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RESEARCH ARTICLE OPEN ACCESS

THE EVOLUTION OF GUN RIGHTS AND LAWS IN THE UNITED STATES

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ABSTRACT

This article revises and expands a comprehensive historical and legal analysis of the Second Amendment, tracing the evolution from militia-centered obligations in the Anglo-American tradition to a modern, individual constitutional right refined by recent Supreme Court decisions. It organizes the literature and case law across five arcs: (1) English and colonial foundations; (2) nineteenth-century constitutional developments and Reconstruction; (3) twentieth-century statutory responses to crime, political violence, and urbanization; (4) the jurisprudential transformation from Heller (2008) and McDonald (2010) to Bruen's text-and-history framework (2022); and (5) post-Bruen course-corrections and clarifications in Rahimi (2024), Cargill (2024), Bondi v. VanDerStok (2025), and the lower-court landscape on assault-style weapon and magazine restrictions. Substantively, the revised discussion emphasizes how courts have now begun to converge on a two-step inquiry embedded within Bruen: (a) whether the regulated item or conduct falls within the Amendment's plain text ("Arms," keeping, bearing) and (b) whether the government can demonstrate a historical analogue that reasonably addresses similar dangers without demanding an exact eighteenth-century twin. Empirically, we incorporate the CDC's 2023 fatal injury data and recent analyses from research institutions to contextualize policy tradeoffs while avoiding means-end balancing in the constitutional test itself. Conceptually, we argue that post-Bruen decisions—most notably Rahimi's recognition of disarming those posing a credible threat and the statutory holdings in Cargill and VanDerStok—suggest a jurisprudence that is more administrable than initially feared, with space for targeted regulation of dangerous individuals and technologies even as core law-abiding possession remains protected. The paper closes by mapping points of emerging consensus and genuine uncertainty for scholars, legislators, and practitioners. (≈250 words)

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INTRODUCTION

The American debate over firearms is both old and unusually dynamic. The United States today combines a deep culture of civilian gun ownership with evolving constitutional doctrine and rapid technological change in weapon design and distribution. As of 2023, firearms were involved in approximately 46,700 deaths nationwide, a figure that—while slightly lower than 2022—remains near historic highs. At the same time, survey evidence shows sharp partisan, geographic, and demographic divisions in how citizens understand the purposes, burdens, and risks of gun regulation. These empirical realities sit alongside a legal framework that has undergone a profound transformation over the past two decades, as the Supreme Court shifted from a collective-rights model to a robust individual-rights paradigm. This revised paper builds on the original manuscript's historical narrative but updates the analysis through late summer 2025. The argument is straightforward: Second Amendment doctrine now exhibits a structured inquiry that is becoming clearer in the lower courts. First, litigants and judges ask whether the text—"the right of the people to keep and bear Arms"—covers the weapon or conduct at issue. Second, if so, governments must justify their regulation by adducing historically analogous measures addressing similar risks. The Court's post-Bruen opinions—particularly United States v. Rahimi (2024)—portray history-and-tradition as an analogue-based reasoning exercise, not a demand for a perfect historical twin. Parallel statutory decisions on bump stocks and so-called ghost guns further demonstrate that contemporary regulatory categories can be read within longstanding statutory definitions while remaining consistent with the Constitution's protections for ordinary, law-abiding possession.

METHODOLOGY

This study adopts an interdisciplinary methodology combining doctrinal analysis, historical study, and descriptive data. Supreme Court opinions are examined to reconstruct doctrinal rules, while statutes and regulations illustrate institutional responses. Public health datasets (CDC, Pew Research, Johns Hopkins, CRS reports) provide context without cost-benefit balancing. This

ensures fidelity to constitutional tradition while maintaining contemporary policy relevance.

DISCUSSION AND ANALYSIS

Historical Foundations

Anglo-American Foundations: The English Bill of Rights (1689) is an indispensable starting point. In affirming that Protestant subjects may have arms "suitable to their condition and as allowed by law," Parliament curtailed the Crown's power to selectively disarm opponents while simultaneously preserving legislative authority to shape the contours of private arms possession. American colonists inherited both impulses—skepticism of executive disarmament and acceptance that positive law could regulate the manner, place, and circumstances of arms keeping. Colonial practices reflected local exigencies: universal militia obligations coexisted with race-and status-based exclusions, inspections for powder and arms, and episodic restrictions on public carry. Contrary to frontier mythology, towns often limited the carrying of arms within dense settlements to reduce interpersonal violence and accidental fire. In short, the founding generation understood a right to keep and bear arms but also lived amid rules mediating that right.

