

No. 23-1251

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

---

JARED POLIS, in his official capacity as Governor of the State of Colorado,

*Defendant-Appellant,*

v.

ROCKY MOUNTAIN GUN OWNERS, TATE MOSGROVE, and ADRIAN S.  
PINEDA,

*Plaintiffs-Appellees.*

---

On Appeal from the United States District Court for the District of Colorado  
Case No. 23-cv-01077-PAB-NRN  
The Honorable Phillip. A. Brimmer  
Chief District Judge

---

**BRIEF OF *AMICUS CURIAE* MARCH FOR OUR LIVES FOUNDATION  
IN SUPPORT OF DEFENDANT-APPELLANT**

Ciara Malone  
MARCH FOR OUR LIVES FOUNDATION  
90 Church Street #3417  
New York, NY 10008  
Telephone: (913) 991-4440  
ciara.malone@marchforourlives.com

James C. Dugan  
WILLKIE FARR & GALLAGHER LLP  
787 Seventh Avenue  
New York, NY 10019  
Telephone: (212) 728-8654  
jdugan@willkie.com

*Counsel for Amicus Curiae*

December 14, 2023

## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1, March For Our Lives Foundation states that it has no parent corporations. March For Our Lives has no stock, and no publicly held company owns 10% or more of their stock.

## TABLE OF CONTENTS

	<b>Page</b>
STATEMENT OF INTEREST OF <i>AMICUS CURIAE</i> .....	1
INTRODUCTION AND SUMMARY OF ARGUMENT .....	3
ARGUMENT .....	4
I. <i>BRUEN</i> ALLOWS COURTS TO TAKE CONTEMPORARY EFFECTS OF GUN VIOLENCE INTO CONSIDERATION WHEN EVALUATING AGE RESTRICTIONS ON GUN PURCHASES.....	4
II.   GUN VIOLENCE, PARTICULARLY BY YOUTH AGAINST YOUTH, IS A CONTEMPORARY PROBLEM THAT DEMANDS ACTION.....	6
A.   Gun Violence Poses a Significant Danger to Young People.....	6
B.   Stories from Gun Violence Survivors Make Clear the Need for Colorado’s Age Based Purchase Restriction.....	9
1.    Zachary Martin .....	10
2.    Tom Mauser.....	13
3.    Alison Winn.....	18
4.    Kaviya Barathi Chidambaram .....	22
CONCLUSION.....	25

**TABLE OF AUTHORITIES**

	<b>Page</b>
<b>Cases</b>	
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008).....	3, 4, 5
<i>New York State Rifle &amp; Pistol Association, Inc. v. Bruen</i> , 142 S. Ct. 2111 (2022).....	4, 5
<b>Other Authorities</b>	
Brian Tsai, <i>Suicide and Homicide Rates Increase Among Young Americans</i> , NCHS: A Blog of the National Center for Health Statistics (June 15, 2023).....	6
Charles Puzzanchera, <i>Trends in Youth Arrests for Violent Crimes</i> , OJJDP National Report Series (Aug. 1, 2022).....	6
<i>Children and Teens</i> , Everytown Research & Policy.....	6
Chrissie Juliano, <i>BCHC urges adoption of bipartisan gun safety legislation</i> , Big Cities Health Coalition (June 14, 2022).....	6
Daniel Webster et al., <i>Association Between Youth-Focused Firearm Laws and Youth Suicides</i> , 292 JAMA 594 (2004).....	8
H. Naci Mocan & Erdal Tekin, <i>Guns and Juvenile Crime</i> , 49 J. of Law and Econ. 507 (2006).....	8
Harv. T.H. Chan School of Pub. Health, <i>Firearm Access is a Risk Factor for Suicide</i> , Means Matter.....	7
<i>House State, Civic, Military, &amp; Veterans Affairs</i> (Mar. 20, 2023).....	3
J. Michael Bostwick et al., <i>Suicide Attempt as a Risk Factor for Completed Suicide: Even More Lethal Than We Knew</i> , 173 Am. J. Psychiatry 1094 (2016).....	7
John Gramlich, <i>What the Data Says About Gun Deaths in the U.S.</i> , Pew Research Center (Apr. 26, 2023).....	7

