

Nos. 25-238 and 25-566

IN THE
Supreme Court of the United States

CUBERTO VIRAMONTES, *et al.*,

Petitioners,

v.

COOK COUNTY, ILLINOIS, *et al.*,

Respondents.

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

Petitioners,

v.

RONNELL HIGGINS, *et al.*,

Respondents.

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

**BRIEF OF THE AMERICAN FEDERATION
OF TEACHERS AND THE CAMPAIGN TO KEEP
GUNS OFF CAMPUS AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENTS**

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INTERESTS OF *AMICI CURIAE*¹

The American Federation of Teachers (“AFT”) is a union of professionals and AFL-CIO affiliate that represents more than 1.8 million members in more than 3,600 local affiliates nationwide. AFT aims to advance principles of fairness, democracy, health, high-quality public education, and public services for students through community engagement, organizing, and political activism. Combatting gun violence is essential to advance AFT’s initiative to improve the public health of our communities and the quality of public education. AFT has prepared numerous reports, resources, resolutions, and other materials to spotlight the important role gun violence reduction has in creating a proper learning environment for children in the United States. The legal issues presented in this case are of interest to AFT because of the profound importance of upholding restrictions on semi-automatic weapons for students nationwide.

The Campaign to Keep Guns Off Campus (“the Campaign”) looks to support safe educational spaces nationwide by opposing policies allowing guns on campus, thereby protecting students from physical danger. The Campaign has collaborated with educational institutions at all levels of education, as well as state legislatures, to work towards their goal. The allowance of an ordinance barring the sale and

¹ Pursuant to Sup. Ct. R. 37.6, *amici curiae* affirm that no counsel for a party has written this brief in whole or in part, and that no person or entity, other than *amici curiae*, its members, or its counsel, has made a monetary contribution to the preparation or submission of this brief.

possession of assault weapons clearly falls in line with the Campaign’s mission to protect campuses from the threat of gun violence, especially as numerous school shooters have used the same class of weapon to launch their attacks.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The Seventh Circuit² held that Illinois and its localities had a strong likelihood of prevailing against Second Amendment challenges to their assault-weapons restrictions, concluding that AR-15s and similar semiautomatic rifles more closely resemble military weapons than firearms protected for civilian use.³ As such, the Seventh Circuit affirmed the judgment in favor of Cook County, concluding that petitioners had failed to develop a record sufficient to depart from the court’s prior decision in *Bevis v. City of Naperville*, which rejected a Second Amendment challenge to another assault-weapons ordinance.

As more fully elaborated below, the Seventh Circuit’s decision is consistent with the Nation’s historical tradition of firearm regulation and serves the important interest of protecting students and educators from gun violence. Cook County’s ordinance helps preserve schools as environments where students can learn and educators can educate without

² While this brief largely focuses on Cook County’s ordinance, *amici*’s arguments apply equally to both the Seventh and Second circuit decisions.

³ *Bevis v. City of Naperville*, 85 F.4th 1175, 1182 (7th Cir. 2023).

the constant threat of armed violence. *Amici* urge the Court to affirm the judgments of the court of appeals.

ARGUMENT

I. Cook County’s ordinance fits the Nation’s tradition of keeping weapons away from places of education and addresses a danger that could not have arisen in 1791 or 1868

In 1993, amid growing national concern over assault-weapon violence following the 1989 shooting at Cleveland Elementary School in Stockton, California, where a gunman killed five children with a semiautomatic rifle, Cook County enacted an ordinance prohibiting the sale and possession of assault weapons.⁴ Since then, gunmen with the same class of rifle have attacked Sandy Hook Elementary, Marjory Stoneman Douglas High School, Robb Elementary, and Apalachee High School.⁵ Each school was full of children entrusted to the State’s “temporary custody.”⁶ The weapon in every one of those attacks belonged to the class of assault weapons Cook County had prohibited years earlier in response to the Stockton shooting.⁷ Petitioners ask this Court to hold that the Nation’s history forbids that choice by local legislators and to direct judgment in their favor.

⁴ Br. in Opp. at 2, 11, *Viramontes v. Cook County*, No. 25-238 (U.S. Oct. 29, 2025).

⁵ *Id.* at 1-3.

⁶ *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 654 (1995).

⁷ Br. in Opp., *supra* note 4, at 1-3, 11-12.