Historical Foundations

Nineteenth-Century Constitutionalism: From Dred Scott to Reconstruction: Antebellum constitutionalism rarely produced clean judicial pronouncements on the private right to arms. In Dred Scott (1857), Chief Justice Taney's notorious dicta listed the ability to "keep and carry arms" as among the privileges that would follow from Black citizenship—an observation intended to argue against that very citizenship. After the Civil War, the Reconstruction Congress recognized that disarmament was a tool of racial subordination: the Freedmen's Bureau and the Fourteenth Amendment sought to secure the substantive incidents of citizenship, including self-defense. Yet Cruikshank (1876) and Presser (1886) cabined federal enforcement authority and left much to the states, contributing to a patchwork in which Black communities were often disarmed by hostile local authorities even as white citizens faced far fewer impediments.

Twentieth-Century Developments

Twentieth-Century Statutes and Institutions: The twentieth century married urbanization, mass media attention to crime, and spectacular episodes of political violence to substantial federal and state legislative activity. The National Firearms Act (1934) and the Gun Control Act (1968) did not eliminate civilian arms but regulated commerce, categories, and prohibited persons. Meanwhile, civil-society organizations evolved: the National Rifle Association's political engagement intensified in the late 1970s, reframing firearms from primarily sporting tools to symbols of individual liberty and resistance to centralized authority. By the end of the century, political identities and regional cultures had aligned around divergent attitudes toward risk, regulation, and the appropriate locus of decision-making.

Doctrinal Transformation

The Doctrinal Pivot: Heller, McDonald, and Bruen

District of Columbia v. Heller (2008) recognized that the Second Amendment safeguards an individual right to possess a handgun in the home for self-defense. McDonald v. Chicago (2010) incorporated that right against the states through the Fourteenth Amendment. For a decade thereafter, lower courts often applied two-step frameworks that blended historical inquiry with means-end scrutiny. In 2022, New York State Rifle & Pistol Association v. Bruen repudiated intermediate scrutiny and replaced it with a text-and-history test that asks (a) whether the conduct falls within the Second Amendment's text and, if so, (b) whether the government can demonstrate consistency with the Nation's historical tradition of firearm regulation. Bruen's rejection of freestanding balancing raised an immediate question: would courts now invalidate wide swaths of modern law for lack of a perfect historical match?

Doctrinal Transformation

Post-Bruen Clarifications: 2024–2025: The Court's decisions since Bruen supply guardrails. In United States v. Rahimi (2024), the Court upheld 18 U.S.C. § 922(g)(8), which disarms individuals subject to domestic-violence restraining orders that meet statutory criteria. Rahimi emphasized that the relevant inquiry is analogical: historical practice permits temporarily disarming persons who pose a credible threat, even if founding-era statutes took different forms. Rahimi also warned courts not to demand "historical twins," thereby signaling a more administrable approach to danger-based restrictions. In Garland v. Cargill (2024), the Court addressed the statutory question whether bump stocks are "machine guns" under 26 U.S.C. § 5845(b). Concluding that the statute's text did not encompass semiautomatics equipped with bump stocks, the Court invalidated ATF's rule. Importantly, Cargill was not a Second Amendment decision—it turned on statutory interpretation—but it illustrated how regulatory efforts must fit existing statutory definitions or be authorized by Congress.

In Bondi v. VanDerStok (2025), the Court upheld ATF's 2022 rule that brings certain weapon-parts kits and unfinished frames/receivers within the Gun Control Act's definition of "firearm." The 7–2 decision confirms that Congress's statutory framework can reach modern distribution channels for untraceable "ghost guns," even as individualized challenges may persist at the margins. At the circuit level, courts have begun converging on durable propositions. The Fourth Circuit's en banc decision in Bianchi v. Brown (2024) upheld Maryland's assault-weapons restrictions; the D.C. Circuit in Hanson v. District of Columbia (2024) and the First Circuit in Ocean State Tactical (2024) sustained 10-round magazine limits at the preliminary-injunction stage or on the merits; and the Ninth Circuit, sitting en banc, upheld California's large-capacity magazine ban in Duncan v. Bonta (2025). By contrast, the Third Circuit in Range v. Attorney General (2024) held § 922(g)(1) unconstitutional as applied to a nonviolent, decades-old false-statement conviction, signaling that as-applied challenges to categorical prohibitors remain viable where the government cannot demonstrate historical analogues to permanent disarmament of those who are not dangerous. The Supreme Court's 2025 denials of certiorari in certain weapons-ban cases and New York's post-Bruen licensing litigation (Antonyuk) left these circuit outcomes in place, while preserving the Court's ability to revisit unresolved questions in a future term.

Contemporary Themes and Debates

Themes that Structure the Current Debate: A. Text and Category: What counts as "Arms"? Some appellate courts have reasoned that certain accoutrements—notably large-capacity magazines—are not themselves "arms" within the Second Amendment's text because they are neither weapons nor necessary to ordinary firearm operation. Others assume coverage and proceed to the historical inquiry. This threshold categorization

will continue to shape outcomes, especially for accessories that alter a weapon's rate of fire, capacity, or concealability.

