



Written by [Bob Adelman](#) on December 2, 2024

## Supreme Court Urged to Take On Maryland's Ban on Semiautomatic "Assault" Rifles

[A final appeal](#) was made on November 25 to the Supreme Court to take on Maryland's ban on "assault weapons" (i.e., semiautomatic rifles like the AR-15).

Progressive states like Maryland have enjoyed the comfort and protection of appeals courts that have, so far, ruled unanimously that such bans are constitutional. They give lip service to the Supreme Court's ruling in *Bruen* in 2022, and then create various "workarounds" to obtain the desired conclusion: that private possession of the nation's most popular semiautomatic rifle, the AR-15 and its various iterations, is illegal, subject to various sanctions, fines, imprisonment, etc.



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### What Is an "Assault" Weapon?

The perfidy began after the 2012 Sandy Hook Elementary School shooting, when Adam Lanza shot and killed 26 people, 20 of them children between six and seven years old. Anti-gun legislators responded by passing a law banning possession of the popular rifle. The law even got the definition of "assault" rifle wrong, banning possession of "assault" long guns "or their copies." It defined "copies" as those with such innocuous features as a folding stock, grenade or flare launcher, or flash suppressor. They also include "a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds" ... with an "overall length of less than 29 inches."

An "assault rifle," accurately defined, is an M16. [According to Wikipedia:](#)

[T]he XM16E1 entered US military service as the M16 and in the following year was deployed for jungle warfare operations during the Vietnam War. In 1969, the M16A1 replaced the M14 rifle to become the US military's standard service rifle.

To anti-gunners, though, definitions and history don't matter. The agenda is to disarm the American public as a precursor to implementation of full-on communist/Marxist dictatorship.

This request for review reminded the high court of its previous positions on that definition:

Thirty years ago, this Court described the semiautomatic AR-15 rifle as a "civilian," "commonplace," "generally available," and "traditionally ... lawful" firearm. *Staples v. United States* ... (1994).

Sixteen years ago, this Court confirmed that the Second Amendment protects the right of individual citizens to possess firearms that are in common use for lawful purposes. *District of Columbia v. Heller* ... (2008).



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In the intervening sixteen years, semiautomatic rifles have continued to be “commonly available,” *Garland v. Cargill* ... (2024), and the AR-15 today is “one of the most popular firearms in the United States” [quoting from a highly regarded source on the matter].

### “An Easy Case”

This should be an easy case for the Supreme Court to take under review. Says the appeal:

This therefore should be an easy case — the Second Amendment protects common firearms, semiautomatic rifles like the AR-15 are among the most common firearms in the Nation, therefore bans on semiautomatic rifles like the AR-15 violate the Second Amendment.

But, no:

Yet, incredibly, in the sixteen years since *Heller* every single court of appeals to consider the question has concluded that such bans are constitutional, employing a variety of tests that are uniform only in their failure to adhere to the principles established by this Court.

Maryland asks this Court to deny certiorari to allow even more time for percolation, but enough is enough. The lower courts have proven themselves incapable of following *Heller's* clear guidance, and this Court should intervene without delay.

Those lower courts predictably are populated, by and large, with anti-gun judges appointed by liberal and Marxist presidents. For example, [Judge William Kayatta](#), appointed to his position on the 1st Circuit Court of Appeals in 2013 by then-president Barack Obama, ruled that Maryland’s ban was constitutional: “The justification for the law is a public safety concern comparable to the concerns justifying the historical regulation of gun powder storage and of weapons like sawed-off shotguns, Bowie knives, M-16s and the like.”

Ignoring the high court’s ruling in *Bruen*, Kayatta went on to say that “unprecedented societal concerns” demanded a “more nuanced approach” to the historical analogues demanded by *Bruen*.

This mantra has been iterated by other rulings on similar bans in the 1st, 2nd, 3rd, and 9th circuits, all of which have an anti-gun, anti-Second Amendment bias.

That makes the present case ripe for review by the high court:

Unfortunately, one thing the cited opinions have in common in addition to [not] faithfully following *Heller* is their failure to command a majority of the court in question.

Remarkably, every circuit to confront the question has (somehow) held that whatever the test for protected arms should be, it should not be the common use test prescribed by *Heller* and confirmed by *Bruen*.

However, the lower courts ignore *Bruen*:

In casting about for some way to sustain bans on common arms, courts have concluded that arms can be banned if they are (in the court’s estimation) “particularly capable of unprecedented lethality,” “ill-suited and disproportionate to self-defense,” or



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“predominantly useful in military service.”

Therefore, they claim, such bans don’t meaningfully impinge on the Second Amendment:

They also have posited that a ban may be sustained if it (again, in the court’s estimation) does not “meaningfully burden” self-defense while meeting a “need to protect against the greater dangers posed by some weapons [quoting from a ruling from the 1st Circuit Court of Appeals].”

In sum, the lower appeals courts have concluded that semiautomatic firearm bans are constitutional after all because

- of the weapons’ “utility for military purposes”
- they are “excessively dangerous,” and
- there are other “adequate means” available for self-defense by citizens using other firearms that haven’t yet been banned.

The high court will address its lengthy list of pending requests for review on Friday, December 13, and reveal on the following Monday those it will take.



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