OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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March 18, 2026

VIA CM/ECF
Mr. Christopher G. Conway
Clerk of the Court
United States Court of Appeals for the Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Room 2722
Chicago, Illinois 60604

Re: *Barnett v. Raoul*, Nos. 24-3060, 24-3061, 24-3062, 24-3063 (consol.)

Dear Mr. Conway,

Appellees cite *Benson v. United States*, No. 23-CF-0514, 2026 WL 628772 (D.C. Mar. 5, 2026), as supplemental authority. But *Benson*, a D.C. Court of Appeals decision that is not binding on this court, is an outlier that conflicts with every other appellate court to have addressed the issue in holding that LCM bans are inconsistent with the Second Amendment. *See* AT Br. 17; Defendants-Appellants' Rule 28(j) letter dated March 11, 2026.

Preliminarily, *Benson* cites *Bruen* to hold that LCMs are "arms" covered by the Second Amendment rather than "accoutrements" because they "facilitate armed self-defense." 2026 WL 628772, at *7. But *Bruen* does not hold that an item that facilitates the use of an "arm" is itself an "arm." Instead, *Bruen* states only that modern-day weapons are as entitled to constitutional protections as historical weapons. *See N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 28 (2022).

Additionally, *Benson* holds that because LCMs are "in common and ubiquitous use," they cannot be constitutionally banned under the Second Amendment. 2026 WL 628772, at *9-10. But relying on the popularity of a weapon

or accessory directly contradicts *Bevis v. Naperville*, which declared that argument "circular." 85 F.4th 1175, 1198 (7th Cir. 2023).

Finally, *Benson* concludes that regulations prohibiting LCMs are inconsistent with history and tradition because the District could not cite historical regulations banning arms that were as ubiquitous as LCMs, "much less a historical tradition of similar bans." 2026 WL 628772, at *13. But not only is that reasoning in tension with *United States v. Rahimi*, which endorsed a principle-based approach to the historical inquiry to prevent "a law trapped in amber," 602 U.S. 608, 691-92 (2024), but it also contradicts every other appellate court to have addressed the constitutionality of regulating LCMs, *see, e.g.*, *Duncan v. Bonta*, 133 F.4th 852, 876-77 (9th Cir. 2025); *Hanson v. District of Columbia*, 120 F.4th 223, 238-39 (D.C. Cir. 2024).

Benson, therefore, provides no reason to depart from this court's reasoning in *Bevis* and create a circuit split with the five circuits now on the other side.

Sincerely,

/s/ Megan L. Brown
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Deputy Solicitor General

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing letter, submitted pursuant to Fed. R. App. P. 28(j), complies with the type-volume limitation set forth in that rule because the body of the letter contains 344 words. In preparing this certificate, I relied on the word count of the word processing system used to prepare the letter, which was Microsoft Word Version 2507.

/s/ Megan L. Brown
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on March 18, 2026, I electronically filed the foregoing Response to Fed. R. App. P. 28(j) Letter in *Barnett v. Raoul*, No. 24-3060; *Harrel v. Raoul*, No. 24-3061; *Langley v. Kelly*, No. 24-3062; and *Federal Firearms Licensees of Illinois v. Pritzker*, No. 24-3063, with the Clerk of Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system.

I certify that the other participants in this appeal, named below, are CM/ECF users and will be served by the CM/ECF system.

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