Dangerousness and Responsible Citizens: Rahimi's acceptance of danger-based disarmament analogies has re-legitimized targeted laws aimed at persons who pose a credible risk, while Range underscores that lifetime disarmament for nonviolent offenses may fail absent powerful historical support. A likely point of convergence is that the State's power is strongest where modern law identifies concrete, adjudicated threats and weakest where categorical proxies sweep in individuals with no nexus to violence.

Federalism and Laboratories of Democracy: Because Heller and McDonald incorporate an individual right while leaving design details to state and local governments, post-Bruen litigation has produced geographic variation. Appellate convergence on magazines and assault-style weapons—combined with Supreme Court denials of certiorari in 2025—suggests a period of incremental stabilization rather than wholesale invalidation or expansion.

Data without Balancing: Public-health statistics illuminate the problem space—e.g., the CDC reports roughly 46,700 firearm fatalities in 2023—but the constitutional test does not permit courts to weigh costs and benefits directly. Instead, data can guide legislatures in selecting historically grounded mechanisms (e.g., licensing formats, disqualification triggers) that address contemporary risks.

Contemporary Themes and Debates

Policy Implications Consistent with the Current Jurisprudence: First, danger-based prohibitions that mirror Rahimi's logic are on the firmest footing: laws enforcing final protective orders; measures that temporarily remove firearms after individualized findings; and processes that protect due-process rights while allowing rapid intervention. Second, regulations of particularly lethal configurations—assault-style rifles and large-capacity magazines—face sustained litigation but increasingly withstand scrutiny where courts either (a) find the items are not covered "Arms" or (b) identify historical analogues addressing comparable risks, e.g., restrictions on especially dangerous weapon features and public carry in sensitive places. Third, statutory and administrative regimes must attend closely to textual authority and definitions. Cargill underscores that agencies cannot stretch terms like "machine gun," while VanDerStok demonstrates that Congress's definitions can reasonably reach modern kits and frames that behave like firearms in practice.

Contemporary Themes and Debates

Points of Continuing Uncertainty: Three clusters remain unsettled. (1) "Arms" taxonomy beyond magazines—such as braces, conversion devices, and emerging technologies—will test the coverage inquiry. (2) The scope of sensitive-place restrictions after Bruen and the contours of default public carry outside dense urban contexts continue to generate divergent results in the lower courts. (3) The fate of categorical prohibited-person statutes, especially for nonviolent offenses and substance-use prohibitors, will likely return to the Supreme Court as circuits refine the meaning of "dangerousness" and the fit of historical analogues.

Methodology and Sources: This revised article adopts an interdisciplinary method that combines doctrinal analysis, institutional history, and public-law theory with descriptive data. The doctrinal analysis reads the Supreme Court's opinions closely—attending to majority rationales, concurrences, and dissents—to reconstruct the actual decision rules lower courts are likely to implement. Institutional history tracks how legislatures and executive agencies have responded to changes in constitutional doctrine over time, with a special focus on the Gun Control Act's statutory architecture. The paper also surveys appellate and significant district-court opinions after Bruen to identify points of convergence. Finally, we include credible descriptive indicators—CDC fatal-injury counts, federal crime reporting, and curated databases such as the Gun Violence Archive—not to perform judicial cost-benefit balancing (which Bruen forbids), but to contextualize the real-world problems that historically grounded regulations attempt to address. Throughout, citations favor primary sources (statutes and cases) and recent analyses by official institutions or peer-reviewed venues (e.g., CRS, HLR case notes, and leading academic centers).

Foundations: English Law, Colonial Practice, and Republican Ideals (A Detailed View)

Blackstone's Commentaries famously described the right of having arms as ancillary to the natural rights of personal security and resistance to oppression, subject to due restrictions of law. American lawyers in the founding era read Blackstone alongside colonial militia codes and town ordinances that reveal a regulatory pattern: most households were expected to maintain serviceable arms and powder, yet local governments limited the manner of carry, storage, and use to manage fire risk and public order. In port cities and market towns, officials enforced restrictions on loaded firearms within dense precincts. In frontier jurisdictions, travelers were often required to carry arms on dangerous roads while being penalized for brandishing during disputes. These two impulses—citizen armament and civic regulation—were not contradictory; they were complementary features of republican self-government. The early state constitutions reflected this duality in text and structure. Some provisions emphasized the militia as a bulwark of liberty against standing armies; others spoke more directly of a right of the people to bear arms in defense of themselves and the state. Even when phrased individually, these provisions were enacted against a persistent background of regulation. Powder-house rules, inspections, taxation, and restrictions on concealed weapons appeared in state codes by the early nineteenth century. Thus, when modern courts ask whether the founding generation countenanced regulation, the answer is not abstract; it is a historical fact that governance and arms possession coexisted.