**TABLE OF AUTHORITIES**  
(continued)

	<b>Page</b>
John Ingold, <i>How gun violence in Colorado hit a 40-year high, explained in six charts</i> , Colo. Sun (Apr. 6, 2023) .....	9
Monika K. Goyal et al., <i>State Gun Laws and Pediatric Firearm-Related Mortality</i> , 144 PEDIATRICS 1 (2019) .....	8
RAND Corporation, <i>The Effects of Minimum Age Requirements</i> (Jan 10, 2023) .....	7
<i>The Rise of Firearm Suicide Among Young Americans</i> , Everytown Research & Policy (Jun. 2, 2022) .....	7
Sriraman Madhavan et al., <i>Firearm Legislation Stringency and Firearm- Related Fatalities Among Children in the US</i> , 229 J. Am. Coll. Surgeons 150 (2019).....	8
U.S. Ctr. for Disease Control and Prevention, <i>Web-based Injury Statistics 1981-2020</i> .....	7

## STATEMENT OF INTEREST OF *AMICUS CURIAE*

March For Our Lives Foundation (“MFOL”) is a non-profit organization of young people from across the country that seeks to promote civic engagement in support of sensible gun regulation and give voice to those who have been harmed by gun violence. MFOL was formed in the wake of the February 14, 2018 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, where a gunman armed with an AR-15-style assault weapon murdered 17 people, including 14 high school students. MFOL immediately began organizing the largest single day of protest against gun violence in our nation’s history. Now, five years later, MFOL has established itself as one of the foremost authorities at the intersection of youth-led activism and advocacy for gun violence prevention, and thousands of young people have formed MFOL chapters across the country. In the nationwide effort to enact sensible gun regulation, MFOL serves as a platform for the indispensable voice of the younger generations, and is a key resource for those who want to see an end to gun violence in this country.

Although they did not ask for it, and although no one would have wished it upon them, today’s youth have obtained a unique perspective on the tragic scourge of gun violence in this country. Taking account of their voices and experiences is therefore vital to understanding the unprecedented nature of the problem, and to assessing the costs and benefits of measures that governments are attempting to

employ in response to it. As a platform for young people affected by gun violence, *amicus* MFOL is uniquely positioned to provide the Court with this important perspective.<sup>1</sup>

---

<sup>1</sup> Pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), *amicus* states that no counsel for a party authored any part of this brief, and no person or entity other than *amicus* and their counsel made a monetary contribution to the preparation or submission of this brief. All parties have consented to the filing of this brief.

## INTRODUCTION AND SUMMARY OF ARGUMENT

Colorado is no stranger to the “problem of handgun violence” plaguing the United States. *District of Columbia v. Heller*, 554 U.S. 570, 636 (2008). When introducing SB23-169 to the Colorado General Assembly, Representative Eliza Hamrick recounted her own experience as a public school teacher in 1999 when news of the Columbine school shooting broke. After “scores of parents swooped in to collect their students, those students who remained clustered around” her as she “tried to put on a brave face to support them.” For Representative Hamrick, “[t]hat was the beginning” of the harm—and particularly the harm on youth—that firearms have brought to her state.<sup>2</sup>

The Colorado General Assembly, in connection with passing SB23-169, recognized that gun violence has taken a disproportionate toll on youth. The legislature noted, among other alarming statistics, that 18- to 20-year-olds commit gun homicides at triple the rate of individuals 21 and older.<sup>3</sup> For these and other compelling reasons, Colorado enacted SB23-169, which restricts the purchase of firearms to individuals ages 21 and over.

This brief presents narratives of Coloradans who have been threatened by gun

---

<sup>2</sup> *House State, Civic, Military, & Veterans Affairs* (Mar. 20, 2023), <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20230320/-1/14339#agenda>.

<sup>3</sup> *Id.*



violence in their state. For these citizens, preventing gun violence is nothing short of an existential issue, and SB23-169 represents a step towards a safer existence. The stories highlighted here show the need for sensible gun control regulation consistent with constitutional limitations. SB23-169 accomplishes this goal by working in tandem with permissible sensitive-space restrictions under *Bruen* and *Heller* to ensure that young people can fully engage in civic society, without constant fear of gun violence.

