

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 U.S. COURTS OF
APPEALS FOR THE SEVENTH AND SECOND CIRCUITS

**BRIEF OF THE VIOLENCE POLICY CENTER;
LAKE COUNTY STATE'S ATTORNEY'S OFFICE;
CITY OF HIGHLAND PARK, IL; THE ALVIN H.
BAUM FAMILY FUND; THE ILLINOIS ALLIANCE
TO PREVENT GUN VIOLENCE; KIDS ABOVE ALL;
AND THE RIFL COALITION AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENTS**

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INTERESTS OF *AMICI CURIAE*

Amici curiae are research and advocacy organizations that, and Illinois government officials who, believe military-derived semiautomatic assault rifles—among the most dangerous firearms available—should be banned from civilian use.¹

The Violence Policy Center is a national non-profit educational organization that conducts research on firearm violence and provides information and analysis to policymakers, journalists, researchers, advocates, and the general public. The Violence Policy Center examines the role of firearms in the United States, analyzes trends and patterns in firearm violence, and works to develop policies to reduce gun-related deaths and injuries. The Violence Policy Center conducts numerous fact-based studies on a wide range of gun violence issues, which have influenced federal and state policymaking on the regulation of firearms. This work includes extensive research regarding the development, use, and regulation of semiautomatic assault rifles.

The Lake County State's Attorney's Office, which is run by Lake County State's Attorney Eric Rinehart, represents the residents of Lake County in criminal and civil matters. The Office is also responsible for long-term crime prevention planning and supporting the victims and survivors of crimes. Finally, the Office prosecuted Robert Crimo III for his July 4, 2022, use of an AR-15 style rifle to kill seven individuals and

¹ Pursuant to Rule 37.6, *amici* affirm that no counsel for any party authored this brief in whole or in part, and no person other than *amici*, their members, or their counsel made a monetary contribution to fund the preparation or submission of this brief.

injure 48 others during a parade in Highland Park, Illinois. The Office joins this brief out of a concern for the safety of the residents of Lake County who may suffer direct injury or vicarious trauma from the use of assault weapons.

Amicus curiae the City of Highland Park, Illinois, is a home rule municipality with a longstanding commitment to public safety and reducing gun violence. In 2013, the City adopted an ordinance restricting assault weapons and large-capacity magazines, modeled after the Cook County ordinance at issue in this case. Highland Park successfully defended its ordinance in *Friedman v. City of Highland Park*, with the Seventh Circuit Court of Appeals upholding the ordinance and the United States Supreme Court subsequently declining to review that decision. On July 4, 2022, Highland Park experienced an unthinkable mass shooting during its Independence Day parade, taking seven lives, injuring 48 others, and forever changing the community. The City's legislative history, experience defending its ordinance, and firsthand experience with gun violence give it a significant interest in the outcome of this case and the authority of local governments to enact reasonable firearm regulations.

The Alvin H. Baum Family Fund strives to better the lives of those who live and work predominantly in the Chicagoland area. Through innovative grants and collaborations, the Fund helps ignite new ideas and promote solutions to ensure healthier, more equitable, and peaceful communities. In addition to making grants, through using its voice and influence, the Baum Fund works to decrease gun violence in northern Illinois.

The Illinois Alliance to Prevent Gun Violence (IAPGV) is a coalition of grassroots organizations from across Illinois working to reduce and prevent gun violence. Recognizing that there is no easy solution to the epidemic of gun violence that plagues Illinois and the entire country, it is resolute in its determination to defeat this scourge at every level. The IAPGV helped lead the grassroots organizing effort in support of the Protect Illinois Communities Act, making Illinois the ninth state in the country to ban assault weapons. The IAPGV joins this brief out of concern for the devastation that assault weapons, high-capacity magazines, and switches have brought to communities across the state, from Highland Park to Garfield Park to Rockford to East St. Louis and everywhere in between.

Kids Above All is a nonprofit organization based in Chicago that provides early childhood education, safe and supportive housing, and trauma-informed counseling for children and families who have experienced trauma, including gun violence, poverty, and homelessness.

The RIFL Coalition consists of over 60 national and Illinois organizations, representing physicians, survivors, advocates, and community leaders, all standing together in pursuit of financial accountability for the gun industry. The Responsibility in Firearms Legislation (RIFL) Act would require gun manufacturers to pay for a portion of the direct public costs of firearm injuries. Members from the RIFL Coalition meet regularly with stakeholders and lawmakers to educate them on the public safety and financial merits of holding the gun industry accountable for the more than \$800 million

of annual direct public costs currently burdening Illinois residents.