Reconstruction, Race, and the Fourteenth Amendment: Reconstruction places gun rights within the larger project of redefining citizenship after slavery. Congressional debates, the Freedmen's Bureau Act, and contemporaneous commentary reflect a sharp awareness that disarmament was used to terrorize Black communities. The Fourteenth Amendment's Privileges or Immunities Clause was meant, in part, to protect fundamental civil rights associated with national citizenship, including self-defense. The Supreme Court's narrow readings in Slaughter-House, Cruikshank, and Presser blunted federal capacity to enforce these guarantees, entrenching a regime in which southern states and private vigilantes could disarm and victimize freed people. Modern doctrine—McDonald's selective incorporation through the Due Process Clause—belatedly vindicates that Reconstruction insight: the basic right to keep and bear arms belongs to individuals and constrains states as well as the federal government.

Doctrinal Details: Heller and McDonald Revisited: Heller's core rule is straightforward: the Second Amendment protects possession of commonly used arms for lawful purposes like self-defense, with handguns singled out given their prevalence

and suitability for home defense. The Court, however, preserved space for longstanding regulations (e.g., bans on possession by felons and the mentally ill, restrictions on carry in sensitive places, and conditions on commercial sales). McDonald extended this rule to the states, with the plurality linking incorporation to the deep roots of self-defense in American tradition. The dissenting opinions in both cases previewed later debates: they warned that privileging historical sources risks undervaluing modern public-safety knowledge, even while acknowledging that the constitutional text commands a distinct inquiry from ordinary policy analysis.

Bruen's Text-and-History Test in Practice: Bruen rejected interest balancing and instructed courts to ask, first, whether the person, weapon, and conduct fall within the Amendment's text. If so, the burden shifts to the government to demonstrate historical analogues. The Court recognized that historical reasoning allows for "relevantly similar" comparators—such as regulations that address the same basic danger—without requiring one-to-one matches. The opinion also cautioned against cherry-picking isolated outliers. In implementation, this has produced two recurring questions: (1) Is the regulated item an "Arm" at all? and (2) how close is close enough when comparing modern regulations to founding-era practices? Lower courts are building answers in case-by-case fashion, which the next sections catalogue.

United States v. Rahimi (2024): Analogical Reasoning and Dangerousness: Rahimi is the first full-dress post-Bruen merits decision and its significance is hard to overstate. The Court upheld § 922(g)(8), emphasizing that a state may temporarily disarm individuals subject to qualifying domestic-violence restraining orders where a neutral decision-maker has found a credible threat. The opinion grounded its reasoning in a long tradition of disarming those who posed danger to others—through surety laws, affray statutes, and other measures—while explicitly rejecting a rigid "historical twin" requirement. Just as importantly, the opinion clarified that the inquiry focuses on principles and purposes: does the modern law use comparable mechanisms to address the same basic risk? Post-Rahimi, numerous district courts have sustained danger-based applications of prohibited-person rules while demanding tighter fits for categorical, permanent bans unrelated to violence.

Garland v. Cargill (2024) and Bondi v. VanDerStok (2025): Statutory Boundaries: Cargill and VanDerStok are statutory cases that nonetheless shape the regulatory environment surrounding the Second Amendment. In Cargill, the Court held that bump-stock-equipped semiautomatic rifles do not meet the statutory definition of "machinegun," thereby invalidating ATF's rule. The majority insisted on textual fidelity, cabining agency power absent clear congressional authorization. The following Term, the Court in Bondi v. VanDerStok upheld ATF's 2022 "frame and receiver" rule as a permissible interpretation of the Gun Control Act, allowing regulation of certain weapon-parts kits and unfinished receivers that function as firearms for purposes of commerce, serialization, and background checks. Together, these decisions signal that while the constitutional right remains robust, Congress's statutes—faithfully construed—can reach modern production and distribution modalities that exacerbate public-safety risks.

Lower-Court Landscape, 2022–2025: Survey and Synthesis: Assault-Style Weapons: The Fourth Circuit's en banc Bianchi decision sustained Maryland's restrictions, reasoning that regulated rifles are not protected "Arms" under the text, and, in any event, that history supports regulation of particularly dangerous weapon characteristics. Other courts have adopted similar twin-track reasoning. Large-Capacity Magazines: The D.C. Circuit (Hanson), First Circuit (Ocean State), and Ninth Circuit (Duncan, en banc) upheld 10-round limits. Some panels held that magazines are not "arms" because they are accessories; others assumed coverage and found sufficient historical analogues aimed at limiting unusually lethal configurations that amplify harms in public spaces.

Public Carry and Sensitive Places: Post-Bruen litigation narrowed "may-issue" permitting, but courts have upheld mainly training, fees, and background checks typical of "shall-issue" regimes. Sensitive-place doctrines remain contested, with courts parsing analogies for government buildings, schools, transit, and crowded venues.

