. Trauma & Emerg. Surg. 579 (2017).

7. Joseph LeSueur et al., *Experimental Wound Ballistic Study to Understand Biomechanical Differences in Gunshot Wounds from Various Bullets and Firearms: Implications for Clinical Care and Forensic Analysis*, 22 Forensic Sci., Med. & Pathology 277, 284 (2026).

8. Stefanopoulos et al., *supra* note 6, at 582.

Not only do bullets from AR-15s hit their targets at a higher velocity, but shooters using AR-15s are able to shoot at a semiautomatic rate of fire, increasing the number of bullets fired in just a few minutes or even seconds. During the Sandy Hook Elementary School shooting, the shooter fired 154 rounds from an assault weapon in less than five minutes, killing 20 children and six adults.⁹ An assault weapon's capacity for rapid fire, combined with the high velocity of those bullets, makes it particularly lethal. Of the children killed at Sandy Hook, 17 were killed on the spot and three were pronounced dead after being transported to the hospital.¹⁰

In addition, a shooter using an assault weapon can shoot at a great distance and fire bullets with such velocity they can penetrate walls, wreaking more carnage than would result from another firearm.

Harper Moyski, a fifth grader at Annunciation Catholic School in Minneapolis, was attending a weekly all-school mass with her classmates when a shooter opened

9. Conn. Div. of Crim. Just., *Danbury State's Attorney Releases Additional Information on December 14, 2012, Incident at Sandy Hook Elementary School* (Mar. 28, 2013), available at <https://portal.ct.gov/dcj/latest-news/state-v-skakel/danbury-states-attorney-releases-additional-information-on-december-14-2012-incident-at-sandy-hook-e>.

10. Off. of the State's Att'y, Jud. Dist. of Danbury, *Report of the State's Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Connecticut on December 14, 2012* (Nov. 25, 2013), available at <https://portal.ct.gov/dcj/-/media/dcj/sandyhookfinalreportpdf.pdf>.

fire from ***outside*** her church.¹¹ Without even entering the building, an assault weapon allowed the shooter to fire 116 rounds, killing two children and wounding 18 others.¹² Harper was shot in the head and died before she could receive medical care.

In addition to the power and lethality assault weapons bring to mass shootings, these unique characteristics also make them harder to defend against. The specialized training and equipment necessary to confront a shooter armed with an assault weapon designed to overwhelm its target are not widely available to or common in law enforcement. As a result, shooters can kill more people before law enforcement can intervene and when law enforcement does respond, the risk to officers' lives is greater.

On May 24, 2022, an active shooter opened fire outside Robb Elementary School in Uvalde, Texas with a high-powered AR-15 style assault weapon.¹³ Law enforcement arrived on the scene within three minutes of the shooter entering the elementary school.¹⁴ The first responding

11. MPR News Staff, *Children Killed in Minneapolis Mass Shooting Identified, Authorities Still Unsure of Motive*, MPR News (Aug. 28, 2025), available at <https://www.mprnews.org/story/2025/08/28/updates-mass-shooting-annunciation-catholic-school-church>.

12. *Id.*

13. U.S. Dep't of Just., *Critical Incident Review: Active Shooter at Robb Elementary School* 9 (2024), available at <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1141-pub.pdf>.

14. *Id.* at 10.

officers entered the building and ran towards the sound of the shooting. The assailant shot at the officers through the wall of a classroom and, given the velocity of the rounds, caused projectile wall fragments to hit and injure the responding officers.¹⁵ The officers retreated and radioed for a special weapons and tactics (SWAT) team and additional resources, including shields and flashbangs, because the shooter was carrying an assault weapon and the responding officers were equipped with only handguns.¹⁶ Assault weapons are so lethal that even trained law enforcement officers feel ill-equipped to respond to their threat.

The presence of an assault weapon at Uvalde produced a 77-minute gap between when officers first arrived on the scene and when they finally confronted and killed the shooter.¹⁷ During this time, the shooter was able to hunt down and kill 19 children and two teachers.¹⁸

Opponents of assault weapons bans isolate individual characteristics to downplay the dangerousness of these weapons.¹⁹ While many characteristics of an assault weapon are not unique on their own, in combination these characteristics produce a uniquely lethal weapon.