Under this Court’s precedent for determining the validity of a firearm regulation, the question is whether the ordinance “is consistent with the Nation’s historical tradition.”⁸ That inquiry turns on whether the modern law “is consistent with the principles that underpin our regulatory tradition,” not whether it has a “historical twin.”⁹ 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.”¹⁰

Cook County’s ordinance satisfies that test. The danger it addresses—a semi-automatic rifle attack on schools that children must attend by law—did not exist in 1791 or 1868.¹¹ While the ordinance does not have an exact historical match, it reflects the same longstanding concern underlying nineteenth-century laws that barred weapons from places of education: protecting children from armed violence. The ordinance carries that tradition forward by addressing the distinct threat that modern semiautomatic rifles pose to school safety.¹² In *Heller*, this Court left legislatures “a variety of tools” against gun violence,¹³ and its long respect for local control of public schools supports Cook County’s choice of a county-wide ban on the class of rifle at issue.¹⁴

⁸ *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 24 (2022).

⁹ *U.S. v. Rahimi*, 602 U.S. 680, 692 (2024).

¹⁰ *Wolford v. Lopez*, 609 U.S. 185, 197 (2026).

¹¹ *See infra* part I.A.

¹² *See infra* part I.B.

¹³ *D.C. v. Heller*, 554 U.S. 570, 636 (2008).

¹⁴ *See infra* part I.C.

A. A semi-automatic rifle attack on a school that the State requires children to attend is a danger that “could not have arisen” in 1791 or 1868

Semi-automatic rifle attacks on children attending school as mandated by the State are a modern problem that, under *Bruen*, does not require a close historical analogue. In *Bruen*, this Court distinguished between longstanding societal problems and novel regulatory challenges.¹⁵ When a law “addresses a general societal problem that has persisted since the 18th century,” the absence of a “distinctly similar historical regulation” is “relevant evidence” against its constitutionality.¹⁶ However, “cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach,” because today’s regulatory challenges “are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868.”¹⁷ In *Wolford*, this Court reaffirmed that when a 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.”¹⁸ The Court cited *Rahimi*, where “distinctively modern” conduct “called for a more difficult exercise of judgment” in identifying historical analogues.¹⁹

¹⁵ *Bruen*, 597 U.S. at 26-27.

¹⁶ *Id.* at 26.

¹⁷ *Id.* at 27.

¹⁸ 609 U.S. at 197.

¹⁹ *Id.* at 198.

Semi-automatic rifle attacks on schoolchildren are unique in two ways. The first is the target. When the Fourteenth Amendment was ratified, “compulsory school attendance was virtually unknown.”²⁰ Today, every State requires children to attend school.²¹ More than 54 million children are enrolled in kindergarten through twelfth grade, and the average public high school holds 831 students.²² The State therefore requires millions of children to gather together in school buildings each day, where they “have been committed to the temporary custody of the State as schoolmaster.”²³

That custody carries a special duty. In *Vernonia*, this Court upheld random drug testing of student athletes as a reasonable search, in part, because “the necessity for the State to act is magnified by the fact that this evil is being visited not just upon individuals at large, but upon children for whom it has undertaken a special responsibility of care and direction.”²⁴ Although *Vernonia* concerned student

²⁰ *Brown v. Bd. of Educ.*, 347 U.S. 483, 490 (1954).

²¹ See *id.* at 490 n.4 (noting that compulsory attendance laws were “in force in all the states” by 1918).

²² U.S. Census Bureau, *School Enrollment: 2024 American Community Survey 1-Year Estimates*, tbl. S1401, <https://data.census.gov/table/ACSST1Y2024.S1401> (last visited Oct. 28, 2026); Nat’l Ctr. for Educ. Stat., U.S. Dep’t of Educ., *Number of Regular Operational Public Schools and Average Number of Students Enrolled, by School Level and State or Jurisdiction:*

School	Year	2023-24
https://nces.ed.gov/ccd/tables/202324_summary_4.asp (last visited Oct. 28, 2026).		

²³ *Vernonia Sch. Dist.* 47J, 515 U.S. at 654.

²⁴ *Id.* at 662, 664-65.

drug use, the Court rested its reasoning on the State’s heightened responsibility for children entrusted to its care.²⁵ Neither the founding nor Reconstruction generations could have faced a rifle attack on a building full of children whom the State requires to be there.