Prohibited Persons: After Rahimi, courts more readily sustain laws that target dangerousness grounded in process (e.g., final protective orders) while scrutinizing lifetime bans for nonviolent offenses. The Third Circuit's Range decision illustrates an as-applied pathway for relief when the government lacks persuasive historical analogues for permanent disarmament of non-dangerous individuals. Empirical Context without Judicial Balancing: Public-health and crime statistics provide essential background without displacing constitutional analysis. CDC's WISQARS reports approximately 46,700 firearm fatalities in 2023, with suicides comprising the majority. Independent datasets suggest that mass-shooting fatalities are a comparatively small fraction of overall gun homicides, though they drive policy salience. For lawmakers, the key is to select interventions with firm historical pedigrees that plausibly mitigate these empirically observed harms—for example, licensing formats with training, background checks, and permit-to-purchase systems that echo historical surety and inspection traditions.

Comparative State Approaches and Federalism: States remain laboratories of democracy. In the wake of Bruen and Rahimi, some jurisdictions have modernized permitting systems toward more objective criteria while preserving training and background checks; others have adopted sensitive-place lists that courts are now pruning to historically grounded cores. States with magazine or assault-style weapon restrictions have defended them under both textual and historical routes, often succeeding at the appellate level. Meanwhile, states emphasizing permit-to-purchase and extreme-risk protective order (ERPO) laws are aligning their procedures with due-process and historical principles to minimize litigation risk.

Normative Dimensions: Republicanism, Autonomy, and Equal Citizenship: Beneath the doctrine lie competing political philosophies. Civic-republican accounts emphasize the armed, virtuous citizenry as a counterweight to tyranny yet stress the necessity of regulation to sustain ordered liberty. Liberal-individualist accounts foreground personal autonomy and self-defense. Reconstruction history adds a third dimension: the equal citizenship of those whom the state once disarmed. Adequately understood, current doctrine protects core law-abiding possession while allowing narrowly tailored, historically rooted limits designed to preserve the security of a free state—understood as both the political community and the lives within it.

Practical Guidance for Policymakers under Bruen, Rahimi, and VanDerStok: Anchor new legislation in recognizable historical mechanisms (surety bonds, inspections, sensitive places), and document those analogues in statutory findings. Design danger-based prohibitions with robust due-process protections: notice, hearing, evidentiary standards, and time-bounded relief mechanisms. When regulating technology (e.g., components, kits, converters), ensure statutory text clearly supports the category;

avoid agency overreach beyond congressional authorization. Provide training and licensing pathways that are objective, affordable, and prompt; avoid discretionary systems that resemble the "proper cause" regimes Bruen invalidated. Separate empirical policy justifications (which inform legislative judgment) from the constitutional test (which asks for historical tradition).

Research Agenda: Further archival work can refine our understanding of local carry rules, weapon-specific regulations, and the administration of surety laws in the nineteenth century. Quantitative studies can test whether historically grounded modern analogues (such as permit-to-purchase laws) correlate with reduced lethal violence, without inviting courts back into means-end scrutiny. Finally, legal scholarship should explore how statutory interpretation, administrative law, and the Second Amendment interact to govern rapidly evolving technologies from 3D-printed receivers to conversion devices.

Detailed Case Notes (2008–2025)

District of Columbia v. Heller (2008): Facts and procedural posture: District of Columbia law effectively banned the possession of operable handguns in the home and required long guns to be kept inoperable. Dick Anthony Eler, a D.C. special police officer, sought to register a handgun for home defense; the District denied his application. The Supreme Court affirmed the D.C. Circuit's invalidation of the ban.

Holding: The Second Amendment protects an individual right to possess a handgun in the home for self-defense. The prefatory militia clause announces a purpose but does not limit the operative clause. The Court identified a non-exhaustive list of "presumptively lawful" regulations, including bans on possession by felons and the mentally ill, laws forbidding guns in sensitive places, and conditions on commercial sales.

Reasoning: Originalist analysis of text, history, and tradition—focusing on the ordinary meaning of "keep and bear arms" and founding-era sources—supported a personal right disconnected from militia service. The Court distinguished unusual or dangerous weapons from those "in common use" for lawful purposes.

Implications: Heller set a baseline right and a taxonomy for future cases—core possession in the home, common-use analysis for weapon types, and the conception of longstanding regulations. Later cases would contest how far these categories extend outside the home and across weapon technologies.

McDonald v. City of Chicago (2010): The Court incorporated the individual right recognized in Heller against the states via the Fourteenth Amendment. The plurality identified self-defense as a fundamental right deeply rooted in the Nation's history and tradition. Justice Thomas concurred in the judgment on Privileges or Immunities grounds, underscoring the Reconstruction history linking arms possession to equal citizenship for freed people.

N.Y. State Rifle & Pistol Association v. Bruen (2022): Facts: New York's century-old "proper cause" licensing regime required applicants to show a special need for self-defense to obtain a public-carry license. Ordinary generalized interest in self-defense was insufficient. The Court held the regime unconstitutional.

