Nos. 25-238 & 25-566

IN THE

Supreme Court of the United States

CUTBERTO VIRAMONTES, *et al.*,

Petitioners,

v.

COOK COUNTY, ILLINOIS, *et al.*,

Respondents.

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

Petitioners,

v.

RONNELL HIGGINS, *et al.*,

Respondents.

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

BRIEF OF *AMICI CURIAE* UNITED STATES SENATORS RICHARD J. DURBIN, RICHARD BLUMENTHAL, ADAM SCHIFF, REPRESENTATIVES JAMIE RASKIN, LUCY MCBATH, AND OTHER MEMBERS OF CONGRESS SUPPORTING RESPONDENTS

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INTEREST OF AMICI CURIAE

Amici are 189 members of the United States Congress whose constituents include lawful gun owners, hunters, and sportsmen, as well as individuals and communities affected by gun violence.[1] Many represent communities that have experienced mass shootings involving assault weapons and who continue to live with the deaths, injuries, grief, and lasting effects those attacks leave behind. Amici must answer to all of these constituencies while making difficult legislative judgments that respect constitutional rights and confront the devastating consequences of gun violence.

Amici regularly confront questions of firearms policy in their legislative capacities. Through hearings, investigations, constituent engagement, and debate, they assess evidence, draw regulatory lines, and accommodate competing concerns. They must then decide whether legislative action is warranted and what form it should take—and answer to their constituents for the choices they make.

Congress has repeatedly undertaken that work with respect to assault weapons, most notably in enacting the Federal Assault Weapons Ban after years of hearings and deliberation. That experience gives amici a particular perspective on the judgments involved in regulating assault weapons, why those judgments belong

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

to legislatures, and the consequences of removing them from the democratic process.

Amici submit this brief to explain why, where the Second Amendment permits regulation, decisions about its scope, design, and revision properly belong to elected legislatures—and why preserving that responsibility is essential to representative government.

The names of individual amici are listed in the Appendix to this brief.

SUMMARY OF ARGUMENT

Our Constitution does more than constrain government; it also assigns responsibility for governing. Although the Second Amendment imposes constitutional limits on firearms regulation, within those limits, decisions about whether and how to regulate assault weapons properly belong to federal, state, and local lawmakers. The judiciary's role is to interpret and enforce those constitutional limits, not to choose among the policy options that remain available. That allocation of responsibility reflects a fundamental feature of representative government: lawmakers are uniquely situated to make policy judgments—they are accountable to the people affected and possess the institutional tools to address complex policy questions. Their responsibility is to hear competing voices, assess evidence that is often incomplete or contested, make predictive judgments, and answer to voters for both action and inaction. Lawmakers can also revisit their decisions as technology, evidence, and experience evolve.

Congress's experience with the Federal Assault Weapons Ban shows what that responsibility looks like in practice, and why preserving it is important to our constitutional system. Congress spent years examining assault weapons, hearing from competing constituencies, and debating whether and how a federal restriction should be drawn. The resulting statute reflected a series of policy judgments, including which weapons and features to regulate, how to treat existing lawful owners, what exceptions to recognize, and whether the federal regime should continue indefinitely. Congress then had the benefit of evidence generated while the Ban was in force—evidence both of its meaningful effects and of limitations in the law's design.

To be clear, courts retain the responsibility to enforce the Second Amendment's limits, but that is not the same as making the policy judgments the Constitution leaves open. A categorical rule foreclosing prohibitions on the semiautomatic rifles at issue, as Petitioners urge, would remove that regulatory option from Congress, the States, and local governments, even as weapons, evidence, and experience continue to change. The Constitution protects individual rights while entrusting elected lawmakers with the policy judgments that remain within constitutional bounds. Amici therefore urge the Court to reject the categorical prohibition Petitioners seek and affirm the judgments below, preserving the authority of elected lawmakers to determine whether and how to regulate assault weapons consistent with the Second Amendment.

ARGUMENT

I. WITHIN CONSTITUTIONAL LIMITS, ASSAULT-WEAPONS POLICY BELONGS TO LAWMAKERS, NOT COURTS

Within the limits imposed by the Second Amendment, the Constitution entrusts decisions about whether and how to regulate firearms to elected lawmakers. That allocation of responsibility reflects the respective roles of courts and lawmakers, as well as the distinctive features of representative government. Lawmakers are accountable to the people affected by their decisions, possess institutional tools suited to complex policy judgments, and can revisit those judgments as evidence and experience evolve.