The second difference is the class of arm used in the attack. The Seventh Circuit, upholding Illinois’s ban on the same class of rifles, held that at the time of the Second and Fourteenth Amendments’ ratifications, “mass killings were a ‘group activity’” because individuals lacked “the means to inflict mass casualties on their own.”²⁶ Legislatures therefore regulated armed groups rather than any particular weapon. The AR-15, by contrast, was designed to Army specifications in 1957, and its wounds “are even more deadly for children.”²⁷

Amici bear the brunt of that duty during every school day. The teacher is the adult whom the State has entrusted with the students’ “care and direction” during the school day.²⁸ Yet, a single individual armed with a modern semiautomatic rifle can now pose the threat of mass violence that once required an entire armed group.²⁹ Teachers are charged with educating

²⁵ See *id.* at 662.

²⁶ *Barnett v. Raoul*, 180 F.4th 1035, 1057 (7th Cir. 2026) (citation modified).

²⁷ Br. in Opp., *supra* note 4, at 5-6 (citing R. 81 ¶¶ 75, 298-99).

²⁸ See *Vernonia*, 515 U.S. at 662.

²⁹ See Darrell A.H. Miller et al., Lethality and the Historical Principles of Arms Regulation, 54 PEPP. L. REV. (forthcoming) (manuscript at 29–30, 34–36).

children, not preparing them for the possibility of mass violence.³⁰ Such preparations may help schools respond to a threat or an attack, but educators cannot, on their own, prevent a rifle capable of inflicting mass casualties from reaching their classrooms. Accordingly, measures like Cook County’s ordinance serve a critical preventative purpose: confronting that danger before it materializes and reaches the schoolhouse door.

The County enacted its ordinance in response to an attack on an elementary school.³¹ Nationwide compulsory attendance—the sole reason why the children were in that school—did not exist in 1868, and the rifle used against them did not exist until 1957.³² The ordinance therefore “addresses a situation that could not have arisen when the Second or Fourteenth Amendment was adopted,” and the Court should not demand “such a close match” to the laws of that time.³³

³⁰ *Id.* at 38 (observing that school-shooting drills now occur in 95% of schools and are associated with increased depression, anxiety, and stress).

³¹ Br. in Opp., *supra* note 4, at 11-12.

³² *Brown*, 347 U.S. at 490; Br. in Opp., *supra* note 4, at 5.

³³ *Wolford*, 609 U.S. at 197; *see also Bruen*, 597 U.S. at 27 (reserving a “more nuanced approach” for “unprecedented societal concerns or dramatic technological changes.”)

B. The Nation’s tradition of protecting places of education from armed violence shares the same purpose as Cook County’s ordinance

Historical laws addressing a particular problem are “a strong indicator that contemporary laws imposing similar restrictions for similar reasons fall within a permissible category of regulations.”³⁴ The Nation’s tradition of firearm regulation includes protecting schools. In *Heller*, this Court listed “laws forbidding the carrying of firearms in sensitive places such as schools” among the “longstanding” regulations it left untouched.³⁵ *Bruen* likewise recognized the constitutionality of “modern regulations prohibiting the carry of firearms in new and analogous sensitive places.”

Legislatures in the nineteenth-century specifically protected places of education. In 1870, Texas barred weapons where people assembled for “educational, literary or scientific purposes”; Missouri followed in 1875, and Arizona and the Oklahoma Territories in 1889 and 1890.³⁶ The Second Circuit recognized these laws as part of “the tradition of

³⁴ *Id.*

³⁵ 554 U.S. at 626.

³⁶ *An Act to Prevent the Carrying of Weapons in Public Assemblies of the People*, § 1, 1875 Mo. Laws 50, 50-51; see also *Antonyuk v. James*, 120 F.4th 941, 1020 (2d Cir. 2024) (quoting 1870 Tex. Gen. Laws 63, ch. 46; 1883 Mo. Sess. Laws 76; 1889 Ariz. Sess. Laws 17; 1890 Okla. Terr. Stats., art. 47, § 7).

prohibiting firearms in schools” and noted their reason was “the protection of vulnerable populations.”³⁷

