

Nos. 25-238, 25-566

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**In the  
Supreme Court of the United States**

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CUTBERTO VIRAMONTES, *et al.*, *Petitioners*,  
*v.*

COOK COUNTY, ILLINOIS, *et al.*, *Respondents*.

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

RONNELL HIGGINS, *et al.*, *Respondents*.

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

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**BRIEF OF *AMICUS CURIAE* HOWARD UNIVERSITY  
SCHOOL OF LAW CIVIL RIGHTS CLINIC IN SUPPORT  
OF RESPONDENTS**

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KRISTEN CLARKE  
Howard University School of Law  
Civil Rights Clinic  
2900 Van Ness Street NW  
Washington, DC 20008  
(202) 806–8082  
Kristen.Clarke@howard.edu

ALISA TIWARI  
*Counsel of Record*  
Cohen Milstein Sellers &  
Toll LLP  
1100 New York Ave NW  
Washington, DC 20005  
(202) 408–4600  
atiwari@cohenmilstein.com

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**INTEREST OF *AMICUS CURIAE*<sup>1</sup>**

*Amicus curiae* is the Civil Rights Clinic (“CRC”) of Howard University School of Law, the nation’s first historically Black law school. For more than 150 years since its founding during Reconstruction, the law school has worked to train “social engineers,” as civil rights giant and former Dean—Charles Hamilton Houston—called them: lawyers devoted to the pursuit of human rights and racial justice. As part of its mission, the CRC advocates on behalf of clients and communities fighting for the recognition of civil rights guaranteed by the United States Constitution. The CRC recognizes that we are currently experiencing a hate-crime crisis in America that is fueled, in part, by access to AR-15s and similar semiautomatic rifles that are pervasive among perpetrators of bias-motivated violence. The CRC believes that eliminating hate crimes requires that federal, state, and local governments have the latitude to adopt measures that allow for reasonable regulation of deadly assault weapons.

The CRC brings a long-standing record of work around racial violence in America to this brief. This history warns us that targeted communities suffer most when their attackers are armed with destructive weapons.

To facilitate this Court’s consideration of the question presented, this brief provides what neither party does: an overview of the modern-day hate-crime crisis that we face in America, how it is exacerbated

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<sup>1</sup> Pursuant to Rule 37.6, *Amicus* certifies that no counsel for a party authored this brief in whole or in part and that no person or entity, other than *Amicus* or its counsel, has made a monetary contribution to its preparation or submission.

by widespread use and proliferation of AR-15s and similar rifles, and an account of the historical tradition that denied armed mobs the means to terrorize the communities they targeted.

## INTRODUCTION & SUMMARY OF ARGUMENT

The Second Amendment inquiry asks whether the challenged laws are “relevantly similar” to historical regulation in “how” and “why” they burden the right. *United States v. Rahimi*, 602 U.S. 680, 692 (2024); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 29 (2022). A modern law need not be a “historical *twin*.” *Bruen*, 597 U.S. at 30. “[C]ases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *Id.* at 27. Indeed, “when the modern law addresses a situation that could not have arisen when the Second or Fourteenth Amendment was adopted, it is too much to demand such a close match.” *Wolford v. Lopez*, 609 U.S. 185, 197 (2026).

This brief addresses one such situation: a crisis in which perpetrators armed with AR-15s or comparable assault rifles carry out hate-fueled massacres that, for most of our history, only an armed mob could accomplish. In Colfax, Louisiana, in 1873, in Wilmington, North Carolina, in 1898, and in Tulsa, Oklahoma, in 1921, massacres in Black communities took an armed mob. In 2022, it took one perpetrator and an AR-15. Seeking to kill as many Black people as possible, he researched ZIP codes to find the one with the largest Black community within driving distance of his home. He then drove to a Buffalo supermarket and killed ten Black people. He chose an AR-15 because, as he put it, “there are very few

weapons that are easier to use and more effective at killing.” Attacks nationwide—from El Paso, Texas, to Pittsburgh, Pennsylvania, to Colorado Springs, Colorado—followed the same pattern: an AR-15 or comparable rifle, hate motivation, and a community targeted because of race, religion, national origin, or LGBTQ status.

And just as governments answered the armed mob by regulating arms, legislatures today may regulate the weapon that puts a mob’s firepower in the hands of people bent on carrying out mass hate crime atrocities. Respondents have shown that the AR-15 is unusually dangerous and that legislatures have long restricted weapons of that kind. *Amicus* does not repeat that showing. Rather, *Amicus* makes one further point. For most of our history, targeting a community and killing many people before anyone could intervene largely relied on the existence of armed groups motivated by bias, and governments regulated those groups. Laws that regulate the AR-15 carry forward that tradition.

We begin with the history of racial terror. From Colfax to Wilmington to Tulsa, armed white mobs killed Black Americans on a scale set by the mob’s size and the firepower it could assemble. In the infamous Tulsa massacre, for instance, members of the mob demanded rifles at the National Guard armory and looted pawnshops and hardware stores for guns before they killed as many as they could, destroying a thriving Black community.

We then turn to how governments responded. Reconstruction governments disbanded unauthorized armed organizations and barred firearms from the polling places, courts, and churches where freed people were attacked. Those laws addressed a specific danger: armed groups that could kill or seriously

injure many members of a targeted community in a short time.