A. Lawmakers have broad authority to address gun violence, subject to the Second Amendment's limits.

Lawmakers have broad authority to address public safety, subject to constitutional constraints, including those imposed by the Second Amendment. As this Court recognized in *District of Columbia v. Heller*, the right to keep and bear arms is "not unlimited," 554 U.S. 570, 626 (2008), and governments retain a "variety of tools" for addressing gun violence, *id.* at 636. Within those bounds, choosing which tools to use is a legislative responsibility.

That authority is not confined to the precise regulatory choices of earlier generations. *New York State Rifle & Pistol Ass'n, Inc. v. Bruen* recognized that "cases implicating unprecedented societal concerns or dramatic

technological changes may require a more nuanced approach," because "[t]he 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." 597 U.S. 1, 27 (2022). The historical inquiry is "neither a regulatory straightjacket nor a regulatory blank check." *Id.* at 30. And in *United States v. Rahimi*, the Court emphasized that its Second Amendment precedents "were not meant to suggest a law trapped in amber." 602 U.S. 680, 691 (2024). Rather, "the Second Amendment permits more than just those regulations identical to ones that could be found in 1791." *Id.* at 691–92. A modern law must "comport with the principles underlying the Second Amendment, but need not be a 'dead ringer' or 'historical twin'" of an earlier enactment. *Id.* at 692.

Justice Barrett's concurrence in *Rahimi* expressed the institutional concern with demanding greater historical specificity: "[h]istorical regulations reveal a principle, not a mold." *Id.* at 740 (Barrett, J., concurring). An approach requiring overly specific historical analogues would wrongly assume that earlier legislatures had "maximally exercised their power to regulate," effectively adopting a "'use it or lose it' view of legislative authority." *Id.* at 739–40.

Amici take seriously their responsibility to legislate consistently with the Second Amendment. But its constitutional limits do not eliminate the judgments that remain for lawmakers to make. Where regulation is permissible, lawmakers must still determine whether action is warranted and what form it should take.

B. The Constitution assigns policy judgments about public safety to Congress and the States, not courts.

"Under the system of government created by our Constitution, it is up to legislatures, not courts, to decide on the wisdom and utility of legislation." *Ferguson v. Skrupa*, 372 U.S. 726, 729 (1963). That division of responsibility reflects a basic feature of representative government: crafting workable policies requires "balancing interests and often demands compromise," a task entrusted to elected lawmakers. *Hernandez v. Mesa*, 589 U.S. 93, 100 (2020). As this Court has recognized, Congress has the "constitutional power" to "regulate interstate commerce," and Congress may exercise such power so "that the public health and safety might be advanced." *United States v. Walsh*, 331 U.S. 432, 434 (1947). State legislatures likewise possess broad authority over public health and safety under their traditional police powers. *See Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475 (1996) (recognizing that States have "great latitude under their police powers" to protect the health and safety of their citizens). This Court has described the suppression of violent crime as "the prime object of the States' police power." *United States v. Morrison*, 529 U.S. 598, 615 (2000); *see also Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 569 (1991) ("The traditional police power of the States is defined as the authority to provide for the public health, safety, and morals"). That authority dates to the earliest days of the Republic, when state legislatures exercised the "authority to adopt such regulations of police, as may be dictated by the safety of the people." *State v. Reid*, 1 Ala. 612, 616 (1840). Local governments, including Cook County, in turn exercise public-safety authority conferred by state law.

Bruen keeps that authority where the Constitution puts it—with lawmakers like amici, not judges. It rejected means-ends scrutiny precisely because that approach invited judges to subjectively weigh policy considerations that lawmakers are better equipped to weigh, substituting judicial judgment for the constitutional boundary supplied by text and history. *See* 597 U.S. at 23–25. As the Fourth Circuit put it, "lower courts are duty bound to apply the terms of the balance enshrined in the Constitution's text, not to dictate such terms themselves." *Bianchi v. Brown*, 111 F.4th 438, 472 (4th Cir. 2024) (*en banc*). *Bruen* forbids judges from acting as policymakers; it does not strip legislators of that role. Where the Second Amendment leaves room for regulation, this Court has "no authority to second-guess" the choices amici and their colleagues make amongst various permissible options. *Husted v. A. Philip Randolph Inst.*, 584 U.S. 756, 779 (2018).