15. *Id.*

16. *Id.* at 10-11.

17. *Id.* at 1.

18. *Id.*

19. *See* Brief of Ballistics Experts and Second Amendment Law Professors as Amici Curiae in Support of Petitioners at 24, *Viramontes v. Cook County*, Nos. 25-238 & 25-566 (U.S. Sept. 4, 2026).

II. Assault Weapons Bans Exist to Create a Barrier to Individuals Intent on Causing Maximum Harm Such That the Harm Inflicted, if Any, is Significantly Less.

States enacted assault weapons bans in response to the advent of mass shootings and their increasing fatality.

Mass shootings are a new societal issue. There were no mass shootings resulting in double digit fatalities until 1948.²⁰ For 70% of its existence as a nation, the United States did not experience a mass shooting resulting in double digit homicides.²¹ The emergence and widespread availability of assault weapons has coincided with increases in both active-shooter incidents and the fatality of mass shootings.²² In a sample of mass shootings between 1991 and 2022 with at least twenty fatalities, 75% involved assault weapons. *Barnett v. Raoul*, 180 F.4th 1035, 1058 (7th Cir. 2026). In addition, between 1991 and January 2024, assault weapons were used in four of every five mass shootings that resulted in more than 24 deaths and in every mass shooting resulting in more than 40 deaths. *Bianchi v. Brown*, 111 F.4th 438, 456 (4th Cir. 2024).

In response, eleven states (California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, and Washington) and the

20. Decl. of Louis Klarevas ¶ 10, *Duncan v. Becerra*, No. 3:17-cv-01017-BEN-JLB (S.D. Cal. May 17, 2017) (hereafter “Duncan Klarevas Decl.”).

21. *Id.*

22. Grant Donohue Decl. ¶ 41.

District of Columbia have enacted laws that generally ban the sale, manufacture, and transfer of assault weapons.²³ When enacting these laws, legislatures made clear that their intent was to limit the fatality of mass shootings.

For example, the Delaware legislature began its house bill by describing the use of assault weapons in mass shootings.²⁴ Similarly, the Washington legislature stated: “[a]n assailant with an assault weapon can hurt and kill twice the number of people than an assailant with a handgun or non-assault rifle.”²⁵ These bans focused on assault weapons, rather than other firearms, because the presence of assault weapons is strongly correlated with the severity and lethality of a mass shooting.

Other gun violence prevention laws to which certain amici refer as sufficient – particularly those prohibiting certain potentially dangerous people from purchasing firearms – do not address, and are not intended to address, the particular harms caused by assault weapons. In fact, one study found that assault weapons bans are the only gun violence prevention measure that had a statistically significant effect on the number of school shooting victims.²⁶ The majority of active shooters obtain

23. Giffords Law Ctr. to Prevent Gun Violence, *Assault Weapons*, GIFFORDS (last visited Oct. 25, 2026), <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/assault-weapons/> (Hawaii bans assault pistols but not the assault rifles specifically at issue in these cases).

24. H.B. 450, 152d Gen. Assemb., Reg. Sess. (Del. 2024).

25. 2023 Wash. Sess. Laws ch. 162, § 3.

26. Mark Gius, *The Effects of State and Federal Gun Control Laws on School Shootings*, 25 Applied Econ. Letters 319 (2018).

their firearms legally.²⁷ And as made clear by the FBI, the majority of mass shooters had no convictions or adjudicated mental deficiencies that would have barred them from acquiring or possessing assault weapons.²⁸ Tighter background checks on assault weapons would not have prevented the majority of active shootings.²⁹

Bans are more effective. Gun violence is a complex, multi-faceted issue, and reducing gun violence is therefore also complex. Many individual and coordinated regulations can help save lives and reduce injuries. Assault weapons bans are one such regulation. They can cut the fatality of mass shootings in half.³⁰

27. James Silver, Andre Simons & Sarah Craun, Fed. Bureau of Investigation, *A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000–2013* (2018), available at <https://www.fbi.gov/file-repository/reports-and-publications/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf>.