Next, we show how the AR-15 has changed that equation. Most of the deadliest bias-motivated shootings of the past decade were carried out with an AR-15 or comparable rifle, selected specifically because the perpetrators sought to maximize the death toll. In short, when bias-motivated attackers have set out to kill as many people as possible, they have generally chosen this weapon, inflicted mass casualties, and devastated entire communities in ways that tear at the fabric of society.

Finally, we explain why that history matters. Attackers carrying an armed mob's firepower are an "unprecedented societal concern[]" that requires regulation. *Bruen*, 597 U.S. at 27; see *Wolford*, 609 U.S. at 197. And laws that regulate AR-15s address the same danger as the laws that regulated the armed mob. They are therefore consistent with "the principles that underpin our regulatory tradition." *Rahimi*, 602 U.S. at 692.

The judgments below should be affirmed.

## ARGUMENT

### **I. Guns Have Long Served as a Racialized Tool, with Hate-Fueled Violence Historically Relying on Armed Mobs.**

From the Nation's founding, the right to be armed functioned as a form of racialized suppression. The eighteenth-century origins of the right to bear arms excluded Black people. See *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393, 417 (1857) (enslaved party), *superseded by constitutional amendment*, U.S. Const. amend. XIV. State law forbade enslaved Black people from "carry[ing] or mak[ing] use of fire-arms" without

written permission from their white enslavers. *See, e.g.,* An Act for the Better Ordering and Governing of Negroes and Other Slaves in this Province §§ 25–27 (S.C. 1740), *reprinted in* 2 Joseph Brevard, *An Alphabetical Digest of the Public Statute Law of South-Carolina* 234–35 (Charleston, John Hoff 1814), <https://shorturl.at/1F4NO>. As the country approached the Civil War, the prospect that citizen rights for Black people would “give to persons of the negro race” the right to “keep and carry arms wherever they went” was proffered for denying those rights. *Dred Scott*, 60 U.S. at 417.

After slavery was abolished, state laws prohibited freedmen from bearing arms without a license, continuing a practice that once authorized white patrols to raid the homes of African Americans and confiscate their weapons. Robert J. Cottrol & Raymond T. Diamond, *The Second Amendment: Toward an Afro-Americanist Reconsideration*, 80 Geo. L.J. 309, 337, 344 (1991), <https://shorturl.at/46M6I>.

Armed white mobs became especially deadly during Reconstruction and after. Mob violence repeatedly terrorized Black communities, with the size of the slaughter turning on the firepower the mob could bring to bear. *See* Franita Tolson, *Parchment Rights*, 135 Harv. L. Rev. F. 525, 531 (2022); *see also McDonald v. City of Chi.*, 561 U.S. 742, 770–72 (2010) (plurality opinion) (describing efforts after the Civil War to keep Black people in the South disarmed and vulnerable).

On Easter Sunday in 1873, for instance, an armed white mob attacked dozens of Black residents in Colfax, Louisiana, in what this Court has called “the infamous Colfax Massacre.” *McDonald*, 561 U.S. at 757. Historians estimate that anywhere from 60 to 150 African Americans were killed in one of the

bloodiest days of Reconstruction. Danny Lewis, *The 1873 Colfax Massacre Set Back the Reconstruction Era*, Smithsonian Mag. (Apr. 13, 2023), <https://shorturl.at/gcFvQ>.

A quarter century later, in November 1898, a white mob wielding rifles and a weapon mounted to a horse-drawn wagon overthrew the lawfully elected biracial government of Wilmington, North Carolina. 1898 Wilmington Race Riot Commission, *Final Report* (May 31, 2006) [hereinafter 1898 Wilmington Race Riot Report]; David Zucchino, *Wilmington's Lie: The Murderous Coup of 1898 and the Rise of White Supremacy* (2021). The mob killed as many as sixty people, burned the city's Black newspaper, and drove the mass exodus of over 2,000 residents. 1898 Wilmington Race Riot Report at 5.

One of the worst acts of racial mob violence in American history occurred another quarter century later, on May 31, 1921. That afternoon, the *Tulsa Tribune* published a story about a Black teenager arrested for allegedly assaulting a young white woman in an elevator. See U.S. Dep't of Just., C.R. Div., *Review and Evaluation: Tulsa Race Massacre* 13–14 (2025), <https://shorturl.at/wt8RP>. The *Tribune* described an unsubstantiated account of a vicious attack, and rumors of rape spread among white Tulsans. *Id.* at 14–16.

Armed Black men, many of them war veterans, went to the Tulsa County Courthouse to help protect the Black teenager from an impending lynch mob. *Id.* at 17. But the white mob was unexpected in its size and scope: By late evening, it had swelled to approximately two thousand people, and its target was far more than just the accused teenager. *Id.*

Even worse, the mob was remarkably determined to arm itself. Hundreds converged on the National

Guard armory later that evening, demanding rifles and ammunition. *Id.* at 18. The officer on duty turned them away, but they were undeterred. *Id.* at 18–19. Within hours, local police officers deputized hundreds of white men, and many others looted guns from pawnshops and hardware stores. *Id.* at 2, 21–22.