INTRODUCTION AND SUMMARY OF ARGUMENT

In *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), this Court announced the principle that governments seeking to regulate firearms must show that a proposed regulation “is consistent with the Nation’s historical tradition of firearms regulation.” *Id.* at 24. The Court also emphasized that “the Second Amendment protects the possession and use of weapons that are ‘in common use’” for civilian self-defense. *Id.* at 21 (quoting *District of Columbia v. Heller*, 554 U.S. 570, 627 (2008)). And the Court noted an important guardrail: Prohibitions on “the carrying of ‘dangerous and unusual weapons’” are a significant—and constitutionally permissible—part of the American tradition. *Ibid.* (quoting *Heller*, 554 U.S. at 627).

These consolidated cases are about state and local laws that regulate some of the most dangerous weapons available to American civilians. The Cook County and Connecticut prohibitions on AR-15s and similar semiautomatic rifles adhere to the Second Amendment because they bar a type of weapon whose origin, features, and functionality reflect the purpose these weapons were designed for—arming soldiers on the battlefield. Semiautomatic assault rifles, like fully automatic military assault weapons, are designed to eliminate as many enemies as possible, as quickly as possible, without the need for accuracy in marksmanship. But weapons designed for the battlefield are now regularly used as a tool to indiscriminately kill or maim American civilians at

home, work, school, houses of worship, grocery stores, restaurants, and practically anywhere else.² These weapons emerged during the mid-twentieth century, and thus represent precisely the type of “dramatic technological change[]” that this Court stressed requires a “nuanced approach.” *Bruen*, 597 U.S. at 27.

This brief proceeds in two parts. First, we explore the military origins of semiautomatic assault rifles, detailing how their features were designed to achieve a singular goal: maximum lethality on the battlefield. We explain why, as a result, Congress and the Executive Branch have always treated this class of weapon as distinct because they are inherently ill-suited to self-defense or recreation. Second, we explore the dire public-safety effect of semiautomatic assault rifles—underscoring that they are unusually dangerous weapons properly subject to regulation.

Cook County and the State of Connecticut have chosen to protect their citizens from the harm posed by semiautomatic assault rifles, which have no proper place in civilian life. The Second Amendment is no bar to those reasonable restrictions, and the Court should affirm the decisions of the Second and Seventh Circuits.

ARGUMENT

The regulations at issue in these cases were enacted in response to tragic circumstances. In Newtown, Connecticut, a man walked into an elementary school with a lawfully purchased Bushmaster XM15-E2S semiautomatic assault rifle

² See generally Violence Policy Center, *Mass Shootings in the United States Involving Large Capacity Ammunition Magazines* (May 2026), <https://perma.cc/343Q-JZZW>.

and “fired 154 shots in less than five minutes,” killing twenty children and six teachers. JA255–56. The state responded by imposing restrictions on assault weapons—including assault rifles—and on high-capacity magazines. JA256. Cook County’s assault weapons ban was originally enacted in light of evidence showing that “assault weapons were 20 times more likely to be used in the commission of a crime than other kinds of weapons” and that “there was no legitimate sporting purpose for the military style assault weapons being used on the streets.” *Wilson v. Cnty. of Cook*, 968 N.E.2d 641, 645 (Ill. 2012). The ordinance was later re-named to honor Blair Holt, a high school student who died from gunshot wounds while protecting his friend after a gunman opened fire on a crowded city bus.³

The question presented in these cases is whether the Second and Fourteenth Amendments guarantee the right to possess AR-15 platform and similar semiautomatic rifles. As this Court recognized in *Heller*, the right to bear arms under the Second Amendment “is not unlimited.” 554 U.S. at 626–27. Indeed, “[f]rom Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was 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). Accordingly, this Court’s Second Amendment jurisprudence does not “suggest a law

³ Cook County Board Bans Assault Weapons, Toughens Penalties, Cook County Government (July 17, 2013), <https://perma.cc/WP2R-BY96>; Leah Hope, *10 years later, school remembers teen Blair Holt who was shot on CTA bus*, ABC7 News Chicago (May 10, 2017), <https://perma.cc/9DX5-WLTS>.

trapped in amber.” *Ibid.* The government may regulate guns in a manner “consistent with the principles that underpin our regulatory tradition.” *Id.* at 692.