28. *Id.* at 7.

29. The assault weapon used to kill Harper and Fletcher at Annunciation Church, and the assault weapon used in the Uvalde elementary school shooting were purchased legally, days before the shootings took place. Had Minnesota or Texas had an assault weapons ban preventing the shooter from acquiring such a weapon, these shootings, had they even occurred, would almost certainly have resulted in fewer deaths. *See* MPR News Staff, *Children Killed in Minneapolis Mass Shooting Identified*; Reese Oxner, *Uvalde Shooter Bought Gun Days Before Shooting at Texas Elementary School*, Tex. Trib. (May 25, 2022), <https://www.texastribune.org/2022/05/25/uvalde-shooter-bought-gun-legally/>.

30. *See* Gius, *The Impact of State and Federal Assault Weapons Bans on Public Mass Shootings* at 284.

III. Assault Weapons Bans Work.

One study found that state-level assault weapons bans reduce mass shooting deaths by 45%.³¹ Another concluded counties in states with assault weapons bans experienced a 41% lower incidence of mass shooting fatalities relative to counties in states without assault weapons bans.³²

During the 1994 Federal Assault Weapons Ban period, mass-shooting fatalities were 70% less likely to occur.³³ In the decade after the Federal Assault Weapons Ban was lifted, the U.S. experienced a 183% increase in mass shootings and a 239% increase in mass shooting deaths.³⁴

The amicus brief from Crime Prevention Research Center (“CPRC”) argues that the passage and eventual expiration of the 1994 Federal Assault Weapon Ban had no effect on mass shooting frequency or casualties, but these claims are inaccurate and often rely on conclusory

31. *Id.* at 281.

32. Charles J. DiMaggio, et al., *State Assault Weapons Bans Are Associated with Fewer Fatalities: Analysis of US County Mass Shooting Incidents (2014–2022)*, 32 *Inj. Prevention* 317 (2026).

33. Charles DiMaggio, et al., *Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open-Source Data*, 86 *J. Trauma Acute Care Surgery* 11 (2019).

34. U.S. Senate Comm. On the Judiciary, *supra* note 4.

statements made by amici themselves.³⁵ The brief cites both academic research and data charts to make this claim but misreads both. For example, the brief states that a 2018 Christopher Koper study “found no evidence that assault-weapons bans reduced murders or mass public shootings.”³⁶ Yet the study itself states that it “does not directly evaluate any AW-LCM law,” while saying it does provide evidence that the federal ban “may have had preventive effects on gunshot victimizations,” which directly contradicts the brief’s interpretation.³⁷

The charts from the brief also show that mass shootings with assault weapons, as well as deaths in such shootings, increased substantially after the 1994 Federal Assault Weapons Ban expired.³⁸ The brief engages in statistical sleight-of-hand to argue that the share of deaths and shootings decreased, switching from absolute numbers to percentages, because mass shootings using non-assault weapons also increased. Additionally, the charts provided conveniently end in 2014, excluding major mass shootings with assault weapons over the past decade such as those in Orlando, Las Vegas, Buffalo, Sutherland Springs, Parkland, El Paso, Uvalde, and Lewiston.

35. See Brief of Peace Officers Research Ass’n of Cal. et al. as Amici Curiae in Support of Petitioners at 14, *Viramontes v. Cook County*, No. 25-238 (U.S. Sept. 4, 2026).

36. *Id.*

37. See Christopher S. Koper et al., *Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: An Updated Examination of Local and National Sources*, 95 J. Urb. Health 313, 320 (2018).

38. Peace Officers Amici Br. 20.

Furthermore, the brief is misleading in its claims that “[t]he deadliest attacks did not involve rifles or large-capacity magazines but instead involved multiple types of weapons.”³⁹ This statement is inaccurate, even according to its own data from John Lott.⁴⁰ Lott categorizes mass shootings by the type of firearm and type of magazines used, with multiple guns and large capacity magazines (“LCMs”) being labeled as “both” in a later presentation of the same data.⁴¹ Lott’s own data finds this “both” category most deadly, which explicitly involves rifles and LCMs. In fact, shooters who predominately use an assault weapon for a shooting, but have a handgun on their person, will be included in the “both” category – and thus excluded from the assault weapons category, despite the assault weapon(s) being responsible for the overwhelming majority of the deaths and injuries in such shootings.