By dawn, as many as ten thousand white Tulsans massed at the edges of Greenwood, the city’s thriving Black district. *Id.* at 26. The mob moved in, and the once-prosperous community soon became unrecognizable. *Id.* As many as three hundred people were killed. *Id.* at 51. The mob also reduced thirty-five city blocks to ashes, including more than one thousand homes, twenty-four grocery stores, a library, and about twelve churches. *Id.* at 2, 27.

Far from isolated episodes, armed mob violence—often led by white militias—was a recurring form of racialized oppression during and after Reconstruction. See Cameron McWhirter, *Red Summer: The Summer of 1919 and the Awakening of Black America* (2011) (discussing massacres in Memphis and New Orleans in 1866, East St. Louis in 1917, dozens of assaults during the 1919 “Red Summer,” and the destruction of Black communities at Ocoee in 1920 and Rosewood in 1923).

The attacks showed that guns used at scale could terrorize entire communities along racial lines, resulting in the loss of life and property as well as sending chilling warnings to African Americans across the country that they were unwelcome and unsafe.

## II. Reconstruction Governments Regulated Arms to Protect Black Communities from Mass Armed Terror.

Modern assault-weapons bans fall within the regulatory tradition established by Reconstruction legislatures, which restricted arms to protect Black communities from terror. *Bruen*, 597 U.S. at 29 (discussing whether laws are “relevantly similar” to historical regulations).

In response to the relentless acts of racial violence by groups that functioned as paramilitaries, the federal government took action. In 1867, Congress passed a federal militia law that outlawed any military organization in the South not a part of the regular Army. Carole Emberton, *The Limits of Incorporation: Violence, Gun Rights and Gun Regulation in the Reconstruction South*, 17 Stan. L. & Pol’y Rev. 615, 620–21 (2006). The Army prohibited the sale of pistols and knives in Charleston, South Carolina, after several incidents of racialized violence. *Id.* at 621. In St. James Parish, Louisiana, all men and women were prohibited from carrying “guns, pistols, or other weapons of War.” *Id.* Eventually, the Department of the South issued a regional order outlawing any “[o]rganizations of white or colored persons bearing arms, or intended to be armed, not belonging to the military or naval forces of the United States.” *Id.*

The Army was not alone in its efforts to stop the racialized violence it believed stemmed, in part, from an excess of military weapons in public hands. Some states amended their constitutions to grant legislative authority to impose limits and restrictions on carrying firearms. *Id.* at 620–21 (documenting how, as “gun violence against freedmen” became “a dire problem,” Reconstruction legislatures restricted the carrying of

firearms to protect Black citizens); *see, e.g.*, Ga. Const. of 1877, art. I, § 1, ¶ 22; Tenn. Const. of 1870, art. I, § 26; Wyo. Comp. Laws ch. 52, § 1 (1876) (criminalizing carrying “any firearm or other deadly weapon, within the limits of any city, town or village”).

Other restrictions sought to disaggregate mob violence by protecting places where Black citizens were often targeted. Emberton, *supra* p.8, at 615, 620–21. For instance, consider Louisiana’s restrictions after a massacre in Opelousas, Louisiana. In September of 1868, armed white mobs in Opelousas killed about 200 Black people to crush Black political participation ahead of that November’s presidential election. Lorraine Boissoneault, *The Deadliest Massacre in Reconstruction-Era Louisiana Happened 150 Years Ago*, Smithsonian Mag. (Sep. 28, 2018), <https://shorturl.at/tXouO> (recounting the lead-up to the massacre). Two years later, Louisiana made it a crime “to carry any gun [or] pistol . . . on any day of election” within one-half mile of a polling or registration place. An Act to Regulate the Conduct and to Maintain the Freedom of Party Election, § 73, 1870 La. Acts 159, 159–60, *available at* Duke Ctr. for Firearms L., Repository of Hist. Gun L., <https://shorturl.at/F9wm9>. And after armed white men opened fire on a Black political rally, Georgia prohibited carrying a pistol or other deadly weapon to any court of justice, or any election precinct, or any place of public worship. Michael Menkus, *Disarm the Negroes: The Racist Roots of Georgia’s Gun Laws*, SSRN (Nov. 1, 2007), <https://shorturl.at/9nxJv>; An Act to Preserve the Peace and Harmony of the People of This State, § 1, 1870 Ga. Laws 421, *available at* Duke Ctr. for Firearms L., Repository of Hist. Gun L., <https://shorturl.at/mfgt0>.

Today, hate-motivated violence persists, and its perpetrators wield far deadlier weapons than Reconstruction-era legislatures confronted. With the AR-15, a single person can command the firepower of a mob. Bans on assault weapons honor this Nation's long and complex tradition of regulating arms to protect targeted communities from terror and intimidation. *Rahimi*, 602 U.S. at 692 (asking whether a modern law "is consistent with the principles that underpin our regulatory tradition"). As these laws demonstrate, the Constitution did not stop states from preventing armed men from terrorizing communities because of who their members are. *Presser v. Illinois*, 116 U.S. 252, 267 (1886); *see also Bruen*, 597 U.S. at 30 ("[It is] settled that these locations were 'sensitive places' where arms carrying could be prohibited consistent with the Second Amendment.").