## ARGUMENT

### I. ***BRUEN* ALLOWS COURTS TO TAKE CONTEMPORARY EFFECTS OF GUN VIOLENCE INTO CONSIDERATION WHEN EVALUATING AGE RESTRICTIONS ON GUN PURCHASES.**

The Supreme Court’s decisions in *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) acknowledge the ability of legislatures to regulate guns in certain contexts and for courts to consider the negative effects of gun violence in upholding certain gun regulations. *Heller* held that the individual right to keep and bear arms protected by the Second Amendment “was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Heller*, 554 U.S. at 626.

*Bruen* affirmed that Second Amendment rights are “not unlimited.” *Bruen*, 142 S. Ct. at 2128 (citing *Heller*, 554 U.S. at 626). In general, *Bruen* held that to

justify laws regulating conduct otherwise protected by the Second Amendment, “the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Id.* at 2126. But the Court recognized that “historical analogies” are not always “simple to draw,” especially in “cases implicating unprecedented societal concerns or dramatic technological changes.” *Id.* at 2132. Accordingly, what is “require[d is] only that the government identify a well-established and representative historical **analogue**, not a historical **twin**.” *Id.* at 2133 (emphasis added). For example, *Bruen* cited *Heller*’s “sensitive places” discussion to confirm that “courts can use analogies to [ ] historical regulations . . . to determine that modern regulations [concerning] analogous sensitive places are constitutionally permissible.” *Id.*; see also *id.* at 2157 (*Bruen* did not “disturb [ ] anything that we said in *Heller* . . . about restrictions that may be imposed on the . . . carrying of guns”) (Alito, J., concurring).

Courts are thus empowered under *Bruen* to consider the contemporary deleterious effects of gun violence that led to regulations designed to address those effects when evaluating their constitutionality. For the reasons set forth below, as well as those in Defendant-Appellant’s brief, Colorado may constitutionally regulate guns by restricting their purchase to those individuals over age 21.

## **II. GUN VIOLENCE, PARTICULARLY BY YOUTH AGAINST YOUTH, IS A CONTEMPORARY PROBLEM THAT DEMANDS ACTION.**

### **A. Gun Violence Poses a Significant Danger to Young People.**

Gun violence disproportionately affects young people, and firearms are the leading cause of death for children and teens.<sup>4</sup> Even beyond instances of mass violence, young people are disproportionately likely to be both the perpetrators and the victims of firearm violence in general. Firearms were involved in two-thirds of all youth homicides in 2020,<sup>5</sup> with most of these homicides committed by others in that age group: Youths ages 18 to 20 comprise just 4% of the U.S. population but account for 17% of known homicide offenders.<sup>6</sup> And youth-related firearm violence is on the rise; the homicide rate among young people increased 60% between 2014 to 2021.<sup>7</sup>

Additionally, suicide by firearm, especially in youth, is a prevalent problem that must be addressed. Firearm suicides rose sharply during the pandemic, with

---

<sup>4</sup> *Children and Teens*, Everytown Research & Policy, <https://everytownresearch.org/issue/child-and-teens/> (last visited Dec. 13, 2023).

<sup>5</sup> Charles Puzanchera, *Trends in Youth Arrests for Violent Crimes*, OJJDP National Report Series (Aug. 1, 2022), <https://ojjdp.ojp.gov/publications/trends-in-youth-arrests.pdf>.

<sup>6</sup> Chrissie Juliano, *BCHC urges adoption of bipartisan gun safety legislation*, Big Cities Health Coalition (June 14, 2022), <https://www.bigcitieshealth.org/bipartisan-gun-safety-legislation>.

<sup>7</sup> Brian Tsai, *Suicide and Homicide Rates Increase Among Young Americans*, NCHS: A Blog of the National Center for Health Statistics (June 15, 2023), <https://blogs.cdc.gov/nchs/2023/06/15/7396/>.

suicides accounting for more than half of U.S. gun deaths in 2021.<sup>8</sup> Firearm suicide makes up over one-third of all gun deaths for people aged 10 to 24 and nearly half of all suicides among young people.<sup>9</sup> Suicides account for a higher percentage of deaths for 15- to 24-year-olds than for older age groups,<sup>10</sup> and 50-60% of all firearm suicides by youth under the age of 21 involve a handgun.<sup>11</sup>