C. Lawmakers are accountable to voters for both action and inaction on assault weapons; courts are not.

Unlike courts, lawmakers are accountable to voters who bear the burdens of regulation and the consequences of gun violence. That responsibility is especially concrete for amici Senators Durbin, Blumenthal, and Schiff. Their constituents include communities in Illinois, Connecticut, and California that have experienced mass shootings involving assault weapons firsthand, including Highland Park, Newtown, and San Bernardino, as well as communities, including Cook County, that have chosen to regulate those weapons. They represent families who have lost children and loved ones, first responders and law-enforcement officers who confronted the horrors of those

attacks, and lawful gun owners, hunters, and sportsmen with their own stake in the firearms laws enacted by Congress, the States, and their local governments.

Those constituencies do not necessarily agree on whether or how assault weapons should be regulated. Some look to their elected representatives for stronger measures to prevent another tragedy; others raise concerns about restrictions on firearms they lawfully own and use. Lawmakers must take those competing interests seriously, make choices that respect constitutional rights while addressing the concerns of the communities they serve, and then answer for those choices—to constituents who supported them and to those who did not, and for inaction no less than for the laws they enact.

This responsibility to the electorate is a defining feature of representative government. Lawmakers must hear competing views, defend their judgments publicly, and face voters who may reject them. The people affected by firearms policy are not merely subject to those decisions; they have a continuing voice in who makes them. That accountability is among the reasons our constitutional system entrusts policy choices to legislatures in the first place.

The Court has recognized the importance of preserving democratic decision-making on questions the Constitution leaves unresolved. As Justice Kavanaugh explained in *Rahimi*, the history-and-tradition approach respects the democratic process because the rights it does not establish remain available "to be democratically adopted or rejected by the people." 602 U.S. at 734 (Kavanaugh, J., concurring) (quoting *McDonald v. City of*

Chicago, 561 U.S. 742, 805 (2010) (Scalia, J., concurring)). Public policy remains the responsibility of representatives answerable to the public.

D. Lawmakers are particularly equipped to develop the factual record and make predictive judgments that assault-weapons policy requires.

Decisions about assault-weapons regulation turn on difficult empirical and predictive questions—how particular weapons are used in criminal violence as compared with lawful uses, what risks their characteristics present, how manufacturers and consumers may respond to restrictions, and what effect a given regulatory line is likely to have. Legislatures possess institutional tools particularly suited to investigating these questions. Through hearings and investigations, testimony from law enforcement, trauma surgeons, firearms engineers, criminologists, firearm owners, industry representatives, and victims of gun violence, and staff expertise developed over successive sessions, they can assemble a substantial record, consider competing evidence, and refine legislative proposals through deliberation and debate.

The breadth of that inquiry distinguishes legislative policymaking from adjudication. Courts ordinarily resolve particular disputes on records developed by the parties before them. Legislatures can undertake wider investigations, examining evidence across jurisdictions and over time, soliciting perspectives beyond those represented in any particular litigation, and assessing the consequences of competing regulatory approaches for the public as a whole. No single case record is designed

to capture the full range of information lawmakers may consider in addressing a problem of national scope. As this Court has recognized, Congress is "far better equipped than the judiciary to amass and evaluate the vast amounts of data bearing upon legislative questions." *Turner Broad. Sys., Inc. v. FCC*, 520 U.S. 180, 195 (1997) (citation modified).

That institutional capacity is especially important because firearms policy often requires lawmakers to make prospective judgments in the face of uncertainty. No legislative record can establish with certainty how a proposed restriction will operate, whether it will achieve its intended objectives, or how regulated actors may adapt. Yet the absence of definitive answers does not relieve lawmakers of the responsibility to decide whether action is warranted. This Court has recognized the "traditional legislative authority to make predictive judgments when enacting nationwide regulatory policy." *Id.* at 196. The legislative process allows lawmakers to evaluate the available evidence, consider the likely consequences of different approaches, and make informed judgments even where reasonable disagreement remains.