Of the ten deadliest mass shootings in modern American history, seven were committed with semiautomatic rifles and all ten with magazines holding more than ten rounds.⁴² Five of them – fully half – happened after the book the brief cites was published.

39. *Id.* at 16.

40. Lott’s methodologies have been called into question more generally. See Mike Spies, *The Right’s Favorite Gun Researcher*, The Trace (Nov. 3, 2022), <https://www.thetrace.org/2022/11/john-lott-gun-crime-research-criticism/>.

41. John R. Lott, Jr., “The War on Guns,” Regnery Publishing, 2016: p. 121.

42. Grant Donohue Decl. ¶ 49.

Finally, the brief states that:

Reviewing documented defensive-gun uses catalogued by the Gun Violence Archive, itself a gun-control organization, CPRC found that armed citizens fired an average of 3.31 shots in self-defense, and more than fifteen in some encounters, so a ten-round cap can leave a defender, including an off-duty officer, without the rounds a violent confrontation demands.⁴³

The data cited clearly demonstrates that far fewer than ten shots are fired in a normal defensive gun use case in which a gun is fired at all, nor are details provided on how frequently more than ten shots are fired in any cases.⁴⁴ Indeed, the very article the brief cites argues that guns are fired in only a small percentage of defensive gun use cases, which would lower the shots-fired average even further.⁴⁵ Additionally, the Gun Violence Archive data being cited also finds that defensive gun uses, particularly by assault rifles, are extremely rare events, with mass shootings involving assault rifles occurring more than twice as often as defensive uses with such weapons.⁴⁶

43. Peace Officers Amici Br. 18.

44. The data also assumes, without evidence, that defensive firearm use reflects the number of rounds “necessary” to provide self defense as opposed to the number of rounds actually fired.

45. John R. Lott, *There Are Far More Defensive Gun Uses Than Murders in America. Here’s Why You Rarely Hear of Them*, RealClearInvestigations (Sept. 22, 2021).

46. Devin Hughes, *How Misinformation Overturned California’s Assault Weapons Ban*, The Hill (June 14, 2021),

To conclude, assault weapons bans work for the purpose for which they are intended and have no impact on the defensive use of weapons.⁴⁷

IV. Constituents of States with Assault Weapons Bans Want Those Protections.

Assault weapons bans are not the product of judicial decree or administrative overreach. They reflect the considered judgment of democratically elected legislatures responding to the will of the people they represent. Each state in which Amici reside enacted its assault weapons ban through the ordinary legislative process.⁴⁸ Many of these legislatures have revisited and strengthened

available at <https://thehill.com/opinion/campaign/558303-how-misinformation-overturned-californias-assault-weapons-ban/>.

47. Some states have found that having an assault weapons ban can even impact on firearms deaths more generally. Massachusetts has one of the nation's oldest assault weapons bans and ranks among the states with the lowest rates of firearm deaths among children. United Health Found., *Firearm Deaths – Children in Massachusetts, America's Health Rankings* (last visited Oct. 20, 2026), https://www.americashealthrankings.org/explore/measures/firearm_deaths_children/MA. Although some neighboring states do not prohibit assault weapons, assault weapons account for a small share of crime guns seized in Massachusetts. In 2025, only 2.5% of reported crime guns seized in Massachusetts were classified as assault rifles. Mass. State Police, *2025 Crime Gun Report* 4 (Sept. 2026).