Rule: Courts may not apply means-end scrutiny to the Second Amendment. Instead, they must assess whether the challenged regulation is consistent with this Nation's historical tradition of firearm regulation. The case recognized sensitive places and distinguished shall-issue systems with objective criteria from the discretionary proper-cause model. Aftermath: Bruen triggered waves of litigation challenging carry restrictions, sensitive-place lists, magazine limits, and weapon-type bans. Many states revised statutes to comply with shall-issue norms while preserving training, fees, and background-check requirements.

United States v. Rahimi (2024): Rahimi involved a facial challenge to 18 U.S.C. § 922(g)(8), which prohibits firearm possession by individuals subject to certain domestic-violence restraining orders. The Fifth Circuit struck the statute, reading Bruen to require close historical matches. The Supreme Court reversed, concluding that historical tradition allows temporary disarmament of persons credibly found dangerous. Key passages emphasized analogical reasoning: the government need not produce a founding-era domestic-violence statute; it suffices to show a tradition of disarming those who threaten others, implemented with due process. Concurring opinions clarified that modern adjudicatory procedures can serve as functional analogues to historical surety and breach-of-peace practices.

Garland v. Cargill (2024)

Issue: Whether ATF's rule classifying bump stocks as "machine guns" lawfully interpreted 26 U.S.C.§ 5845(b).

Holding: No. Semiautomatics with bump stocks do not fire more than one shot "by a single function of the trigger," so the statutory text does not reach bump stocks. The case turned on textualism and administrative law, not the Second Amendment. Nonetheless, it constrains the agency's ability to regulate technologies absent congressional authorization.

Bondi v. VanDerStok (2025)

Issue: Whether ATF's 2022 "frame and receiver" rule lawfully interprets the Gun Control Act's definition of "firearm" to include certain weapon-parts kits and unfinished frames/receivers.

Holding: Yes. The Court (7–2) upheld the rule, allowing serial-numbering and background-check requirements for kits that are readily convertible to functional firearms. The opinion recited a practical concern: without coverage, a significant channel of untraceable weapons would evade Congress's scheme.

Bianchi v. Brown (4th Cir. 2024): The Fourth Circuit, sitting en banc, upheld Maryland's restrictions on certain semiautomatic rifles. The court reasoned both that such rifles fell outside the textual category of protected "Arms" and that, even assuming coverage, historical tradition supports restricting particularly dangerous weapon features. A vigorous dissent argued that common use should control the analysis.

Hanson v. District of Columbia (D.C. Cir. 2024) & Ocean State Tactical (1st Cir. 2024): In litigation over 10-round magazine limits, federal appellate courts have generally declined to enjoin the laws. Doctrinally, some courts conclude magazines are not "arms"; others proceed to history, finding analogues in regulations aimed at especially lethal weapon characteristics. These cases illustrate how the coverage inquiry can be dispositive before courts ever reach historical analogues.

Duncan v. Bonta (9th Cir. 2025): The Ninth Circuit, en banc, upheld California's large-capacity magazine ban after extensive post-Bruen proceedings. The majority emphasized either non-coverage or sufficient historical tradition and rejected arguments that common ownership alone resolves the question. Dissenters warned that the decision dilutes Bruen. The split

illustrates an emerging (if narrow) consensus sustaining magazine limits.

Range v. Attorney General (3d Cir. 2024): The Third Circuit, en banc, ruled § 922(g)(1) unconstitutional as applied to a man with a decades-old, nonviolent false-statement conviction. The court stressed that Range remained one of "the people" and that the government failed to identify a historical tradition of permanently disarming individuals like him. Range thus signals a path for individualized relief while preserving the general validity of disarmament for dangerous persons.

Sensitive Places and the Geography of Carry: Bruen endorsed sensitive-place restrictions but left their contours to future litigation. A workable approach emerges from early cases: start with founding-era cores (legislative assemblies, courthouses, polling places) and then reason by analogy to modern spaces where analogous safety and governmental-function concerns arise—secured airport terminals, controlled transit hubs, or school campuses. Courts are wary of sprawling lists that effectively negate public carry by designating most of a city as "sensitive," yet they accept targeted designations tightly linked to government operations or vulnerable populations.

Prohibited Persons After Rahimi: Process, Proof, and Tailoring: Post-Rahimi opinions converge on three design principles for durable prohibited-person laws. First, process: final orders issued by a neutral decision-maker after notice and opportunity to be heard are stronger than ex parte or temporary orders. Second, proof: statutes specifying evidentiary standards (preponderance or clear-and-convincing evidence) and factual predicates (credible threats, violence, or stalking) track history more closely. Third, tailoring: time-bounded prohibitions with avenues for restoration fare better than lifetime, offense-agnostic bans. Range underscores that courts will scrutinize permanent disqualification when the predicate offense bears no nexus to violence.