### **III. The AR-15 Places the Firepower of the Mob into the Hands of Hate-Fueled Perpetrators.**

Hate-motivated violence has not ended. Today's bias-motivated mass shootings carry forward the work of the armed mob, but with one big difference: perpetrators armed with an AR-15 or a similar semiautomatic rifle can now kill, in minutes, on a scale that once took many hands. *See Br. for Cook Cnty. Resp'ts* at 30 [hereinafter *Cook Cnty. Br.*].

The AR-15's design explains why attackers bent on bias-motivated killing choose it. Dr. Kyleanne Hunter, a political scientist at the RAND Corporation and a Marine Corps combat veteran, testified before the Senate Judiciary Committee after the Highland Park shooting. She explained that public mass shootings, unlike most homicides, are "motivated by a broader

sense of hate or fear and a desire to kill many people in a short period of time.” *After the Highland Park Attack: Protecting Our Communities from Mass Shootings*: Hr’g Before the S. Comm. on the Judiciary, 117th Cong. 3 (2022) (statement of Kyleanne Hunter, Senior Pol. Scientist, RAND Corp.), <https://shorturl.at/GacmJ>.

The AR-15 serves that aim. The features that make it an effective military rifle—the “ability to shoot many rounds quickly, carry many rounds at once, and maneuver easily . . . also make it more deadly than other firearms when used in a mass shooting event.” *Id.* at 5. And because the weapon “is designed to kill and injure many people in a short period,” it “may make it attractive to those ideologically motivated to kill as much as possible.” *Id.* at 7; *see* Br. for Conn. Resp’ts at 30–31 [hereinafter Conn. Br.]; Cook Cnty. Br. at 30–31.

The record of bias-motivated attacks bears this out. Most of the deadliest bias-motivated shootings of the past decade have involved an AR-15 or comparable rifle. And several of the attackers have said in their own words that they chose the weapon to kill as many people in the targeted community as possible.

**A. 2022 Mass Shooting Targeting Black Grocery Shoppers in Buffalo, New York.**

On May 14, 2022, a perpetrator armed with body armor, a helmet, and a Bushmaster XM-15 entered a supermarket in Buffalo, New York, and killed ten Black people. *See United States v. Gendron*, 183 F.4th 162, 165 (2d Cir. 2026).

The perpetrator’s goal was to “kill as many blacks as possible.” *See id.*; Gov’t App’x at 5, 8, *United States*

*v. Gendron*, No. 25-2570 (2d Cir. 2026); Press Release, U.S. Dep’t of Just., *Accused Tops Shooter Charged with Federal Hate Crimes and Using a Firearm to Commit Murder* (June 15, 2022), <https://shorturl.at/LKHis>. He subscribed to the so-called “Great Replacement Theory,” a dangerous ideology claiming that Black people and non-white immigrants take opportunities away from white people. *See generally* David Bauder, *What Is “Great Replacement Theory” and How Does It Fuel Racist Violence?*, PBS News (May 16, 2022, at 16:10 ET), <https://shorturl.at/L1Wpv> (discussing how the “Great Replacement Theory” has influenced hate violence). The perpetrator identified his target location by researching ZIP codes tied to the largest Black population within driving distance from where he lived—leading him to the Buffalo grocery store. *See Gendron*, 183 F.4th at 165, 169–71.

When describing why he chose an AR-15 for the attack, he explained that “there are very few weapons that are easier to use and more effective at killing than firearms, especially the Bushmaster XM-15 I will be using.” Cameron McWhirter & Sadie Gurman, *Accused Buffalo Gunman Described Why He Chose His Firearms, Body Armor*, Wall St. J. (May 15, 2022, at 17:57 ET), <https://shorturl.at/XNIVp>. He sought to use the Bushmaster XM-15 to “inflict maximum damage” and to carry as much ammunition as possible to increase the weapon’s lethality. Gov’t’s Resp. in Opp’n to Def.’s Sealed Mot. to Strike Aggravating Factors at 31, *United States v. Gendron*, No. 1:22-cr-00109-LJV (W.D.N.Y. June 13, 2025), Dkt. No. 383 (redacted).

Among the deceased was a father who was picking up a surprise birthday cake for his son, who recently turned three; a church deacon and taxi driver who

provided poor people with rides; a retired police officer who worked as a security guard at the store; a journalist who covered gun violence; and a seventy-seven-year-old substitute teacher. Alisha Ebrahimji et al., *Buffalo Shooting Victims: ‘Hero’ Guard and a Teacher Who Was a ‘Pillar of the Community’ Are Among 10 Killed*, CNN (May 18, 2022, at 12:09 ET), <https://shorturl.at/GCaMF>. The victims included: Roberta A. Drury, Pearl Young, Deacon Heyward Patterson, Ruth Whitfield, Celestine Chaney, Aaron W. Salter Jr., Andre Mackniel, Margus D. Morrison, Katherine Massey, and Geraldine Talley. *Id.*

The massacre shattered the Black community’s sense of safety in Buffalo. Previously, Buffalo hosted one of the largest Juneteenth celebrations in the country; however, community members have since feared attending the public event. Kiara Alfonseca, *Juneteenth Holds New Meaning for Buffalo, New York Following Shooting Tragedy*, ABC News (June 18, 2022, at 09:41 ET), <https://shorturl.at/3sfs7>. In the wake of the tragedy, the city implemented a robust security plan to shore up protections for the community. WGRZ Staff, *Buffalo Police to Increase Presence at Juneteenth Festival*, WGRZ (June 17, 2022, at 20:23 ET), <https://shorturl.at/a6nDb>.