One such principle is that circumstances “implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *Bruen*, 597 U.S. at 27. “The regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868.” *Id.*

Semiautomatic assault rifles are an invention of the modern era, emerging out of necessity during the military clashes of the twentieth century. Their design features allow one individual to achieve maximum lethality over a wide killing field. But while that may be useful in war, this high level of lethality poses grave risk to the American public in our day-to-day lives—as shown by the number of mass shootings involving semiautomatic assault weapons and the severity of the injuries to the victims of such shootings. Cook County and Connecticut’s efforts to regulate them are constitutional.

I. Semiautomatic Assault Rifles Were Intended and Optimized for Military Use.

The semiautomatic assault rifle is a relatively new invention, dating back to the 1960s. It is a civilian analogue of military weapons developed during World War I, World War II, and the Korean War. By the end of the Korean War, military planners had concluded that, under battlefield conditions, the volume of fire could matter more than precise marksmanship. Military assault rifles, developed in

response to these battlefield experiences, combine low recoil, portability, and the ability to deliver rapid fire at intermediate ranges.

As military-derived rifles entered the civilian market, the federal government repeatedly treated them as distinct from traditional sporting firearms and adopted measures intended to limit their availability. Nonetheless, the gun industry heavily marketed these weapons by emphasizing their military pedigree and combat-oriented features. Today, semiautomatic assault rifles marketed for civilian use contain the same military-optimized features as their predecessors—to devastating effect.

A. Semiautomatic assault rifles marketed to civilians are militaristic in design and origin.

Military assault rifles trace their origin to the submachine gun, which was developed during World War I. As trench warfare created a bloody and intractable stalemate, the submachine gun emerged as a preferred weapon because it was compact, easy to carry, and light enough to be fired from the shoulder or the hip.⁴ During World War II, the German army sought to develop a compromise solution between the rapid-fire but short-range submachine gun and the long-range but slow-to-fire rifle. The result was the STG (“Sturmgewehr,” or “storm gun”) 44, dubbed “the father of all assault rifles.”⁵

⁴ Violence Policy Center, *Bullet Hoses: Semiautomatic Assault Weapons*, at 8 (May 2003), <https://perma.cc/7UJA-2FDX>.

⁵ *Ibid.*

Assault rifles then became the military weapon of choice for intense battlefield combat. In the 1960s, the U.S. Army reviewed three million casualty reports from World War I and World War II, as well as data from the Korean War. Its review yielded a surprising conclusion: Overall, “aimed fire did not seem to have any more important role in creating casualties than randomly fired shots.”⁶ In other words, “[m]arksmanship was not as important as volume.”⁷ That was because, despite devoting extensive resources to “train[ing] combat infantryman to be marksmen, few were capable of firing effectively beyond ranges of 200 to 300 meters in the heat of battle.”⁸

As a result, the Army sought to develop a weapon that had low recoil and could rapidly fire a large number of bullets at mid-range. That weapon was the Armalite (AR) 15, which the military rechristened as the M-16 assault rifle.⁹

The M-16 saw extensive service during the Army’s next major combat operation, the Vietnam War. With the M-16 in hand, the tactic of spray-firing—or “spray and pray”—became common in the battlefields of Vietnam.¹⁰ Soldiers could spray a large

⁶ *Bullet Hoses*, *supra* note 4, at 12.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Duncan Long, *Assault Pistols, Rifles and Submachine Guns* 57 (Paladin Press 1989).

¹⁰ *Bullet Hoses*, *supra* note 4, at 12.

number of bullets over a broad killing zone, without having to aim at any individual target.¹¹

Meanwhile, Colt Firearms Corporation bought the manufacturing license for the AR-15 in 1959 and began to market it to American civilians as the semiautomatic AR-15 Sporter Rifle.¹² It replicated many features of its military predecessor, including its pistol grip, barrel design, and rear “finger adjustable” sighting system.¹³

Other semiautomatic assault rifles followed a similar developmental arc, as gun manufacturers adopted military-derived firearm designs for sale in the civilian market. For example, the Ruger Mini-14 semiautomatic rifle is a “scaled-down” version of a military M-14 battle rifle.¹⁴ While it was sold only to military and law-enforcement markets upon its introduction in 1972, due to high demand the company introduced a “sporterized” semiautomatic version aimed at civilians a few years later.¹⁵ The Smith & Wesson M&P [Military & Police] 15 assault rifle, introduced in 2006, was “specifically designed to satisfy the functionality and reliability needs of global military, law enforcement, and security personnel”—

¹¹ Violence Policy Center, *Key Points About Assault Weapons* (2017), <https://perma.cc/YM8W-GBYM>.