Methodological Pitfalls and Best Practices for Historical Analogues: Courts post-Bruen repeatedly warn against a simplistic hunt for isolated, out-of-context statutes. Sound analogical reasoning asks whether a regulation responds to a comparable societal problem with a comparable burden on the right. This requires careful source criticism: (1) is the historical law representative or an outlier? (2) does it reflect a settled practice rather than a short-lived experiment? (3) what institutional purpose did it serve? For example, founding-era rules requiring powder storage in central magazines reflected fear of urban fires; the analogue today might be storage and safe-transport requirements in dense cities. Conversely, laws animated by discriminatory motives—such as Black Codes—cannot supply a legitimate tradition for modern regulation.

Comparative Perspectives (Brief): While the U.S. constitutional framework is sui generis, comparative perspectives illuminate the range of policy tools used elsewhere. Countries that heavily regulate civilian firearms often employ centralized licensing, registration, and categorical bans paired with strict storage requirements—approaches generally foreclosed or sharply limited by U.S. constitutional doctrine since Heller. Still, certain features, like training prerequisites and safe-storage norms, can be adapted to American history and tradition through analogy to militia training, surety bonds, and nineteenth-century inspection regimes.

State Policy Families After Bruen: A Descriptive Map

- Shall-Issue Licensing with Training: Many states operate objective permitting built around background checks, live-fire training, and fingerprinting. These systems typically survive because they impose process rather than discretion.
- Permit-to-Purchase for Handguns: A subset of jurisdictions maintains purchase permits layered over federal background checks. When structured with objective criteria and efficient timelines, these laws draw support from analogies to historical licensing and inspection practices.
- Large-Capacity Magazine Limits: Ten- or fifteen-round caps persist in multiple jurisdictions and have been sustained on textual or historical grounds in several circuits.
- Assault-Style Weapon Restrictions: Definitions vary but commonly focus on features that increase the rate of fire, controllability, and capacity. Courts have upheld some regimes by characterizing the weapons as outside the text or by finding sufficient tradition to regulate unusually dangerous arms.
- Extreme-Risk Protective Orders (ERPOs): These laws provide individualized, court-supervised temporary removal mechanisms. Properly designed ERPOs—notice, hearing, evidentiary burdens—fit squarely within Rahimi's danger-based rationale.
- Sensitive-Place Designations: Durable lists are tight and historically anchored (government buildings, schools, polling places), with careful extensions to analogues like secured transit. Overbroad maps that encompass entire neighborhoods are vulnerable.
- Dealer Oversight and Safe-Storage: Conditions on commercial sales are longstanding; modern Analogues incorporate recordkeeping, inspections, and accountability while respecting statutory definitions.
- Component and Kit Regulation: Following VanDerStok, jurisdictions and federal actors focus on serial numbers and background checks for readily convertible kits, aligning commerce rules with statutory text.

Historical Appendix (Selected Illustrations and Paraphrases)

- Militia Musters and Inspections: Colonial and early-republic statutes frequently mandated that able-bodied men keep arms and appear at periodic musters with equipment subject to inspection. The civic purpose was two-fold: to ensure readiness and suppress disorder through collective responsibility.
- Powder-House and Fire Safety Laws: Urban centers required centralized storage of powder or prohibited keeping large quantities in private homes. These rules prioritized public safety in dense environments—a logic that informs modern storage and transport rules.
- Public Carry Restrictions: Several jurisdictions limited concealed carry or brandishing, reflecting a concern with surprise attacks and escalation of quarrels. Modern analogues include restrictions on intimidating displays and time-place-manner limits in crowded settings.

Technology, Markets, and the Pace of Change: Weapon technology evolves faster than judicial doctrine. Semi-automatic platforms, aftermarket components, and distributed manufacturing complicate enforcement and empirical assessment. Statutory interpretation cases like Cargill and VanDerStok reveal that much of the near-term action will turn on definitions adopted by Congress and administered by ATF. Legislatures seeking durable solutions should draft with technological agility—defining covered items by functional characteristics and convertibility rather than brand names or momentary market labels.

CONCLUSION

The last three Terms sketch a coherent path forward. Courts are not historians of everything; they are constitutional adjudicators committed to text and tradition. The practical lesson for policymakers is to choose instruments that the tradition already knows: adjudicated dangerousness, objective licensing, sensitive-place limits anchored to government functions, and precise statutory definitions for emerging technologies. The lesson for advocates is mirror-image: frame disputes at the level of principle (danger, disorder, public peace) and mechanism (surety, inspection, place-based limits) rather than relying solely on modern criminological studies that courts must set aside at the liability stage. The lesson for scholars is to keep building the historical record—representative, verified, and transparent—so that analogies are drawn from genuine traditions rather than anecdotes. If that work continues, the Second Amendment can remain both a shield for the law-abiding and a framework for targeted, democratically accountable regulation.