The community has retained other emotional scars too. Many residents have a direct or indirect connection to someone who was injured or killed in the massacre. Off. of the N.Y. State Att’y Gen., *Investigative Report on the Role of Online Platforms in the Tragic Mass Shooting in Buffalo on May 14, 2022* 12 (2022), <https://shorturl.at/dnnfG>. Moreover, survivors have described “the extra layer of shock and hardship caused by the shooter’s decision to target a grocery store in an underserved area that is otherwise a food desert.” *Id.* at 2.

**B. 2019 Massacre Targeting Latinos and Mexican Immigrants in El Paso, Texas.**

On August 3, 2019, a perpetrator armed with an AK-47 gunned down twenty-three people, primarily Latinos and Mexicans, at a Walmart in El Paso, Texas. Jolie McCullough, *El Paso Shooting Suspect Said He Ordered His AK-47 and Ammo from Overseas*, Tex. Trib. (Aug. 28, 2019, at 00:01 CT), <https://shorturl.at/EQL0w>. The perpetrator targeted victims who were Latino. Press Release, U.S. Dep’t of Just., *Texas Man Sentenced to 90 Consecutive Life Sentences for 2019 Mass Shooting at Walmart in El Paso, Texas, Killing 23 People and Injuring 22 Others* (July 7, 2023), <https://shorturl.at/RL1jw>. He drove more than 700 miles from his home near Dallas to El Paso, Texas, with the goal of having maximum impact. Jamie Stengle, *Texas Gunman Who Killed 23 in Racist Attack at Walmart Is Offered Plea Deal to Avoid Death Penalty*, PBS News (Mar. 26, 2025, at 11:54 ET), <https://shorturl.at/hHNZ0>.

The perpetrator issued a manifesto online prior to the attack. There, he declared that “[t]his attack is a response to the Hispanic invasion of Texas.” Indictment ¶ 2, *United States v. Crusius*, No. EP-20-CR-0389 (W.D. Tex. Feb. 6, 2020), Dkt. No. 1. The perpetrator cast himself as “defending [his] country from cultural and ethnic replacement brought on by the invasion.” *Id.*

The massacre is one of the deadliest bias-motivated mass shootings in American history—not only killing twenty-three but also injuring twenty-two people. The AK-47 allowed the perpetrator to carry out a mass execution in a matter of minutes.

In fact, the perpetrator observed that the AK-47 “heat[s] up” fast and that the rounds aren’t designed to “fragment, but instead tumble[] inside a target

causing lethal wounding.” See Patrick Crusius, *The Inconvenient Truth*, Manifesto (on file with counsel). The perpetrator also selected the AK-47 because he did not have much time to prepare for the attack. See Dana Branham, *El Paso Massacre Suspect Wrote an Anti-Immigrant ‘Manifesto’ Before the Attack, Authorities Say*, Dall. News (Aug. 3, 2019), <https://shorturl.at/WtpWV> (stating that he “ha[s] to do this before I lose my nerve”).

The victims of this massacre were Jordan Anchondo, Andre Anchondo, Arturo Benavides, Jorge Calvillo Garcia, Leonardo Campos, Adolfo Cerros Hernández, Maria Flores, Raul Flores, Guillermo ‘Memo’ Garcia, Maribel Hernández Loya, Javier Amir Rodriguez, Ivan Filiberto Manzano, Alexander Gerhard Hoffman, David Johnson, Luis Alfonso Juarez, Maria Eugenia Legarreta Rothe, Gloria Irma Márquez, Elsa Mendoza Marquez, Margie Reckard, Sara Esther Regalado Moriel, Teresa Sanchez, Angelina Maria Silva Englisbee, and Juan Velazquez. Among the deceased were the young parents of a ten-week-old; a fifteen-year-old high school student who loved playing soccer; a sixty-year-old Air Force veteran who was looking forward to retiring with his wife of thirty-four years; and several parents who were fundraising for a youth soccer team outside the store. See Sanya Mansoor, *25-Year-Old Mom ‘Gave Her Life’ to Shield Her 2-Month-Old. These Are the El Paso Shooting Victims*, Time Mag. (Dec. 12, 2023, at 17:14 ET), <https://shorturl.at/GRBu7>.

The massacre had devastating impacts on the broader Latino community. Schools invested in security, provided counselors for students, and worked to address the attacks on Hispanic identity. Stephen Sawchuk et al., *‘Anywhere I Go, I Feel Threatened’: Schools Encounter Latino Students’*

*Fears in Shooting Aftermath*, Educ. Week (Aug. 6, 2019), <https://shorturl.at/DOej4>. Some community members who regularly shopped in the area were too traumatized to leave their homes. See Arelis R. Hernández, *Mexicans Victimized in El Paso Mass Killing Struggle to Heal, Obtain Visas*, Wash. Post (Nov. 24, 2023), <https://shorturl.at/UWcy2>. Healing and recovery efforts continue. See Meredith Moran, *Garden Helps County Residents Heal from Mass Shooting*, Nat'l Ass'n of Cntys. (Aug. 19, 2025), <https://shorturl.at/ya8My>.