¹² Long, *supra* note 9, at 58.

¹³ *Ibid.*

¹⁴ *Id.* at 114.

¹⁵ *Ibid.*

but was also sold to civilians at sporting goods stores.¹⁶

The common features of all these civilian-targeted assault weapons are precisely what made them so valuable to the military: Even a poor marksman can indiscriminately kill shocking numbers of people with these firearms, in a matter of seconds.

B. Congress has acted to regulate these military-derived weapons.

Congress has long recognized that these types of weapons belong primarily in the hands of the military.

After World War II and subsequent conflicts, increasing numbers of surplus military firearms entered the United States. In 1955, domestic firearms manufacturers produced the vast majority of rifles available in the United States—only 15,000 rifles were imported that year.¹⁷ But by 1966, 500,000 rifles were imported, and by 1968, over one million rifles were imported.¹⁸ These imported weapons were “largely military surplus.”¹⁹

In 1968, Congress took action to keep this tidal wave of military implements out of civilian hands—all the while emphasizing why these weapons had no place in civilian life. The Gun Control Act of 1968

¹⁶ Violence Policy Center, *Understanding the Smith & Wesson M&P15 Semiautomatic Assault Rifle* (February 2018), <https://perma.cc/9S46-B25D>.

¹⁷ Franklin Zimring, *Firearms and Federal Law: The Gun Control Act of 1968*, 4 J. Legal Stud. 133, 144 (1975).

¹⁸ *Ibid.*

¹⁹ *Ibid.*

prohibited the importation of “surplus military firearms” and all other guns unless the Secretary of the Treasury certified them as “particularly suitable for sporting purposes.” 18 U.S.C. § 925(d)(3).²⁰

During the legislative debate on the 1968 law, members of Congress emphasized the danger that military weapons posed to American civilians. As the bill’s primary House sponsor, Representative Emanuel Celler, remarked, “[t]he clear objective of these import restrictions is to arrest the present flood of imports of surplus military weaponry and low-priced foreign-made firearms generally, since these types of weapons have caused major law enforcement problems.”²¹ And Senator Thomas Dodd, the Act’s primary Senate sponsor, stressed that the United States was “the only country in the world that allowed military surplus weapons to be sold to its citizens.”²²

Notably, the Gun Control Act was passed in the wake of the assassination of President Kennedy: “When Congress passed the [Gun Control Act], it was well known that the rifle used to assassinate President John F. Kennedy was a surplus Italian military rifle imported into the United States.”²³

In the years that followed the enactment of the Gun Control Act, the Bureau of Alcohol, Tobacco and

²⁰ Zimring, *supra* note 17, at 149.

²¹ 114 Cong. Rec. 21784 (1968).

²² 114 Cong. Rec. 27462 (1968).

²³ Dep’ts of Justice & Treasury, *Gun Violence Reduction: National Integrated Firearms Violence Reduction Strategy*, App’x C: *History of Federal Firearms Laws in the United States*, § I.D (Jan. 18, 2001), <https://perma.cc/CMM4-NJL4>.

Firearms was tasked with determining which shotguns and rifles had legitimate sporting purposes. It concluded that weapons designed for military and law enforcement use were not “suitable for traditional sporting purposes, such as hunting, and trap and skeet shooting,” and therefore could not be imported.²⁴

The 1968 Act was not the last time Congress treated semiautomatic assault weapons as a distinct class of firearm. In 1994, Congress enacted the Public Safety and Recreational Firearms Use Protection Act,²⁵ more popularly known as the Federal Assault Weapons Ban. That Act banned the production of certain semiautomatic assault weapons and of high-capacity ammunition magazines that held more than ten rounds.

The Federal Assault Weapons Ban sunset in 2004. At least one scholarly study found that the number of mass shootings declined during the decade that the federal ban was in place—and rose “sharply upward” in the decade-plus after it lapsed.²⁶

These federal regulations of military assault rifles and their civilian analogues underscore that the federal government has understood, from the outset,

²⁴ Dep’t of Treasury, *Report & Recommendation on the Importability of Certain Semiautomatic Rifles*, at 4–5 (July 6, 1989) (ATF Report), <https://perma.cc/VHZ3-2V92>.