Cook County enacted its ordinance for the same reason, taking action in the wake of the Cleveland Park Elementary assault weapon massacre where a gunman with a semiautomatic rifle killed five children in California in 1993.³⁸ In adopting its ordinance, the Cook County Board cited an estimate that “1 in 20 high school students had carried a gun in the prior month.”³⁹

Similarly, four months after the Sandy Hook shooting, Connecticut enacted “An Act Concerning Gun Violence Prevention and Children’s Safety,”⁴⁰ the legislation underlying the Second Circuit’s decision. Texas in 1870, Cook County in 1993, and Connecticut in 2013 each sought to protect children from deadly weapons, reflecting a shared regulatory purpose relevant to the “strong indicator” this Court described in *Rahimi*.⁴¹ The tradition reaches the educator as well as the student; in 1878, Mississippi made it a misdemeanor for “any teacher, instructor, or professor

³⁷ *Antonyuk*, 120 F.4th at 1011.

³⁸ Br. in Opp., *supra* note 4, at 11.

³⁹ *Wilson v. Cook County*, 407 Ill. App. 3d 759, 761 (2011) (describing the findings in Cook County Ordinance No. 93-O-37(1993)), *aff’d in part, rev’d in part*, 2012 IL 112026, 968 N.E.2d 641.

⁴⁰ 2013 Conn. Pub. Acts 13-3; *see Nat’l Ass’n for Gun Rights v. Lamont*, 153 F.4th 213, 222 (2d Cir. 2025), *cert. granted sub nom. Grant v. Higgins*, No. 25-566 (U.S. June 30, 2026).

⁴¹ 602 U.S. at 692.

who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil.”⁴²

Although the means of enforcement differs, the difference reasonably follows from consideration of the danger’s modern and previously unencountered nature. A place-based rule already exists. Federal law makes it a crime “knowingly to possess a firearm” in a “school zone.”⁴³ The nineteenth-century laws barred carrying a weapon into places of education, while Cook County’s ordinance bars possessing one class of weapon anywhere in the County—both are place-based laws which account for a specific danger. Sandy Hook, Marjory Stoneman Douglas, Robb Elementary, and Apalachee were all school zones on the day a gunman carried a semiautomatic rifle inside. The County simply responded to the magnitude of the danger when enacting its ordinance—it altered the place of such restriction to protect schoolchildren from attacks involving assault rifles, accounting for advances in firearms technology that had reduced the effectiveness of existing protections.

By the time a school-zone rule applies, it is too late—the gunman is already inside. At Robb Elementary, while the children “were dying,” officers outside “focused on calls for additional SWAT equipment.”⁴⁴ Further, the rifle in school shootings usually comes from the home. In the Secret Service’s

⁴² An Act to Prevent the Carrying of Concealed Weapons, and for Other Purposes, ch. 46, § 4, 1878 Miss. Laws 175, 176.

⁴³ 18 U.S.C. § 922(q)(2)(A) (2026).

⁴⁴ U.S. Dep’t of Just., *Critical Incident Review: Active Shooter at Robb Elementary School* xvii (2024).

study of school attacks from 2008 through 2017, three quarters of the attackers who used a firearm took it from the home of a parent or another close relative.⁴⁵ By targeting possession in the community, Cook County addressed the danger at an earlier point, cutting the issue at the root rather than the stem.

The difference in means is acceptable under this Court’s jurisprudence. In *Rahimi*, this Court upheld a modern law whose means differed in kind from the founding-era laws that justified it: 18 U.S.C. § 922(g)(8) prohibits firearm possession by those under a domestic-violence restraining order, a court order that did not exist at the founding. The government defended the law with two kinds of founding-era laws: surety laws requiring a person who threatened another to post bond, and “going armed” laws imprisoning those who terrified the public with weapons.⁴⁶ Those laws imposed bonds and prison terms, not a ban on possession. The Court nonetheless found § 922(g)(8) “relevantly similar” to them in “both why and how,” because it “restricts gun use to mitigate demonstrated threats of physical violence, just as the surety and going armed laws do,” and because “if imprisonment was permissible to respond to the use of guns to threaten the physical safety of others, then the lesser restriction of temporary disarmament that

⁴⁵ U.S. Secret Serv., Nat’l Threat Assessment Ctr., *Protecting America’s Schools: A U.S. Secret Service Analysis of Targeted School Violence* 22 (2019), https://www.secretservice.gov/sites/default/files/2020-04/Protecting_Americas_Schools.pdf.