Nor is legislative fact-finding confined to the record available when a law is enacted. Legislatures can continue to investigate how a regulation operates, assess developments that were not anticipated at the time of enactment, and incorporate what they learn into subsequent legislation. The evaluation of the Federal Assault Weapons Ban, discussed in Section II.B below, illustrates the value of that continuing inquiry. Its findings concerning both the decline in criminal use of assault weapons and the effects of grandfathering and

substitution provided information relevant to whether future restrictions should be differently designed.

That capacity is particularly valuable as firearms technology and patterns of use evolve. Connecticut's experience illustrates the process. As firearm designs evolved and experience under the existing framework developed, its legislature revisited the lines it had drawn, adjusting definitions and regulatory approaches to account for new information. *See, e.g.*, 56 Conn. Gen. Assemb. H. Procs. at 9245–351 (2013). Legislatures thus possess not only the tools to investigate a problem before acting, but the means to continue learning from their decisions and respond as circumstances change.

None of this means that legislative judgments establish constitutionality. Courts remain responsible for enforcing the Second Amendment's limits. But where those limits leave policy choices open, disagreement over how a permissible regulation should be designed, whether it is optimally effective, or how competing evidence should be weighed does not, without more, render the law unconstitutional. Those judgments call upon the breadth of inquiry, predictive assessment, and continuing evaluation that legislative institutions are particularly equipped to undertake.

II. CONGRESS'S EXPERIENCE WITH THE FEDERAL ASSAULT WEAPONS BAN ILLUSTRATES THE IMPORTANCE OF PRESERVING LAWMAKER AUTHORITY

Congress's experience with the Federal Assault Weapons Ban (the "Ban") illustrates those institutional

strengths in practice. Congress enacted the Ban after years of hearings and debate, making deliberate choices about the scope, operation, and duration of federal regulation. The evidence generated while the Ban was in force then shed light on both its effects—including declines in the criminal use of assault weapons—and how its statutory design affected its reach. Together, that experience demonstrates the value of a legislative process in which lawmakers can make difficult policy judgments, evaluate their consequences, and revisit them as circumstances change.

A. Congress enacted the Federal Assault Weapons Ban through a deliberate legislative process.

Congress's landmark 1994 assault-weapons legislation illustrates how lawmakers translate competing evidence and interests into a regulatory scheme. Beyond the threshold question of whether to act, Congress had to determine which weapons to cover, where to draw the statutory lines, how to treat existing owners, what exceptions to recognize, and whether the resulting restrictions should remain in effect indefinitely.

The Ban imposed a ten-year restriction on the manufacture, transfer, and possession of specified semiautomatic assault weapons. *See* Public Safety and Recreational Firearms Use Prot. Act, Pub. L. No. 103-322, §§ 110101–110106, 108 Stat. 1796, 1996–2010 (1994) (codified at 18 U.S.C. § 922(v)–(w) (repealed effective 2004)). Congress acted after extensive hearings over multiple sessions, receiving testimony from law-enforcement officials, firearms experts, medical professionals, victims of gun violence, Second Amendment scholars, and industry

representatives. *See, e.g.*, *Assault Weapons: A View from the Front Lines: Hearing on S. 639 and S. 653 Before the S. Comm. on the Judiciary*, 103d Cong. (1993).

The resulting statute reflected deliberate choices about the scope of federal regulation. Congress defined the regulated category through two approaches: a list of specifically named models and a set of feature-based criteria. The named-model approach identified particular firearms—including specified AR-15- and AK-47-type weapons—that Congress sought to regulate. *See* 18 U.S.C. § 921(a)(30) (1994 repealed effective 2004). The feature-based approach supplemented that list by identifying combinations of characteristics, such as pistol grips, folding or telescoping stocks, flash suppressors, and bayonet mounts, that placed additional semiautomatic firearms within the regulated category. *Id.* These definitions reflected judgments about which weapons and features warranted restriction, rather than a general prohibition on semiautomatic firearms.

