

# Supreme Court leaves in place Maryland's ban on assault-style rifles

*The Supreme Court declined to take up a pair of gun rights cases, one in Maryland and the other in Rhode Island.*

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The Supreme Court declined to take up a pair of gun rights cases Monday, leaving in place Maryland's ban on semiautomatic military-style rifles and Rhode Island's restrictions on large-capacity magazines holding more than 10 rounds of ammunition.

The court's action drew dissents from three conservatives, showing that the Supreme Court is still divided on how to handle Second Amendment cases after the justices expanded gun rights in a 2022 landmark decision.

Justice Clarence Thomas said the high court should have reviewed the lower-court ruling in the Maryland case and not put off the question of whether the government can ban the most popular rifle in America. The answer, he wrote, is of "critical importance to tens of millions of law-abiding AR-15 owners throughout the country."

The two other dissenters were Justices Samuel A. Alito Jr. and Neil M. Gorsuch.

Justice Brett M. Kavanaugh agreed with the decision to sidestep the cases for now, but wrote separately to caution against reading too much into Maryland's ban remaining intact. He called the lower-court ruling upholding the law "questionable" and said the Supreme Court should eventually address the validity of bans on assault-style rifles like the AR-15 in the next term or two.

The decision not to take up the gun cases came on the same day the justices decided to hear four other cases for the next term.

The Supreme Court will decide on a challenge brought by an Illinois congressman and two Republican presidential electors who say a state law that allows for the collection and counting of absentee ballots after Election Day violates federal election statutes.

In another case, a U.S. Army specialist who was seriously wounded by a suicide bomber in Afghanistan is asking the Supreme Court to rule that federal contractors do not have immunity from civil suits filed under state law.

Winston Hencely sued the Fluor Corp., a military contractor, after an Afghan man the company had hired at the Bagram air base built an explosive vest while unsupervised and then detonated it, gravely wounding Hencely.

The justices will also hear a case involving a class-action lawsuit brought by migrants who claim they were forced to do work for little or no pay while being held at a private detention facility in Aurora, Colorado, in violation of a state law against forced labor. The case concerns a technical question about the contractor's claim that it has sovereign immunity from being sued.

In the fourth case, the justices will examine what standards must be met for law enforcement officers to enter a home without a search warrant when they believe an emergency might be occurring inside, in a case originating in Montana. The courts have split over whether probable cause — or a lesser standard — is required in such circumstances.

Maryland passed its ban on high-powered rifles in response to the 2012 massacre at Sandy Hook Elementary School in Connecticut in which an AR-15 was used to kill 20 children and six adults.

The U.S. Court of Appeals for the 4th Circuit upheld Maryland's restrictions as consistent with the Second Amendment.

“Our nation has a strong tradition of regulating excessively dangerous weapons once it becomes clear that they are exacting an inordinate toll on public safety and societal well-being,” Judge J. Harvie Wilkinson III, a nominee of President Ronald Reagan, wrote in an opinion that repeatedly cited the Supreme Court's 2008 decision in *District of Columbia v. Heller* declaring a Second Amendment right to possess a firearm at home for self-defense.

In 2022, the Supreme Court further expanded gun rights in its decision in *New York State Rifle & Pistol Association v. Bruen* that required the government for the first time to point to historical analogues when defending laws that place restrictions on guns. Earlier this term, the Supreme Court also upheld a Biden-era ban on ghost guns.

Gun rights groups challenging Maryland's law noted that AR-15s and other assault-style rifles are the best-selling rifles in the country, owned by millions of Americans and accounting for about 20 percent of all firearms sales in the country for more than a decade.

They urged the Supreme Court to “to ensure that the Second Amendment itself is not truncated into a limited right to own certain state-approved means of personal self-defense.” Lower courts, they added, are asking the justices for further guidance about how to apply the Supreme Court's new test.

Maryland Attorney General Anthony G. Brown (D), whose office defended the ban, said in a statement that the Supreme Court's action Monday means “a critical law that prevents senseless and preventable deaths will remain in effect,” adding that his office will “do whatever we can to protect Marylanders from this horrific violence.”

The Firearms Policy Coalition, one of the groups challenging the ban, expressed frustration in a statement that the Supreme Court “continues to allow lower courts to treat the Second Amendment as a second-class right” and urged Trump's solicitor general, D. John Sauer, to join the group in “loudly encouraging the Court to take up quality Second Amendment cases.”

In the Rhode Island case, an appeals court upheld the state's ban on high-capacity magazines, finding that it does not impose a significant burden on residents seeking to defend themselves.

“Civilian self-defense rarely — if ever — calls for the rapid and uninterrupted discharge of many shots, much less more than ten,” the U.S. Court of Appeals for the 1st Circuit said in its ruling.

The appeals court said the law is consistent with the state's ban on other items “associated with criminal activity” such as silencers and armor-piercing bullets.

The law, passed in response to the rise in mass shootings, gives owners 180 days to comply by modifying their magazines, selling them to firearms dealers, removing them from the state or turning them over to law enforcement.

The justices also declined to take the case of a Texas stripper who sued two clubs claiming they discriminated against Black dancers. Chanel Nicholson, who is Black, says she was turned away from work on occasions because managers felt there were already too many Black dancers working.

A federal judge and then an appeals court ruled for the clubs, determining that the statute of limitations had expired on her claims. The first acts of alleged discrimination occurred in 2014 but continued off and on until she filed her legal claim in 2021.

The appeals court found “her denial of access to the club ... on account of her race” in 2021 was “merely a continued effect of the first alleged discriminatory act that took place in 2014.”

Justices Ketanji Brown Jackson and Sonia Sotomayor dissented from the majority’s decision not to take the case, saying each new act of discrimination starts a new clock to file a civil action.