⁴⁶ *Rahimi*, 602 U.S. at 695-99.

Section 922(g)(8) imposes is also permissible.”⁴⁷ The Court thus held upheld the arms ban.⁴⁸

The same reasoning applies here. The 1800s laws and Cook County’s ordinance share a reason: keeping deadly weapons away from people gathered to learn. They differ in means: a ban on carrying at the place versus a ban on possessing one class of arms across the County. The ordinance reaches a wider area than a school-zone rule but a narrower set of weapons, since it allows every handgun, shotgun, and rifle without the listed features. In *Rahimi*, the modern means was different in kind from the historical means, and the Court still found the laws “relevantly similar.”⁴⁹ When the reason is shared and the modern means fits the modern danger, such as in this case and *Rahimi*, the “how” and “why” are “close enough.”⁵⁰

C. The tradition of local control over public schools supports Cook County’s choice among the “variety of tools” this Court recognized in *Heller*

This Court acknowledged in *Heller* “the problem of handgun violence in this country” and noted the Constitution leaves “a variety of tools for combating that problem.”⁵¹ In *Heller*, this Court named schools first among the places where the

⁴⁷ *Id.* at 698-99.

⁴⁸ *Id.* at 702.

⁴⁹ *Id.* at 698.

⁵⁰ *Wolford*, 609 U.S. at 197.

⁵¹ 554 U.S. at 636.

Second Amendment right yields⁵² and left legislatures “a variety of tools” against gun violence.⁵³ Cook County’s ordinance chose one. It answers a danger that did not exist when either the Second or the Fourteenth Amendment was adopted, and it serves the same purpose as the nineteenth-century laws that kept weapons away from places of education.⁵⁴

Under *Bruen*, the only question is whether the law fits the tradition.⁵⁵ In asking whether a community’s “how” is “close enough,” the Court should weigh who made the choice and why. “No single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to quality of the educational process.”⁵⁶ Education is also an area “in which this Court’s lack of specialized knowledge and experience counsels against premature interference with the informed judgments made at the state and local levels.”⁵⁷

Cook County made that choice twice: once in 1993 after the California attack and the second time after the federal assault weapons ban was allowed to

⁵² *Id.* at 626.

⁵³ *Id.* at 636.

⁵⁴ *See supra* parts I.A-B.

⁵⁵ 597 U.S. at 24.

⁵⁶ *Milliken v. Bradley*, 418 U.S. 717, 741 (1974).

⁵⁷ *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 42 (1973).

expire.⁵⁸ The 1993 ordinance did more than ban one class of weapon; it barred any new gun shop “within one mile of any public or private school or public park” and required every firearm sold to carry a lock that “substantially hinders the use of the firearm by children under the age of 17.”⁵⁹ Connecticut made the same kind of choice in its statute. The act that expanded its assault weapons ban after Sandy Hook also created a School Safety Infrastructure Council and required every local board of education to adopt a school security and safety plan.⁶⁰

Amici urge this Court to consider how a ruling in favor of petitioners would affect a locality that has already been forced to bury multiple schoolchildren killed by a semi-automatic rifle. At a minimum, it would be deprived of a tool *Heller* expressly left open and vulnerable to the very same violence it sought to address.

II. Petitioners’ reliance on the AR-15’s popularity overlooks the distinctive dangers these weapons pose to schools

Petitioners’ case for constitutional protection of the AR-15 rests on one number. They describe it as

⁵⁸ Br. in Opp., *supra* note 4, at 11-12 (citing R. 81 ¶ 130).

⁵⁹ Cook County, Ill., Code of Ordinances §§ 54-154(b), 54-184 (deriving from Ordinance No. 93-O-37, §§ 3-6, 4-4 (Oct. 19, 1993)).

⁶⁰ 2013 Conn. Pub. Acts 13-3, §§ 25, 80, 87; *see Nat’l Ass’n for Gun Rights*, 153 F.4th at 247 (describing the act as “targeted regulations designed to protect residents and their children from experiencing tragedies like the one at Sandy Hook Elementary School.”)