²⁵ Pub. L. 103-322, Title XI, Subtitle A.

²⁶ John Donohue & Theodora Boulouta, *That Assault Weapon Ban? It Really Did Work*, N.Y. Times (Sept. 4, 2019), <https://perma.cc/T9YE-CKBL>; see also John Donohue, *The Swerve to “Guns Everywhere”: A Legal and Empirical Evaluation*, 83 Law & Contemp. Probs. 117, 117 (2020).

the new and unusual danger such weapons pose to civilian life in the United States.

C. Gun manufacturers have long advertised the military pedigree of semiautomatic assault weapons.

Gun manufacturers have long emphasized the military pedigree of these weapons in their marketing to civilians. During the floor debate on the 1968 Gun Control Act, Representative Fred Schwengel spoke out against the availability of mail-order guns and the manner in which they were marketed to discontented civilians. As he explained, “the very advertising of many of these mail-order firearms seems geared to attracting the attention of the power-hungry individual, the crank, the thrill-seeking youngster, and the like. Neither the type of weapons sold nor the pitch of the advertising is aimed for the serious sportsman, the gun collector, or the avid target shooter.”²⁷

Representative Schwengel specifically noted advertisements for semiautomatic rifles that included:

For \$99.50, a special antitank gun ideal for long-range shots at deer and bear or at cars and trucks.²⁸

and:

²⁷ 114 Cong. Rec. 21784 (1968).

²⁸ 114 Cong. Rec. 21812 (1968) (emphasis added).

Get your N.K.V.D. secret police pistol of the type that fanatic Russian agents use to terrify and kill enemies of the state.²⁹

According to Representative Schwengel, “[i]t is not the responsible gun enthusiast and sportsman who is the target of this advertising”—but rather the “man with a feeling of insecurity or inferiority,” “the impressionable juvenile,” “the deranged individual who misguidedly seeks to protect himself, others, or society by taking the life or lives of another.”³⁰

While the precise firearms discussed in the 1968 debate are not exactly the same semiautomatic assault rifles regulated by the laws at issue here, the debate nonetheless documents the long-running practice of using military terminology, foreign-conflict imagery, and anti-personnel associations to market firearms to civilian consumers.

Indeed, the gun industry’s militarized messaging continues today. Bushmaster—whose XM-15 assault rifle was the murder weapon in the Sandy Hook Elementary School tragedy—throughout its various corporate iterations has regularly used military and law-enforcement images in its advertisements.³¹ Its graphics have included military or police-related terminology, including “duty” and “patrol,” as well as phrases like “Bravery on Duty.”³² The overall effect is

²⁹ *Ibid.* (emphasis added).

³⁰ *Ibid.*

³¹ See generally Violence Policy Center, *The Militarized Marketing of Bushmaster Assault Rifles* (April 2018), <https://perma.cc/6X35-4EX4>.

³² *Ibid.*

imagery and language that focus on the use of the XM-15 rifle and similar weapons in “offensive, anti-personnel situations and environments.”³³

This marketing is clear counterevidence to the industry claim that commercial prevalence alone makes these rifles ordinary civilian arms. Widespread ownership of these weapons cannot be divorced from decades of marketing emphasizing military identity, combat-derived functionality, and the connection between civilian products and weapons designed for military and law-enforcement use. Manufacturers themselves have treated military pedigree as a principal selling point for these firearms, rather than an incidental feature.

D. Modern semiautomatic assault rifles have many features that are virtually identical to military rifles.

Today’s semiautomatic assault rifles are virtually identical in most respects to corresponding military weapons, and permit an individual to spray a large number of bullets within a short period of time.³⁴ Those key design features in common include the ability to accept high-capacity magazines; rear pistol grips; forward grips; barrel shrouds; and collapsible or foldable stocks.³⁵

³³ *Id.* at 5.

³⁴ See ATF Report, *supra* note 24, at 6 (semiautomatic assault rifles are “a distinctive type of rifle distinguished by certain general characteristics which are common to the modern military assault rifle”).