Congress also made choices about the interests the legislation would protect. The statute grandfathered semiautomatic assault weapons lawfully possessed before enactment, protecting individuals who had lawfully acquired regulated firearms, *see* 18 U.S.C.§ 922(v)(2), and created exceptions for specified categories of firearms and government uses, *see* 18 U.S.C. § 922(v)(3)–(4). Congress further included a ten-year sunset provision, requiring the restrictions to expire on September 13, 2004, unless Congress affirmatively renewed them. Pub. L. No. 103-322, § 110105, 108 Stat. at 2000. These provisions reflected the compromises that shaped the legislation. As Senator Patrick Leahy explained during the debate,

both Democratic and Republican legislators "influenced the shape and content of this bill," including through amendments accepted in the Senate, the Judiciary Committee, and conference. Statement of Sen. Patrick Leahy, 140 Cong. Rec. 23999 (1994).

The Ban thus reflected more than an initial determination that federal action was warranted. Its provisions embodied legislative compromises over the reach, operation, and duration of federal regulation—a policy that could be implemented, studied, and reconsidered as experience developed.

B. The Federal Assault Weapons Ban effectively reduced the criminal use of assault weapons and mass-shooting deaths.

The Ban's operation produced substantial evidence relevant to the policy judgments Congress made in 1994. A 2004 comprehensive evaluation funded by the National Institute of Justice (the "Koper Report") found that "criminal use of [assault weapons] . . . declined after 1994, independently of trends in gun crime" and that assault weapons "typically fell by one-third or more as a share of guns used in crime" in various places and times from the late 1990s through 2003, with post-2000 data suggesting reductions as high as 70%. Christopher S. Koper, Daniel J. Woods & Jeffrey A. Roth, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, 51–52 (2004), https://www.ojp.gov/ncjrs/virtual-library/abstracts/updated-assessment-federal-assault-weapons-ban-impacts-gun-markets (last accessed Oct. 26, 2026). Relative to pre-Ban levels, the proportion of gun crimes

involving assault weapons dropped by 17% to 72% across the localities studied. *Id.* at 2.

The Koper Report also identified factors that limited the Ban's reach: continued circulation of grandfathered large-capacity magazines manufactured before the Ban; likely pre-Ban growth in production and marketing of guns with large-capacity magazines; increased use of non-banned semiautomatics with large-capacity magazines; and substitution of post-Ban guns similar to prohibited assault rifles. *Id.* at 52, 65, 79, 96. These findings helped reveal how the statute's definitions and exceptions operated in practice, and where a different regulatory design might produce different results.

Subsequent research has associated the Ban with reductions in mass shootings and deaths. Comparing the ten-year periods before, during, and after the Ban, Professor Louis Klarevas, an expert who testified in both *Viramontes* and *Grant* at the district court, found that its implementation coincided with a 37% decline in gun massacres and a 43% decline in gun-massacre deaths, while the decade after its expiration saw a 183% increase in incidents and a 239% increase in deaths. Declaration of Professor Louis Klarevas in Support of Defs.' Opposition to Motion for Preliminary Injunction at 12–13, *Miller v. Becerra*, No. 19-cv-1537-BEN-JLB (S.D. Cal. Jan. 23, 2020), Dkt. No. 33-5. The pattern persisted after accounting for population growth. *See id.* at 13.

State-level research provides additional evidence. Professor Klarevas's analysis of three decades of data (1990–2019) found that States restricting assault weapons experienced reductions in gun-massacre

incidence and fatalities relative to States without such restrictions. *Id.* at 16–17. Other studies using different methodologies have likewise found associations between assault-weapons restrictions and reductions in public mass shootings, deaths, or injuries. *See* Lori Post, et al., *Impact of Firearm Surveillance on Gun Control Policy: Regression Discontinuity Analysis*, 7 JMIR Pub. Health & Surveillance (2021); Mark Gius, *The Impact of State and Federal Assault Weapons Bans on Public Mass Shootings*, 22 Applied Econ. Letters 281 (2014).

The evidence has its limitations. But this research provides more than competing assessments of the Ban's success: it supplies information about the consequences of the particular choices Congress made—information that can inform the scope and design of future legislation.

Congress's experience with the Ban therefore illustrates a continuing legislative responsibility. The process does not end when a law is enacted: its operation generates evidence that lawmakers can consider in deciding whether to maintain, refine, or replace a regulatory approach. The value of that experience lies in Congress's continuing capacity to act on what it learns.