“the most popular rifle in the country” because surveys place its owners in the tens of millions.⁶¹ From these figures, petitioners conclude that the AR-15 cannot be “unusual,” and therefore cannot be regulated.⁶²

Essentially, petitioners ask this Court to treat the widespread ownership of AR-15-style rifles as dispositive of their constitutional protection. But a national count of rifle owners cannot resolve whether a regulation is consistent with the Nation’s historical tradition of firearm regulation. As this Court explained in *Bruen* and *Rahimi*, that inquiry requires consideration of the reasons underlying historical restrictions and the burdens they imposed, not merely the prevalence of the regulated conduct. Part I above explained why the challenged legislation are consistent with the historical tradition of protecting schools and other sensitive places. This Part now addresses the distinctively modern danger that gives that tradition continuing significance.

A. Semiautomatic rifles pose a disproportionate danger in school shootings

Petitioners measure the AR-15’s danger primarily through national homicide statistics. They observe that rifles of every kind are used in fewer homicides annually than handguns and conclude that the AR-15 rifle is rarely used in crime.⁶³ However,

⁶¹ Br. in Opp., *supra* note 4, at 7–10, 23–24.

⁶² *Id.* at 31–33.

⁶³ Br. in Opp., *supra* note 4, at 11.

those aggregate figures obscure the particular danger these weapons pose in school shootings, where the consequences of an attack can be especially devastating.

The FBI recorded thirty active-shooter situations in kindergarten through twelfth grade school environments between September 2004 and December 2025 that left three or more people killed or wounded.⁶⁴ Eleven of those incidents (about a third) involved a semi-automatic rifle meeting the definition of “assault weapon” in the Protect Illinois Communities Act.⁶⁵ Those eleven incidents account for more than half of all casualties and nearly two-thirds of all deaths across the thirty shootings.⁶⁶ Incidents involving these rifles averaged roughly twice as many casualties as the others and nearly three times as many deaths; half of the people shot in them were killed, compared with about a third in the remaining incidents.⁶⁷

These figures reveal a disparity that national homicide statistics conceal. Active-shooter incidents involving semi-automatic rifles usually means more people are wounded and killed and lead to substantially greater casualties when used in school

⁶⁴ Fed. Bureau of Investigation, U.S. Dep’t of Justice, *Active Shooter Incidents in the United States* (2019-2026 reports).

⁶⁵ 720 Ill. Comp. Stat. 5/24-1.9(a)(1)(A); see FBI, *Active Shooter Incidents* (2019–2026 reports).

⁶⁶ Protect Illinois Communities Act, 5/24-1.9(a)(1)(A).

⁶⁷ *Id.*

attacks.⁶⁸ The deadliest examples are becoming all too familiar: Twenty first-graders and six educators murdered at Sandy Hook, seventeen students and staff killed at Parkland, and nineteen children and two teachers slaughtered at Robb Elementary.⁶⁹

The consequences of these attacks are pointedly more significant in the school setting. Unlike most adults who may choose whether to enter particular public spaces, children are required by law to attend school, and the educators who staff those buildings are required to be there with them.⁷⁰ A rule that treats the AR-15 as beyond the reach of regulation because many people own one would leave the communities responsible for those schools unable to address the weapon behind the worst attacks on them. Where a locality has identified a specific, documented harm associated with a weapon, widespread ownership alone should not foreclose its ability to adopt legislation consistent with its duty to uphold public safety.

Petitioners ask this Court to hold that a weapon becomes immune from regulation once it sells widely enough. This Court has never so held. Under

⁶⁸ Elzerie de Jager et al., *Lethality of Civilian Active Shooter Incidents With and Without Semiautomatic Rifles in the United States*, 320 JAMA 1034 (2018).

⁶⁹ James Barron, *Gunman Massacres 20 Children at School in Connecticut; 28 Dead, Including Killer*, N.Y. Times, Dec. 14, 2012, at A1; Audra D.S. Burch & Patricia Mazzei, *Horror at Florida School; Ex-Student Held*, N.Y. Times, Feb. 15, 2018, at A1.

⁷⁰ See *supra* part I.A.

petitioners' proposed test, even a newly developed weapon capable of extraordinary destruction could acquire constitutional protection simply if enough people purchase it. This would create an absurd and perverse result. The more widely a weapon proliferates, the less authority governments would have to prohibit it, regardless of the dangers it posed. Nothing in *Heller* suggests that the scope of the Second Amendment would turn on such a mechanical calculation. Accordingly, this Court should hold that the AR-15's popularity cannot place it beyond the reach of legislation addressing the harm documented here.