***C. 2022 Shooting Targeting a Safe Haven  
for the LGBTQ Community in Colorado  
Springs, Colorado.***

On November 19, 2022, on the eve of Transgender Day of Remembrance, a perpetrator entered Club Q, an LGBTQ nightclub in Colorado Springs, Colorado. The perpetrator opened fire with an AR-15-style rifle, killing five people and wounding nineteen before patrons tackled and subdued them. Press Release, U.S. Dep't of Just., *Former Colorado Resident Sentenced to Life in Prison for Federal Hate Crimes and Firearm Offenses Related to Mass Shooting at Club Q* (June 18, 2024), <https://shorturl.at/c0AnI>. They also carried multiple spare rifle magazines. Aff. in Supp. of Arrest Warrant at 2, 4, *People v. Aldrich*, No. 22CR6008 (Colo. Dist. Ct. Nov. 20, 2022); Chase Woodruff, *Arrest Affidavit Unsealed in Club Q Shooting Case*, Colo. Newslne (Dec. 8, 2022, at 04:00 ET), <https://shorturl.at/nsqCP>.

The perpetrator used the AR-15 to fire indiscriminately at patrons with the goal of killing everyone inside the club. Plea Agreement at 10, *United States v. Aldrich*, No. 1:24-cr-00006-RM (D. Colo. June 18, 2024), Dkt. No. 35. The victims were

Daniel Aston, Raymond Green Vance, Kelly Loving, Derrick Rump, and Ashley Paugh. *See* Solcyré Burga, *These Are the Victims of the Colorado Springs LGBTQ Club Shooting*, Time Mag. (Nov. 21, 2022, at 18:05 ET), <https://shorturl.at/KibI6>.

The perpetrator later pleaded guilty to seventy-four federal hate-crime and firearms charges and admitted that they carried out this attack “because of the[] actual or perceived sexual orientation and gender identity” of the people targeted. Plea Agreement at 10, *Aldrich*, No. 1:24-cr-00006-RM.

The massacre left the LGBTQ community feeling vulnerable to harm and violence. Michael Anderson, a survivor of the attack, testified before a congressional committee that he could “still hear the rapid firing of bullets.” *The Rise of Anti-LGBTQI+ Extremism and Violence in the United States: Hearing Before the H. Comm. on Oversight & Reform*, 117th Cong. 6 (2022) (statement of Michael Anderson, survivor of Club Q Shooting). Club Q’s founding owner, Matthew Haynes, testified: “[W]hen you take hate and access to military-style assault weapons. Putting those together is total carnage.” *Id.* at 7 (statement of Matthew Haynes, founding owner of Club Q).

The impact was especially pronounced, because for over two decades, Club Q had been a refuge and a safe haven for the LGBTQ community of Colorado Springs, Denver, and beyond. The club led the city’s annual Pride event, provided support for homeless LGBTQ youth, and was a place of comfort for members of the community who faced rejection. Michael Anderson, a survivor, testified that the incident was intended to “scare us from living openly, courageously, and proudly.” *Id.* at 6–7 (statement of Michael Anderson, survivor of the Club Q shooting). This pipeline of support and comfort officially ended when Club Q

shuttered its doors following the massacre. Paolo Zialcita, *One Year Later, Hundreds Gathered to Remember Those Killed and Honor Survivors in Club Q Shooting*, Colo. Pub. Radio (Nov. 19, 2023, at 18:32 ET), <https://shorturl.at/XaLO2>.

The Department of Justice also later recognized the attack as “one of the most violent, hate-fueled mass shootings targeting the LGBTQIA+ community in our nation’s history,” and acknowledged that “[m]any of those impacted continue to endure trauma as a result of the defendant’s actions.” Speech, Kristen Clarke, Assistant Att’y Gen., C.R. Div., U.S. Dep’t of Just., *Assistant Attorney General Kristen Clarke Delivers Remarks Announcing Former Colorado Resident Sentenced to Life in Prison for Federal Hate Crimes and Firearm Offenses Related to Mass Shooting at Club Q* (June 18, 2024), <https://shorturl.at/OWetd>.

**D. 2018 Massacre of Jewish Worshippers  
at Tree of Life Synagogue in  
Pittsburgh, Pennsylvania.**

On the morning of October 27, 2018, armed with an AR-15 rifle and three Glock .357 handguns, a perpetrator entered the Tree of Life Synagogue’s Sabbath service in Pittsburgh. He murdered eleven worshippers, critically wounded two members of the congregation, and injured five responding police officers. Press Release, U.S. Dep’t of Just., *Jury Recommends Sentence of Death for Pennsylvania Man Convicted for Tree of Life Synagogue Shooting* (Aug. 2, 2023), <https://shorturl.at/dQSNL>.