Access to firearms is a significant contributor to youth suicide rates. When firearms are used in a suicide attempt, the odds of the person fatally completing the suicide are 140 times greater than if they had used other common methods.<sup>12</sup> 85% of suicide attempts with a firearm are fatal, while most other widely used methods to attempt suicide have a fatality rate of about 5%.<sup>13</sup> Ultimately, gun violence perpetrated by young people—against both each other and themselves—is a public

---

<sup>8</sup> John Gramlich, *What the Data Says About Gun Deaths in the U.S.*, Pew Research Center (Apr. 26, 2023), <https://www.pewresearch.org/short-reads/2023/04/26/what-the-data-says-about-gun-deaths-in-the-u-s/>.

<sup>9</sup> *The Rise of Firearm Suicide Among Young Americans*, Everytown Research & Policy (Jun. 2, 2022), <https://everytownresearch.org/report/the-rise-of-firearm-suicide-among-young-americans/>.

<sup>10</sup> U.S. Ctr. for Disease Control and Prevention, Web-based Injury Statistics 1981-2020, <https://webappa.cdc.gov/sasweb/ncipc/leadcause.html> (database updated Nov. 2023).

<sup>11</sup> RAND Corporation, *The Effects of Minimum Age Requirements* (Jan 10, 2023) <https://www.rand.org/research/gun-policy/analysis/minimum-age.html>.

<sup>12</sup> J. Michael Bostwick et al., *Suicide Attempt as a Risk Factor for Completed Suicide: Even More Lethal Than We Knew*, 173 *Am. J. Psychiatry* 1094, 1098 (2016).

<sup>13</sup> Harv. T.H. Chan School of Pub. Health, *Firearm Access is a Risk Factor for Suicide, Means Matter*, <https://www.hsph.harvard.edu/means-matter/means-matter/risk/> (last visited Dec. 5, 2023).

health crisis, one that has steadily increased since the mid-2010s, and has soared to an exponentially high rate of destruction since the pandemic.

Studies show that increasing the age at which one can purchase firearms decreases suicide and homicide rates among 18- to 20-year-olds.<sup>14</sup> In general, as States' firearm laws strengthen, firearm related mortality rates in children decrease.<sup>15</sup> Conversely, states with the most relaxed firearm regulations have almost twice the firearm mortality rate among children and young adults as compared with states with the most restrictive laws.<sup>16</sup> Additionally, studies have shown that the availability of guns for young people is positively related to the propensity of juveniles to commit crime.<sup>17</sup> To protect the futures of young people, it is crucial to safeguard the weapons that have robbed so many of safe and healthy lives.

Colorado's age minimum law is a common-sense solution to mitigate some of the worst problems of the gun violence crisis – a crisis from which Colorado itself has seen some of the absolute worst impacts. Starting at Columbine in 1999, it

---

<sup>14</sup> Daniel Webster et al., *Association Between Youth-Focused Firearm Laws and Youth Suicides*, 292 JAMA 594, 598 (2004) (showing that state laws raising the minimum legal age to purchase a handgun to 21 were associated with a 9% decline in firearm suicide rates among 18- to 20-year-olds.)

<sup>15</sup> Monika K. Goyal et al., *State Gun Laws and Pediatric Firearm-Related Mortality*, 144 PEDIATRICS 1, 3 & tbl. 1 (2019).

<sup>16</sup> Sriraman Madhavan et al., *Firearm Legislation Stringency and Firearm- Related Fatalities Among Children in the US*, 229 J. Am. Coll. Surgeons 150, 152 (2019).

<sup>17</sup> H. Naci Mocan & Erdal Tekin, *Guns and Juvenile Crime*, 49 J. of Law and Econ. 507, 510 (2006).

includes Arapahoe High School, Aurora, King Soopers, STEM School Highlands Ranch, Club Q, and innumerable others: the Colorado Sun reported that in 2021, 18.2 people per 100,000 died in Colorado from gunshot injuries, a 41 year high in the state.<sup>18</sup>

Colorado's law is a relatively limited provision, similar to public and private restrictions on alcohol, renting cars and hotel rooms, and tobacco, that takes into account the particular risk-taking nature of young people, and imposes access restrictions for the benefit of young people and society as a whole.