B. The threat of school shootings imposes lasting psychological, educational, and institutional burdens on students and educators

The harm associated with school shootings extends far beyond the immediate victims. The possibility of an attack has altered the daily experience of students and educators, requiring schools to devote substantial attention and resources to preparing for violence rather than educating children.

For educators, the threat is neither abstract nor confined to communities that have experienced a shooting. In 2023, Pew Research Center surveyed over 2,500 K-12 teachers and found that 23 percent of teachers experienced a gun-related lockdown at their

school in the prior school year.⁷¹ Among high school teachers, that number was as high as one in three (34 percent), and 12 percent reported that there was more than one lockdown due to the possession or suspicion of a gun on school grounds during the year.⁷² These frequent threats cause real, widespread fear among teachers; 59 percent of teachers are at least somewhat worried about a shooting at their school, with 18 percent of teachers being extremely or very worried.⁷³

In 2024, another survey of over 1,000 teachers found that their fear of being attacked at school grew over time, increasing from 17 percent in 2022 to 24 percent in 2023.⁷⁴ While that statistic includes fear of harm from any source, other research indicates that school shootings are a likely cause. One study found that a majority (52 percent) of teachers who feared for their safety at school cited fear of an active shooter as a reason, making it the second-most common concern, only 1 percent behind student misbehavior (53 percent).⁷⁵

⁷¹ Kiley Hurst, *About 1 in 4 U.S. Teachers Say Their School Went into a Gun-Related Lockdown in the Last School Year*, Pew Research Center (Apr. 11, 2024), <https://www.pewresearch.org/?p=7751>.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Pauline Moore et al., *Teachers' Experiences with School Violence and Lockdown Drills*, 9, 27 (2024), https://www.rand.org/content/dam/rand/pubs/research_reports/RR1000/RR1077-6/RAND_RRA1077-6.pdf.

⁷⁵ Sy Doan et al., *Teacher Well-Being and Intentions to Leave*, https://www.rand.org/content/dam/rand/pubs/research_reports/RR1100/RR1108-8/RAND_RRA1108-8.pdf, at 16 (2023).

This growing fear of school shootings among teachers has clear consequences; with the threat of such violence, many teachers consider leaving the profession altogether. After a gunman killed two teachers and nineteen children at Robb Elementary School in Uvalde, Texas, the Texas AFT surveyed nearly 5,000 Texas teachers; of them, 90 percent reported worrying about a shooting at their school, and 42 percent said it made them reconsider returning in the fall.⁷⁶ At the national level, in a 2022 survey of 11,814 educators, the American Psychological Association's Task Force on Violence Against Educators and School Personnel found that 57 percent of teachers reported intentions to quit the profession because of their experiences with violence and concern about school climate.⁷⁷ The effects of school gun violence thus extend beyond those directly exposed to an attack, undermining educators' sense of safety and threatening the stability of the institutions on which students depend.

⁷⁶ Rebecca Johnson, *77% of Texas school employees don't want to be armed on the job, poll finds*, <https://www.statesman.com/story/news/2022/06/09/poll-shows-texas-school-workers-against-arming-teachers-guns-uvalde-shooting/7553483001>, (last visited Oct. 28, 2026).

⁷⁷ Susan D. McMahon et al., *Violence and Aggression Against Educators and School Personnel, Retention, Stress, and Training Needs*, 79 AM. PSYCH. 903, 912 (2024).

C. Active shooter drills and security measures harm students' mental health and education

The frequency of school shootings in the United States necessitates that schools prepare students and staff for active shooter scenarios. Active-shooter drills and lockdown procedures have become routine features of U.S. education. Data from the Department of Education indicates that 96.2 percent of public schools have a written plan for active shooter scenarios, and nearly 96 percent have drilled students on lockdowns due to immediate threats of violence.⁷⁸ While the implementation of active shooter drills may be well-intentioned, more frequent drills cause educators to feel less safe and more likely to consider quitting teaching.⁷⁹

Although intended to protect students and educators, these measures can also reinforce the fear that violence may erupt in spaces dedicated to learning. A study of around fifty-four million social media posts from K-12 school communities before and after school shooter drills showed a 42.1 percent increase in anxiety and 38.7 percent increase in

⁷⁸ National Center for Education Statistics, *Safety and Security Practices at Public Schools*, <https://nces.ed.gov/programs/coe/indicator/a19> (last visited Oct. 28, 2026).