The gunman’s motive was antisemitism. In posts about the Hebrew Immigrant Aid Society, he described the organization as bringing “invaders in that kill [his] people.” Press Release, U.S. Dep’t of

Just., *Additional Charges Filed in Tree of Life Synagogue Shooting* (Jan. 29, 2019), <https://shorturl.at/f184t>. The defendant meticulously planned his attack to further his violently antisemitic beliefs. See Gov’t’s Resp. in Opp’n to Def.’s Mot. for J. of Acquittal & for a New Trial at 35, *United States v. Bowers*, No. 2:18-cr-00292-RJC (W.D. Pa. Jan. 16, 2024), Dkt. No. 1599.

The perpetrator’s access to an AR-15 facilitated his massacre of Joyce Fienberg, Richard Gottfried, Rose Mallinger, Jerry Rabinowitz, Cecil Rosenthal, David Rosenthal, Bernice Simon, Sylvan Simon, Daniel Stein, Melvin Wax, and Irving Younger. Among the deceased were two brothers, a physician who cared for HIV patients during the AIDS crisis, a dentist who volunteered at free clinics, and a new grandfather. Judy Woodruff, *Remembering the Lives Lost in the Tree of Life Massacre*, PBS News (Oct. 30, 2018, at 18:35 ET), <https://shorturl.at/x04R6>.

The deadliest antisemitic attack in American history, the massacre devastated a community’s ability to gather and worship in safety, “[striking] fear in the lives of Jewish people across the country.” Press Release, *Jury Recommends Sentence*, *supra* p.18. Synagogues across the country have increasingly turned to guards and metal detectors, transforming the experience of Jewish worship and converting once-peaceful sanctuaries into armed checkpoints. The White House, *The U.S. National Strategy to Counter Antisemitism* 23 (2023), <https://shorturl.at/kPTHX>; Christina Maxouris, *Fortified Synagogues and Guards ‘Everybody Knows.’ How Life Changed a Year After the Tree of Life Massacre*, CNN (Oct. 27, 2019, at 06:04 ET), <https://shorturl.at/OHLEn> (identifying the tension between the Jewish tradition of being “radically welcoming” and the security concerns that

complicate that practice following the massacre); Bill Hutchinson & Allie Yang, *Pittsburgh Synagogue Rabbi Recounts Shooting: Congregants ‘Were Slaughtered in My Sanctuary’*, ABC News (Oct. 29, 2018, at 18:23 ET), <https://shorturl.at/6CjXn> (describing how the synagogue and congregation “have become a fortress” due to “[t]he boulders on the sidewalk, the scanners, [and] the security guards”).

The security expenses have created what Jewish community leaders describe as additional costs to Jewish life. Maxouris, *supra* p.19.

***E. 2023 Mass Shooting Targeting Black Shoppers at a Dollar General in Jacksonville, Florida.***

On August 26, 2023, a gunman armed with an AR-15-style rifle marked with swastikas and a handgun drove to the campus of Edward Waters University, a historically Black university in Jacksonville, Florida. Andy Rose et al., *3 People Dead After Gunman Targeted Black People in Jacksonville, Florida, Officials Say*, CNN (Aug. 27, 2023, at 08:03 ET), <https://shorturl.at/4lY8u>. When a campus security officer turned him away for refusing to identify himself, he drove to a nearby Dollar General store, where he shot and killed three Black people. *Id.*

The perpetrator first fired into a car in the parking lot, killing Angela Michelle Carr, a mother and Uber driver who was completing a ride. Minyvonne Burke et al., *What We Know About the Jacksonville Shooting Victims*, NBC News (Aug. 28, 2023, at 13:42 ET), <https://shorturl.at/JaoUY>. The perpetrator then entered the store and fatally shot Anolt Joseph Laguerre Jr., a nineteen-year-old store employee who had recently graduated from high school. *Id.* Finally, the perpetrator shot Jerrald De’Shaun Gallion, a

father who planned to spend the day with his four-year-old daughter. Russ Bynum, *Florida Shooting Victim Planned to Spend Saturday with His Daughter. He Was Killed Before He Could.*, AP News (Aug. 27, 2023, at 21:23 ET), <https://shorturl.at/njOgC>.

The racially motivated attack coincided with the local commemoration of Ax Handle Saturday, when, in 1960, a white mob armed with bats and axes brutally attacked Black people in downtown Jacksonville. Khalil Maycock, *It's Been 63 Years Since Ax Handle Saturday. One Man Says City is 'Dealing With Same Issues' Following Deadly Shooting*, News4JAX (Aug. 27, 2023, at 21:16 ET), <https://shorturl.at/CjyPD>. Reflecting on the tragedy, Jacksonville Sheriff T.K. Waters observed, “[a]ny loss of life is tragic, but the hate that motivated the shooter’s killing spree adds an additional layer of heartbreak.” Eric Levenson et al., *Jacksonville Gunman in Racially Motivated Attack Legally Bought Two Weapons Earlier This Year, Sheriff Says*, CNN (Aug. 27, 2023, at 21:22 ET), <https://shorturl.at/ieM23>.

The attack also left a neighborhood that local officials described as a “food desert,” now without one of its few sources of groceries. Marilyn Parker et al., *Dollar Store Reopening Draws Mixed Reactions as Community Continues to Grieve Racist Attack*, News4JAX (Jan. 12, 2024, at 22:20 ET), <https://shorturl.at/yE9mW>.