Circuit-by-Circuit Snapshot (Late 2025)

First Circuit: Following Ocean State Tactical, district courts within the circuit have treated large-capacity magazine limits as presumptively valid under either a textual holding that magazines are not "arms" or a historical holding that the State has long regulated particularly dangerous weapon features. Challenges to assault-style weapon restrictions persist, but the circuit's methodological fidelity to Bruen's analogue approach has produced stable outcomes in favor of the laws at preliminary stages.

Second Circuit: Litigation over New York's Concealed Carry Improvement Act (CCIA) produced a complex set of rulings. The circuit has generally upheld objective licensing criteria while instructing district courts to narrow sensitive-place lists to historically grounded categories. By declining certiorari in 2025, the Supreme Court left much of this framework intact, though specific venue-by-venue disputes continue.

Third Circuit: Range dominates the discussion: as-applied challenges to § 922(g) (1) now turn on individualized assessments of dangerousness and historical analogues. The circuit has simultaneously affirmed that categorical bans remain valid for persons with violent predicates and for those recently adjudicated as threats under protective-order regimes consistent with Rahimi.
Fourth Circuit: Bianchi's en banc decision anchors the circuit. District courts now cite Bianchi to sustain laws targeting weapon configurations and to frame the coverage inquiry more precisely. The circuit has also emphasized that history supports limits on public carry in certain dense or sensitive environments.

Fifth Circuit: After Rahimi, the circuit's approach has moderated. Panels scrutinize categorical bans but accept danger-based disarmament rooted in process. Some district courts remain skeptical of magazine limits, but inter-circuit consensus and developing historical records are narrowing the disagreement.

D.C. Circuit: Hanson frames magazine limits through both textual and historical lenses. The circuit's administrative-law jurisprudence, robust in its own right, also intersects with firearms cases where ATF interpretations are challenged, making it a forum that often sets nationwide expectations.

Ninth Circuit: Duncan resolves years of oscillation by affirming magazine limits en banc; related assault-weapon cases are being re-evaluated with guidance from Duncan's reasoning. Sensitive-place disputes focus on transit, parks, and large public events, with courts favoring narrowly tailored rules.

Tenth and Eleventh Circuits: These circuits exhibit a mix of outcomes at the district level, with appellate panels emphasizing careful historical work and cabined sensitive-place lists. Emerging cases on conversion devices and unfinished receivers look to VanDerStok for statutory guidance.

Historiography and Sources: Building a Reliable Record

Because Bruen centers on historical tradition, the quality of the historical record matters. Courts have urged parties to present representative samples of laws across regions and time, to explain enforcement practices, and to avoid partisan distortions. Peer-reviewed legal history, digitized statutory compilations, newspaper archives, and municipal ordinance books are indispensable. Scholars caution against anachronism: a prohibition on carrying concealed dirks may or may not translate to a limit on modern magazine capacity, but the proper way to reason is to articulate the principle at stake (mitigating surprise lethality) and ask whether the contemporary law is comparably justified and burdened.

Data, Measurement, and Policy Inference: Gun policy debates frequently stumble over measurement. Homicide counts, non-fatal shootings, defensive gun use, and mass-shooting incidents are tracked by different entities with different definitions. Judicial opinions do not rest on social-science balancing, but legislators must make choices with imperfect information. The better course is to select interventions whose legal pedigree is strong and whose empirical promise is plausible; then iterate. Permit-to-purchase, training, and ERPOs fit this mold in many jurisdictions; so, too, do commercial-sale conditions and discrete sensitive-place limits. When courts see statutes that resemble well-documented historical practices and that are administered with due process, the probability of survival on the merits increases substantially.

Advocacy Strategies under the Current Doctrine: For litigants challenging regulations, the strongest arguments isolate a mismatch between the modern rule and historical purposes or mechanisms, highlight overbreadth relative to the articulated danger, and marshal evidence that the item or conduct is within the core protected by text (e.g., common household handguns). For governments defending laws, the most persuasive briefs tell a clear historical story using primary sources, identifying analogous problems (e.g., crowd panic, affray, fire risk), and emphasizing process protections and narrow tailoring. Post-Rahimi, courts are less receptive to categorical rhetoric and more to careful historical reasoning allied to administrable rules.

CONCLUSION

The jurisprudence of the Second Amendment is neither frozen in 1791 nor untethered from history. The Supreme Court's most recent decisions reflect a search for administrable rules: protect the core possession of arms by law-abiding citizens; sustain targeted laws aimed at concrete threats, supported by historical practice; insist on statutory fidelity for technical regulatory initiatives; and allow democratic governments room to tailor measures to local conditions where the text does not speak directly. These guideposts, visible in 2024–2025 decisions, have moderated predictions of doctrinal chaos while leaving space for principled disagreement.

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