48. See Del. Code Ann. tit. 11, § 1466; Md. Code Ann., Crim. Law §§ 4-301 to -306; Mass. Gen. Laws ch. 140, §§ 121–123, 131M; N.Y. Penal Law §§ 265.00(22), 265.10; R.I. Gen. Laws §§ 11-47.2-1 to -2; Wash. Rev. Code § 9A.1.390.

their bans over time. Massachusetts, for example, has prohibited assault weapons since 1998 and modernized its laws as recently as 2024.⁴⁹

These laws reflect what constituents – the people – want. A majority of Americans have consistently supported bans on assault weapons for years. A 2016 New York Times poll found that 67% of registered voters favored such a ban.⁵⁰ That support is unsurprising. Most gun owners do not own assault weapons, and most Americans recognize that assault weapons are not necessary to their self-defense.⁵¹ Indeed, gun owners themselves do not want their neighbors to own assault weapons.⁵²

Public demand for these protections is often forged in tragedy. After the Sandy Hook shooting, Connecticut’s Governor convened the Sandy Hook Advisory Commission, which, over two years and thirty meetings, heard testimony from more than 100 people, including teachers

49. See Mass. Gen. Laws ch. 140, §§ 121, 131M; H.R. 4885, 193d Gen. Ct., Reg. Sess. (Mass. 2024).

50. Grant Donohue Decl. ¶¶ 30–32.

51. *Id.* ¶¶ 27–29. Even using the number of 26 million provided by petitioner as the number of citizens owning an assault weapon that number—7.6% of the total population—pales in comparison with the number of citizens who are in favor of a ban.

52. Justin L. Sola & Justin T. Pickett, *Widespread, Bipartisan Aversion Exists to Neighbors Owning AR-15s or Storing Guns Insecurely*, 121 Proc. Nat’l Acad. Scis., no. 16, 2024, at 1, <https://www.pnas.org/doi/10.1073/pnas.2311825121>.

and parents.⁵³ The Commission concluded that assault weapons like the AR-15 have no legitimate place in the civilian population and that the cost to society of easy civilian access to these weapons vastly outweighs the benefits of civilian ownership.⁵⁴ The Connecticut General Assembly adopted many of the Commission's recommendations in 2013.⁵⁵ This goal, to save lives otherwise lost to mass shootings, is in and of itself a sufficient basis for state action to protect Amici's states' citizens.

Assault weapons also threaten the democratic process through which constituents express these preferences. In a national survey, eight percent of state legislators reported having been intimidated by a person wielding a weapon.⁵⁶ One Washington legislator described the galleries above the House floor on gun-rally days, where people stood row upon row with assault rifles while legislators debated below.⁵⁷ Abuse and intimidation make officeholders less willing to take on contentious issues, including gun regulation; 21% of state legislators and 39% of local officeholders reported that they are less willing to advocate for contentious policies because

53. Sandy Hook Advisory Comm'n, *Final Report of the Sandy Hook Advisory Commission* xvi, 1 (Mar. 6, 2015).

54. *Id.* at 6, 63.

55. *Id.* at 63, 65; *see also* Grant Donohue Decl. ¶ 146.

56. Gowri Ramachandran et al., Brennan Ctr. for Just., *Intimidation of State and Local Officeholders: The Threat to Democracy* 14 (2024).

57. *Id.* at 23.

of abuse.⁵⁸ Gun regulation thus protects not only lives but also Americans' equal freedom to speak, assemble, worship, and vote without fear.⁵⁹ That the legislatures in Amici's states enacted and preserved assault weapons bans in this environment underscores the strength of their constituents' demand for these protections.

Amici work every day with the community members, survivors, and policymakers who sought these laws. Their constituents have asked their elected representatives for protection from weapons uniquely suited to mass killing, and those representatives have answered. Nothing in the Second Amendment requires this Court to displace that democratic judgment.

CONCLUSION

Assault weapons represent a dramatic technological change since the drafting of the Second Amendment, one that has made mass shootings much deadlier. State assault weapons bans are a measured, effective, and democratically supported response to this unprecedented and modern threat. These laws leave law-abiding residents free to hunt, engage in target practice, and defend themselves with a vast array of other firearms, while reducing the carnage to innocent people that mass shooters can inflict. For the foregoing reasons, the

58. *Id.* at 16.

59. Joseph Blocher & Reva B. Siegel, Brennan Ctr. for Just., *Guns and Democracy: Protests, Insurrection, and the Second Amendment* 2, 5 (2021).

judgments of the Courts of Appeals for the Seventh and Second Circuits should be affirmed.

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October 28, 2026