C. A categorical rule would improperly foreclose policy judgments like those Congress made in enacting the Federal Assault Weapons Ban.

Petitioners contend that AR-15s and similar semiautomatic rifles cannot be prohibited under the Second Amendment because there are so many of them. *See* Petition for Writ of Certiorari at 25–27, *Grant v. Higgins*, No. 25-566 (Nov. 7, 2025) (arguing AR-15s

and similar rifles are arms, and arms "in common use" cannot be banned); Petition for Writ of Certiorari at 26, *Viramontes v. Cook County*, No. 25-238 (Aug. 27, 2025) (same). That rule would reach far beyond the laws of Cook County and Connecticut, foreclosing precisely the kind of policy judgment entrusted to elected lawmakers and exercised by Congress in enacting the Ban: whether, after weighing the evidence and the competing concerns of those it represents, to prohibit specified semiautomatic assault weapons. It would not merely reject the particular judgments those lawmakers made; it would deny Congress, the States, and local governments the authority to make that choice at all, regardless of the evidence before them, the concerns of their constituents, or what experience may reveal in the years ahead.

Constitutional rights, of course, necessarily constrain democratic choice. As *Heller* recognized, the enshrinement of a right takes certain policy choices "off the table." 554 U.S. at 636. But the distinction between enforcing a constitutional prohibition and creating one where the Constitution does not require it is consequential. Lawmakers' policy judgments remain subject to political challenge and revision. A constitutional ruling that places a regulatory option beyond legislative authority cannot be revisited through ordinary lawmaking, however compelling the evidence or widespread the public demand for change. The Court should be especially careful not to foreclose democratic choice where the Second Amendment does not compel that result.

That concern is particularly acute where constitutional protection is said to follow from the prevalence of a particular weapon in private hands. A firearm may

proliferate before lawmakers have fully assessed its characteristics, patterns of use, or consequences. If widespread ownership alone sufficed to place a weapon beyond legislative prohibition, the opportunity to regulate could disappear before legislators had developed the information necessary to make an informed judgment. As the Fourth Circuit observed in *Bianchi*, such an approach could "foreclose the ability of legislators to assess these characteristics and to enhance their knowledge through observation and experience." 111 F.4th at 461. The Constitution should not be understood to require legislatures to anticipate every danger before it emerges, on pain of losing the authority to respond once it does.

A categorical rule would also deny different jurisdictions the ability to reach different conclusions about a contested question of public safety. Illinois, Connecticut, other States, and localities within them have adopted different approaches to assault-weapons regulation, reflecting the judgments of their respective legislatures and electorates. That variation is not a flaw in our system; it is an expression of it. *Cf. Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991) (recognizing that federalism "allows for more innovation and experimentation in government"). *Bianchi* respected that principle in declining to place the regulated weapons "beyond the reach of our nation's democratic processes" while expressing "no view on how a state should regulate firearms." 111 F.4th at 442. A categorical ruling from this Court would settle the question for every jurisdiction, leaving no room for the different policy judgments their elected representatives might otherwise make.

And the consequences would endure. Weapons change. The ways they are manufactured, marketed, modified, and misused change with them. Evidence that supports a regulatory judgment today may be strengthened, qualified, or displaced by what lawmakers learn tomorrow. Congress's experience with the Federal Assault Weapons Ban illustrates the importance of preserving the ability to respond to those developments. The legislation enacted in 1994 reflected the evidence and concerns of its time; its operation informed later debates; and Congress and the States have continued to confront questions that earlier lawmakers could not have fully anticipated. A categorical constitutional rule would not merely decide what legislatures may do today. It would constrain what future generations may do with knowledge that we do not yet possess.

Amici are not bystanders to this choice. They represent the families of Highland Park and Newtown, other communities that gun violence has affected, lawful gun owners and sportsmen, law-enforcement officers, and first responders. With each election, they are accountable for the decisions they make. This is precisely why the Constitution entrusts permissible policy choices to representative government.

Behind every assault-weapons statute stands a legislature that had to make difficult judgments and an electorate entitled to demand an accounting of them. Those judgments will not always produce agreement, nor will every legislative choice prove wise or effective. But where the Constitution permits a choice, the people must remain free to demand a different answer from those they elect to represent them.