⁷⁹ Andrew H. Perry et al., *Do Teachers Feel Active Shooter Drills Work? A Study of Effectiveness, Safety, and Decisions to Transfer or Quit*, 55 SCH. PSYCH. REV. 258 (2026).

depression.⁸⁰ Those negative effects to mental health are not temporary; the increased anxiety levels remained and depression increased over the ninety days following a drill.⁸¹

Educators have observed similar consequences among their students. In 2023, nearly 1 in 3 teachers (29 percent) reported being aware of students who experienced trauma or increased anxiety after active shooter drills, while 20 percent said that the drills made their students feel less safe.⁸² Among the students themselves, a 2020 survey showed that 60.2 percent of fourteen to twenty-four year olds reported feeling unsafe or scared as a result of active shooter drills.⁸³ A majority of teenagers in the United States fear a shooting at their school, and 25 percent are *very* worried about that possibility.⁸⁴ Those same students broadly view a ban on AR-15s and other assault weapons as an effective means to prevent school shootings, with 66 percent in support and 39 percent

⁸⁰ Mai ElSherief et al., *Impacts of School Shooter Drills on the Psychological Well-Being of American K-12 School Communities: A Social Media Study*, 8 HUM. & SOC. SCI. COMM'NS 315 (2021), <https://www.nature.com/articles/s41599-021-00993-6>.

⁸¹ *Id.*

⁸² Moore, *supra* note 74, at 20–21.

⁸³ N'dea Moore-Petinak et al., *Active Shooter Drills in the United States: A National Study of Youth Experiences and Perceptions*, 67 J. OF ADOLESCENT HEALTH 509 (2020), <https://linkinghub.elsevier.com/retrieve/pii/S1054139X20303207>

⁸⁴ Nikki Graf, *A Majority of U.S. Teens Fear a Shooting Could Happen at Their School, and Most Parents Share Their Concern*, Pew Rsch. Ctr. (Apr. 18, 2018), <https://www.pewresearch.org/?p=11409>.

believing an assault weapons ban would be very effective.⁸⁵

The burdens are institutional as well, as schools are strained by the security measures taken to prevent school shootings. Moreover, school communities bear the financial costs of these measures. After the shooting at Marjory Stoneman Douglas High School in Parkland, Florida, the Florida legislature increased K-12 funding by \$101 per student; however, only forty-seven cents of that amount went towards operating costs such as purchasing textbooks, buying school buses, and teacher salaries.⁸⁶ Instead, much of the remaining increase was largely earmarked for school security, including Florida's mandate to place an armed deputy on every school campus.⁸⁷ That requirement, however, is so resource-intensive that many school districts would have to divert even more money away from general funding to comply with it, leading to program cuts.⁸⁸ This diversion of educational resources came at a time when, across the United States, fourteen million students were enrolled in schools with a police presence, but no counselor, nurse, psychologist, or social worker on campus.⁸⁹

⁸⁵ *Id.*

⁸⁶ Ryan Dailey, *Sen. Bill Montford Says Budget's K-12 Per-Student Funding May Lead To Program Cuts*, WJCT NEWS 89.9 (Mar. 13, 2018), <https://news.wjct.org/state-news/2018-03-13/sen-bill-montford-says-budgets-k-12-per-student-funding-may-lead-to-program-cuts>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Cops and No Counselors*, AM. CIV. LIB. UNION, <https://www.aclu.org/publications/cops-and-no-counselors> (last visited Oct. 28, 2026).

As such, the harm caused by gun violence in schools is compounded by the effects of the measures taken to prepare for and prevent it. The need to prepare for the possibility of school shootings imposes psychological and institutional burdens, forcing schools to divert resources from education and subjecting students and educators to the stress and anxiety of repeated emergency preparations. For the Nation's schools, even when no shots are fired, the mere threat of school gun violence exacts a heavy toll.

CONCLUSION

For the foregoing reasons, the judgments of the courts of appeals should be affirmed.

Respectfully submitted.

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