³⁵ The only significant difference between civilian and military models is that civilian assault rifles are capable of only semiautomatic fire—they fire one bullet each time the shooter

High-capacity magazines. A semiautomatic rifle can accept high-capacity, detachable ammunition magazines that hold as many as 100 rounds of ammunition.³⁶ With more ammunition loaded, a shooter can fire for longer without the need to stop and reload. On the battlefield, higher capacity magazines are essential to combat victories. But at home in American cities and towns, “[l]arge capacity ammunition magazines are the common thread running through most mass shootings.”³⁷ The gunman who in 2018 killed 17 people and wounded 17 others at Marjory Stoneman Douglas High School in Florida, for example, used eight 30- or 40-round ammunition magazines and a Smith & Wesson M&P assault rifle.³⁸ The gunman in a 2021 shooting at a FedEx facility in Indiana killed eight people and wounded four others using two assault rifles equipped

pulls the trigger—while military assault rifles are capable of fully automatic fire—they can be fired continuously as long as the trigger is depressed. *See* Key Points About Assault Weapons, *supra* note 11, at 1. But the difference between these is minimized by design features of semiautomatic rifles: With each squeeze of the trigger of a semiautomatic weapon, the weapon automatically repeats the process of firing, ejecting the spent shell casing, and loading a new round, so that the weapon is immediately ready to fire again. *See* H.R. Rep. No. 103-489, at 17 n.20 (1994). And “military and civilian experts agree that semiautomatic fire is actually *more*—not less—likely to hit the target than is automatic fire, and is thus more deadly.” *Bullet Hoses*, *supra* note 4, at 15.

³⁶ Key Points About Assault Weapons, *supra* note 11, at 8.

³⁷ *Mass Shootings in the United States Involving Large Capacity Ammunition Magazines*, *supra* note 2, at 1.

³⁸ *Id.* at 6.

with 60-round magazines.³⁹ Where a gunman can fire continuously without reloading, victims have fewer opportunities to run, take cover, or fight back.

Rear pistol grips and forward grips. A rear pistol grip is a handle located behind the trigger that allows shooters to hold the gun with their wrists turned vertically (as with a typical handgun) rather than horizontally (as with a traditional rifle or shotgun).⁴⁰ A forward grip is a handle located under the gun's barrel.⁴¹ The effect of rear pistol grips and forward grips is to give the shooter greater control over the assault rifle when it recoils, which ensures greater accuracy in aim.⁴²

Barrel shrouds. A barrel shroud is a vented sleeve or tube that covers part or all of the barrel.⁴³ Because a rifle barrel can become extremely hot after firing multiple rounds, the barrel shroud shields the shooter's hand from the heat—another feature designed to allow a gunman to fire continuously without pausing.⁴⁴

Collapsible or foldable stocks. Collapsible or foldable stocks allow the user to shorten the weapon for easier transport or storage.⁴⁵ Shortening, in turn,

³⁹ *Id.* at 4.

⁴⁰ See *Bullet Hoses*, *supra* note 4, at 9–10.

⁴¹ *Ibid.*

⁴² *Id.* at 9

⁴³ *Id.* at 10.

⁴⁴ *Ibid.*

⁴⁵ See ATF Report, *supra* note 24, at 6.

makes an assault weapon easier to conceal when surreptitiously carried into public spaces.

As the House Report accompanying the 1994 Federal Assault Weapons Ban explained, these “features that characterize a semiautomatic assault weapon ... serve specific, combat-functional ends,” including “facilitating the deadly ‘spray-fire’ of the weapon or enhancing its portability—a useful attribute in combat but one which serves to enhance the ability to conceal the gun in civilian life.”⁴⁶ None of these features are present in true hunting or target guns. Nor are they calibrated to a situation calling for self-defense.

In sum, “[t]he net effect of these military combat features is a capability for lethality—more wounds, more serious, in more victims—far beyond that of other firearms in general, including other semiautomatic guns.”⁴⁷ These weapons must be regulated in accordance with the danger they create.

II. Semiautomatic Assault Rifles Are Dangerous and Unusual Weapons Properly Subject to Regulation.

The Second Amendment has never protected weapons that are “dangerous and unusual.” *Bruen*, 597 U.S. at 21; *Heller*, 554 U.S. at 627. Semiautomatic assault rifles fall squarely within that category. The military-derived features described above—high-capacity detachable ammunition magazines, pistol grips, forward grips, barrel shrouds, and folding stocks—were designed to lay down “a high volume of

⁴⁶ H.R. Rep. No. 103-489, at 18–19 (1994).

⁴⁷ *Id.* at 19–20.

fire over a wide killing zone.”⁴⁸ In civilian hands, those capabilities—plus the higher-velocity ammunition commonly fired by AR-15-style rifles, which inflict injuries materially more severe than typical handgun wounds, *see* Part II.B, *infra*—magnify the consequences of misuse. Indeed, semiautomatic assault rifles have been used in many of the deadliest mass shootings in American history.