Within the Second Amendment's limits, this Court should leave the difficult judgments of firearms policy where our constitutional system places them: with the elected representatives of Cook County, Illinois, and Connecticut, answerable to the people they serve, and with future generations who must confront challenges that ours cannot yet foresee. The Constitution protects the rights of the people. It also entrusts the people with the responsibility of governing themselves. The Court should preserve both.

CONCLUSION

For all these reasons, the judgments below should be affirmed.

Dated: Washington, D.C.
October 28, 2026

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APPENDIX — LIST OF MEMBERS OF THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES

The following members of the United States Senate and House of Representatives join this brief:

U.S. SENATE

United States Senator Richard J. Durbin (Illinois)

United States Senator Richard Blumenthal (Connecticut)

United States Senator Adam Schiff (California)

United States Senator Angela Alsobrooks (Maryland)

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United States Senator Cory A. Booker (New Jersey)

United States Senator Lisa Blunt Rochester (Delaware)

United States Senator Christopher A. Coons (Delaware)

United States Senator Tammy Duckworth (Illinois)

United States Senator John Fetterman (Pennsylvania)

United States Senator Kirsten E. Gillibrand (New York)

United States Senator Tim Kaine (Virginia)

United States Senator Mark Kelly (Arizona)

United States Senator Andy Kim (New Jersey)

United States Senator Amy Klobuchar (Minnesota)

United States Senator Edward J. Markey (Massachusetts)

United States Senator Jeffrey A. Merkley (Oregon)

United States Senator Chris Murphy (Connecticut)

United States Senator Alex Padilla (California)

United States Senator Gary Peters (Michigan)

United States Senator Jack Reed (Rhode Island)

United States Senator Jacky Rosen (Nevada)

United States Senator Brian Schatz (Hawaii)

United States Senator Jeanne Shaheen (New Hampshire)

United States Senator Elissa Slotkin (Michigan)

United States Senator Chris Van Hollen (Maryland)

United States Senator Elizabeth Warren (Massachusetts)

United States Senator Peter Welch (Vermont)

United States Senator Sheldon Whitehouse (Rhode Island)

United States Senator Ron Wyden (Oregon)

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United States Representative Katherine Clark (Massachusetts)

United States Representative Pete Aguilar (California)

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United States Representative Yassamin Ansari (Arizona)

Appendix

United States Representative Jake Auchincloss (Massachusetts)

United States Representative Becca Balint (Vermont)

United States Representative Nanette Barragán (California)

United States Representative Joyce Beatty (Ohio)

United States Representative Wesley Bell (Missouri)

United States Representative Ami Bera, M.D. (California)

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United States Representative Janelle Bynum (Oregon)

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United States Representative Greg Casar (Texas)

United States Representative Ed Case (Hawaii)

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United States Representative Emanuel Cleaver, II (Missouri)

United States Representative James E. Clyburn (South Carolina)

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United States Representative Jasmine Crockett (Texas)

United States Representative Jason Crow (Colorado)

United States Representative Danny K. Davis (Illinois)

United States Representative Madeleine Dean (Pennsylvania)

United States Representative Diana DeGette (Colorado)

United States Representative Rosa L. DeLauro (Connecticut)

United States Representative Suzan K. DelBene (Washington)

United States Representative Chris Deluzio (Pennsylvania)

United States Representative Mark DeSaulnier (California)

United States Representative Maxine Dexter (Oregon)

United States Representative Debbie Dingell (Michigan)

United States Representative Lloyd Doggett (Texas)

United States Representative Sarah Elfreth (Maryland)

United States Representative Veronica Escobar (Texas)

United States Representative Adriano Espaillat (New York)

United States Representative Bill Foster (Illinois)

United States Representative Valerie P. Foushee (North Carolina)

United States Representative Lois Frankel (Florida)

United States Representative Laura Friedman (California)

United States Representative Maxwell Alejandro Frost (Florida)

United States Representative John Garamendi (California)

United States Representative Jesús G. "Chuy" García (Illinois)

United States Representative Sylvia Garcia (Texas)

United States Representative Dan Goldman (New York)

United States Representative Jimmy Gomez (California)

United States Representative Maggie Goodlander (New Hampshire)

United States Representative Josh Gottheimer (New Jersey)