#### **F. 2019 Shooting at Chabad of Poway, California.**

On April 27, 2019, on the final day of Passover, a gunman entered the Chabad of Poway synagogue in San Diego County and opened fire on the congregation

using an AR-15. *John Earnest, 19, Identified as Gunman Who Killed 1, Injured 3 in Poway Synagogue*, ABC7 N.Y. (Apr. 29, 2019), <https://shorturl.at/tvu5Q>. He killed Lori Gilbert Kaye, who was at the synagogue to mourn her recently deceased mother, and wounded three others, among them Rabbi Yisroel Goldstein and an eight-year-old child. Associated Press & NBC 7 San Diego Staff, *Survivors, Loved Ones Describe ‘Pure Evil’ of Poway Synagogue Shooter at Sentencing*, NBC 7 San Diego (Sep. 30, 2021, at 18:44 ET), <https://shorturl.at/GAZpC>.

In a 911 call placed as he fled, the shooter declared: “I’m defending my nation against the Jewish people, who are trying to destroy all white people.” *Id.* What limited the death toll was not the weapon’s design but its failure. The rifle jammed as the gunman tried to reload, and an Army combat veteran in the congregation intervened before he could resume the attack. *Id.*

The perpetrator’s fatal attack with the AR-15 followed his attempt, one month earlier, to burn down the Dar-ul-Arqam Mosque in Escondido, California, because of his hatred of Muslims. Press Release, U.S. Dep’t of Just., *California Man Indicted for Federal Hate Crimes Related to Poway Synagogue Shooting and Arson of Escondido Mosque* (May 21, 2019), <https://shorturl.at/5thjP>.<sup>2</sup>

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<sup>2</sup> The coordinating role once played by the armed mob now often operates online. Consider, for instance, the “Terrorgram Collective,” a white supremacist group that used the messaging platform Telegram to distribute attack guidance and a list of “high-value targets” to solicit violence against perceived “enemies of the white race.” Indictment ¶¶ 2–3, 5, 9, *United States v. Humber*, No. 2:24-cr-00257 (E.D. Cal. Sep. 5, 2024), Dkt. No. 1. When one of its leaders was arrested, the government

**IV. Bias-Motivated Mass Killings Present an Unprecedented Societal Concern Similar to That of the Armed Mobs Earlier Generations Regulated.**

The Second Amendment inquiry asks whether a modern law is “relevantly similar” to its historical precursors in “how” and “why” it burdens the right. *Rahimi*, 602 U.S. at 692; *Bruen*, 597 U.S. at 29. That said, a modern law need not be a “historical *twin*.” *Bruen*, 597 U.S. at 30. This Court reaffirmed that point last Term: “Particularly when the modern law addresses a situation that could not have arisen when the Second or Fourteenth Amendment was adopted, it is too much to demand such a close match.” *Wolford*, 609 U.S. at 197. And “cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *Bruen*, 597 U.S. at 27.

Bias-motivated mass killing by perpetrators armed with an AR-15 is that kind of situation. Bias-based mass killing was historically a group activity, because most firearms deployed one shot at a time and had to be reloaded after every shot. Conn. Br. at 19; Cook Cnty. Br. at 39. The law addressed the danger of mass violence by addressing the armed group. Cook Cnty. Br. at 20 (discussing Pennsylvania and Massachusetts); Conn. Br. at 36 (discussing armed groups). The concern behind these laws was that armed groups “had the capacity to kill or seriously injure far more people in a short time than a single

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recovered an AR-15 rifle and high-capacity magazines, stored alongside a printed copy of the group’s attack manual and a notebook listing white supremacist attackers with whom she corresponded. Gov’t’s Mot. for Det. at 3, *United States v. Humber*, No. 2:24-cr-00257 (E.D. Cal. Sep. 10, 2024), Dkt. No. 11.

individual ever could before being restrained.” Cook Cnty. Br. at 20.

Reconstruction governments carried the same concern forward to prevent armed mobs from terrorizing Black communities. They disbanded unauthorized armed organizations and kept arms out of the polling places and courthouses where freed people were attacked. *See supra* Part II.

The AR-15, however, places the firepower of the mob into the hands of hate-fueled perpetrators, and the attackers described in Part III chose the weapon for that reason. *See supra* Part III. This new circumstance deserves close consideration, especially given the reverberating harms and terrorizing effects inflicted on immediate victims and entire communities, not just locally but nationwide. And just as they have before, legislatures may choose to keep the mob’s firepower out of the hands of those bent on committing hate crimes consistent with the Second Amendment.

## CONCLUSION

For the foregoing reasons, *Amicus* urges this Court to affirm the judgments of the U.S. Courts of Appeals for the Seventh and Second Circuits.

Respectfully submitted.

KRISTEN CLARKE  
Howard University School of Law  
Civil Rights Clinic  
2900 Van Ness Street NW  
Washington, DC 20008  
(202) 806–8082  
Kristen.Clarke@howard.edu

ALISA TIWARI  
*Counsel of Record*  
Cohen Milstein Sellers &  
Toll LLP  
1100 New York Ave NW  
Washington, DC 20005  
(202) 408–4600  
atiwari@cohenmilstein.com

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