A. Semiautomatic assault rifles have repeatedly been used to commit the nation’s deadliest mass shootings.

The danger posed by assault rifles was apparent almost as soon as they reached the civilian market. Beginning in the 1980s, semiautomatic assault rifles were used in multiple mass shootings,⁴⁹ culminating on January 17, 1989, when Patrick Purdy walked onto the playground of Cleveland Elementary School in Stockton, California and fired 105 rounds from an AK-47-style assault rifle at schoolchildren.⁵⁰ He shot 35 children and a teacher; five children died.⁵¹ Purdy had bought the rifle “over the counter” and equipped it with a 75-round drum and several 30-round magazines; the weapon “was capable of firing those

⁴⁸ Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market*, at 22 (June 2011), <https://perma.cc/ZM7Z-DL27>.

⁴⁹ *Mass Shootings in the United States Involving Large Capacity Ammunition Magazines*, *supra* note 2, at 16–17.

⁵⁰ Nelson Kempsky, *Report to Att’y Gen. John K. Van de Kamp on Patrick Edward Purdy and the Cleveland School Killings*, Cal. Off. Att’y Gen., at 1 (Oct. 1989), <https://perma.cc/P3JD-KFQA>.

⁵¹ *Ibid.*

bullets at about two rounds per second,” and “[m]ore than one out of three bullets he fired hit a human being.”⁵²

California’s Attorney General commissioned a report on the Purdy mass murder, which concluded that Purdy’s “murderous rampage could not have happened as it did without the weaponry he was able to purchase quite legally.”⁵³ As the report explained, Purdy’s weapon “was designed to direct intense fire power in very short time frames at intended targets,” and “[a]ny significant limitation on the number of bullets he was capable of firing would have saved some children from becoming victims.”⁵⁴ The report called for a national restriction on assault weapons.⁵⁵

The decades since Stockton have confirmed the deadliness of these uniquely dangerous weapons. Assault rifles equipped with high-capacity magazines have been used in many of the most devastating mass shootings in the nation’s history—including in the two jurisdictions whose laws are at issue here. In 2012, a gunman armed with a Bushmaster XM-15 assault rifle and 30-round magazines left 28 victims dead at Sandy Hook Elementary School in Newtown, Connecticut.⁵⁶ At the Fourth of July parade in

⁵² *Id.* at 18.

⁵³ *Ibid.*

⁵⁴ *Ibid.* (quoting the report’s consulting psychiatrist, Richard M. Yarvis, M.D.).

⁵⁵ *Ibid.* Purdy took his own life when he heard police sirens, leaving two 30-round magazines unused in his ammunition belt. *Id.* at 15–16.

⁵⁶ *Mass Shootings in the United States Involving Large Capacity Ammunition Magazines*, *supra* note 2, at 9.

Highland Park, Illinois in 2022, a gunman using a Smith & Wesson M&P15 assault rifle and three 30-round magazines killed 7 people and wounded 46.⁵⁷

But Illinois and Connecticut are by no means outliers; the list goes on. To name but a few: Uvalde, Texas (22 dead, including the shooter, and 17 wounded); Parkland, Florida (17 dead and 17 wounded); Sutherland Springs, Texas (27 dead, including the shooter, and 20 wounded); Orlando, Florida (50 dead, including the shooter, and 53 wounded); and Las Vegas, Nevada (59 dead, including the shooter).⁵⁸

Evidence concerning periods when federal law restricted semiautomatic assault weapons also shows that access to these weapons affects the lethality of mass shootings. During the decade that the Federal Assault Weapons Ban was in effect (1994–2004), total fatalities in public mass shootings in which a shooter killed six or more people fell by 40 percent; in the decade after the ban lapsed, public mass shootings rose by 266 percent and their fatalities by 347 percent.⁵⁹ During the ban, there was no public mass shooting in which a lone gunman killed ten or more

⁵⁷ *Id.* at 3.

⁵⁸ *Id.* at 3, 6–7.