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United States Representative Steven Horsford (Nevada)

United States Representative Chrissy Houlahan (Pennsylvania)

United States Representative Steny H. Hoyer (Maryland)

United States Representative Jared Huffman (California)

United States Representative Glenn F. Ivey (Maryland)

United States Representative Jonathan L. Jackson (Illinois)

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United States Representative Pramila Jayapal (Washington)

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United States Representative Sydney Kamlager-Dove (California)

United States Representative William Keating (Massachusetts)

United States Representative Robin L. Kelly (Illinois)

United States Representative Timothy M. Kennedy (New York)

United States Representative Ro Khanna (California)

United States Representative Raja Krishnamoorthi (Illinois)

United States Representative Greg Landsman (Ohio)

United States Representative Rick Larsen (Washington)

United States Representative John B. Larson (Connecticut)

United States Representative George Latimer (New York)

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United States Representative Teresa Leger Fernández (New Mexico)

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United States Representative Ted W. Lieu (California)

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United States Representative Jennifer L. McClellan (Virginia)

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United States Representative Betty McCollum (Minnesota)

United States Representative James P. McGovern (Massachusetts)

United States Representative LaMonica McIver (New Jersey)

United States Representative Gregory W. Meeks (New York)

United States Representative Analilia Mejia (New Jersey)

United States Representative Christian Menefee (Texas)

United States Representative Robert J. Menendez (New Jersey)

United States Representative Grace Meng (New York)

United States Representative Kweisi Mfume (Maryland)

United States Representative Dave Min (California)

United States Representative Joseph D. Morelle (New York)

United States Representative Jared Moskowitz (Florida)

United States Representative Seth Moulton (Massachusetts)

United States Representative Kevin Mullin (California)

United States Representative Jerrold Nadler (New York)

United States Representative Joe Neguse (Colorado)

United States Representative Donald Norcross (New Jersey)

Appendix

United States Representative Eleanor Holmes Norton (District of Columbia – *non-voting*)

United States Representative Johnny Olszewski (Maryland)

United States Representative Frank Pallone, Jr. (New Jersey)

United States Representative Jimmy Panetta (California)

United States Representative Nancy Pelosi (California)

United States Representative Brittany Pettersen (Colorado)

United States Representative Mark Pocan (Wisconsin)

United States Representative Mike Quigley (Illinois)

United States Representative Delia C. Ramirez (Illinois)

United States Representative Emily Randall (Washington)

United States Representative Deborah K. Ross (North Carolina)

United States Representative Andrea Salinas (Oregon)

United States Representative Mary Gay Scanlon (Pennsylvania)

United States Representative Jan Schakowsky (Illinois)

United States Representative Bradley Scott Schneider (Illinois)

United States Representative Robert C. "Bobby" Scott (Virginia)

United States Representative Terri A. Sewell (Alabama)

United States Representative Brad Sherman (California)

United States Representative Lateefah Simon (California)

United States Representative Adam Smith (Washington)

United States Representative Eric Sorensen (Illinois)

United States Representative Melanie A. Stansbury (New Mexico)

United States Representative Greg Stanton (Arizona)

United States Representative Haley Stevens (Michigan)

United States Representative Marilyn Strickland (Washington)

United States Representative Thomas R. Suozzi (New York)

United States Representative Mark Takano (California)

United States Representative Shri Thanedar (Michigan)

United States Representative Bennie G. Thompson (Mississippi)

United States Representative Mike Thompson (California)

United States Representative Dina Titus (Nevada)

United States Representative Rashida Tlaib (Michigan)

United States Representative Jill Tokuda (Hawaii)

United States Representative Paul D. Tonko (New York)

United States Representative Norma J. Torres (California)

United States Representative Ritchie Torres (New York)

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United States Representative Lori Trahan (Massachusetts)

United States Representative Lauren Underwood (Illinois)

United States Representative Juan Vargas (California)

United States Representative Nydia M. Velázquez (New York)

United States Representative James Walkinshaw (Virginia)

United States Representative Debbie Wasserman Schultz (Florida)

United States Representative Bonnie Watson Coleman (New Jersey)

United States Representative George T. Whitesides (California)

United States Representative Nikema Williams (Georgia)

United States Representative Frederica S. Wilson (Florida)