⁵⁹ *The Swerve to “Guns Everywhere”: A Legal and Empirical Evaluation*, *supra* note 26, at 117 n.2. Donohue’s data cover public shootings in which a shooter killed at least six people, excluding armed robbery, gang violence, and domestic violence. John Donohue, *The Swerve to “Guns Everywhere”: A Legal and Empirical Evaluation* (Dec. 16, 2019 draft), at 8–9, <https://perma.cc/EL6W-C52U>. Over the same decade, overall violent crime fell by roughly 14 percent. *Id.* at 9.

people.⁶⁰ In the decade after the ban ended (2004-2014), there were six such shootings, and in the roughly five years that followed, there were ten more, collectively killing 231 people.⁶¹ And from 2014 through 2019, assault weapons, high-capacity magazines, or both were used in every public mass shooting in which a shooter killed six or more people.⁶²

Importantly, the problem of assault weapons is getting worse. The most comprehensive recent study of U.S. mass public shootings—covering 197 incidents between 1966 and 2025—found that assault weapons were used in 17 to 20% of incidents between the 1970s and 2010, but that these guns were used in 36% of incidents in the 2010s and a remarkable 60% of incidents in the 2020s.⁶³ And after adjusting for other factors, the use of an assault weapon in a mass shooting is associated with 55% more fatalities and roughly four times as many injuries.⁶⁴

⁶⁰ *Id.* at 17. The only double-digit mass shooting in that decade, at Columbine High School, involved two shooters who killed 13 people. *Id.* at 17 n.24.

⁶¹ *Id.* at 17 (counting through December 2019).

⁶² *Id.* at 13 (data through December 2019).

⁶³ James A. Densley & Jillian K. Peterson, *Assault Weapon Platform Lethality in US Mass Public Shootings 1966–2025*, Sci. Reps., at 1, 3 (2026) (article in press), <https://perma.cc/W8P2-LZ8U>.

⁶⁴ *Id.* at 1, 5. Incidents involving AR-15-type rifles averaged 10.1 people killed and 13.7 injured, compared with 6.0 killed and 4.8 injured in mass shootings that did not involve an assault weapon. And assault weapons were involved in more than half (15 of 27) of the shootings in which ten or more people were killed, nearly double their overall rate of use *Id.* at 5.

These findings illuminate the nature of the weapons regulated by the laws challenged here. A weapon’s actual capabilities and demonstrated effects bear directly on whether that weapon presents the kind of exceptional danger that legislatures historically have possessed authority to address.

B. Semiautomatic assault rifles inflict uniquely severe injuries.

Assault rifles are not only more likely to be used to shoot many people; they are also more likely to cause grievous harm to each person they hit. The AR-15’s standard cartridge strikes with roughly 1,300 foot-pounds of muzzle energy—nearly four times the energy of a typical 9mm round.⁶⁵ Trauma surgeons “treating wounds from high-velocity rifle ammunition describe tissue cavitation, organ disruption, and vascular damage that bear little resemblance to typical handgun injuries.”⁶⁶ Such wounds “cavitate tissue, fracture bone at a distance from the track, and damage vessels and organs the bullet never touches,” making them “more resource-intensive to treat than typical gunshot injuries.”⁶⁷

The casualty data reflect that difference. Excluding the 2017 Las Vegas shooting, mass shootings in which an AR-15 was fired killed an average of 10.1 people and wounded 13.7—compared with 6.0 killed and 4.8 wounded in shootings involving no assault weapon.⁶⁸ And the harm does not

⁶⁵ *Id.* at 2.

⁶⁶ *Ibid.*

⁶⁷ *Id.* at 11.

⁶⁸ *Id.* at 5.

end when the shooting stops: Survivors of these attacks often face “repeated surgeries, permanent disability, chronic pain, and years of rehabilitation,” as well as lasting psychological trauma.⁶⁹ The firepower that makes these rifles effective at “hosing down” a battlefield,⁷⁰ together with ammunition capable of devastating wounds, allows a single shooter to kill and maim more people, more quickly, and more severely than would be possible with a traditional firearm. Even when police respond almost immediately, the toll can be staggering: In Dayton, Ohio in 2019, officers killed a shooter within 32 seconds of his opening fire—but he had already shot 26 people, killing nine.⁷¹

Weapons that have proven so uniquely suited to mass killing—and that cause injuries of a different kind than ordinary firearms—are precisely the sort of “dangerous and unusual” weapons that legislatures have long been free to regulate. The Cook County and Connecticut laws fall comfortably within that tradition.

CONCLUSION

The Court should affirm the decisions of the Second and Seventh Circuits.

⁶⁹ *Id.* at 12.

⁷⁰ *Militarization*, *supra* note 48, at 22.

⁷¹ *The Swerve to “Guns Everywhere*, *supra* note 26, at 131.

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