**B. Stories from Gun Violence Survivors Make Clear the Need for Colorado's Age Based Purchase Restriction.**

Too many young people have had the devastating, life-altering experience of losing friends and family members to mass shootings committed by adolescents and young adults under the age of 21. Countless more live under the constant sense of unease and fear that lingers over those who live in an atmosphere of pervasive gun violence. *Amicus* shares the following stories of individuals affected by mass shootings committed by late adolescents aged 18 to 20 to make clear the extreme harm caused by these shootings, and the importance of Colorado's law to keeping young people safe from harm.

---

<sup>18</sup> John Ingold, *How gun violence in Colorado hit a 40-year high, explained in six charts*, Colo. Sun (Apr. 6, 2023), <https://coloradosun.com/2023/04/06/colorado-gun-violence-explained-charts/>.

**1. Zachary Martin**

Zach Martin, now a 39-year-old teacher, always envisioned himself being a Columbine Rebel. Ever since he moved to Littleton, Colorado in the first grade, he has been involved in the community. The people he went to elementary school with are still his close friends, he played soccer, his mom was a substitute teacher, and he could see Columbine, the neighborhood school, from his backyard, resting on top of a hill.

Zach doesn't remember the morning of April 20, 1999 exactly, but he has a pretty good sense of what he did: he probably was late, sprinting out the door and up the hill for his first class. People were excited; prom had just happened, finals loomed, and the warm weather of late April signaled the promise of summer vacation – Zach, 15 at the time, was reaching the end of his freshman year at Columbine. Zach was in his art class when he began to see kids run out the door past him. Suddenly, the fire alarm began to scream in his ears, and as his class debated about bringing their backpacks with them in what they thought was certainly a drill or prank, a student who was running out the door stopped by the room to say that whatever was going on was real. Luckily, Zach's room was on the other side of the building from the cafeteria, but as his class safely left the building, he quickly realized the student was all too right: students streamed out the front doors, bleeding, carrying each other, with shattered glass on the ground and murmurs of gunshots.

They evacuated to the park next to the school with rumors flying about a gang fight as “policeman after policeman after policeman” began to roll in. At first, Zach was anxious about potentially having an unexcused absence in his next class. When he was finally told to go home, he realized that something much bigger was happening. As police cars pulled up and the road to his house was blocked off, Zach and his friends hopped fences to get to his house, where his mom ushered them inside. In the era before cell phones and social media, Zach’s home soon turned into an impromptu meeting place for kids fleeing the school. Eventually, around 30 kids ended up there, calling their parents to tell them they were safe and watching the news, featuring footage from a helicopter flying above Zach’s house. As a helicopter flew above them, students lined up to call their parents and tell them they were alright. Zach could hear gunshots from his backyard.

Zach’s sister Sarah, was a senior at Columbine High School. Her class barricaded themselves into their teacher’s office and stayed there for four to six hours, unable to communicate with their families. That was the worst part of the day for Zach – sitting at home, not knowing about her whereabouts or fate, waiting to hear that she was safe.

As Zach processes that event today, now a history and psychology teacher at Columbine, he has survivor’s guilt about being able to walk out thinking it was a fire drill when so many didn’t have that same opportunity, each of them having a



different experience of the shooting, including his own sister. The next several weeks afterward were a blur of anger, confusion, and chaos. He remembers how much the community came together, attending funerals and community events and vigils. He remembers wanting to forget about it, wanting to be a normal 15-year-old again. One of the only places he felt at home was back at Columbine with his friends – somewhat ironically, after the shooting, the school was one of the only places he felt safe and comfortable, with the people who didn't have to talk about it because they implicitly understood, and teachers who vowed to put off retirement to get through the next several years with every class who experienced the shooting.

Now, as a teacher at Columbine, he loves the community. In many ways, the shooting has made the school come together as a family. One part of that is a state-recognized day of community service on April 20<sup>th</sup> every year, embodying the best of humanity in response to the worst of it.

Over the last several years, as a survivor, educator, and now father, whose 6-year-old has already experienced three lockdowns, Zach has become involved in advocating against gun violence. When the shooting happened, it felt like a natural disaster, random and unstoppable; mass shootings today, especially Uvalde, feel like a preventable failure. He “dreams of a day without lockdown drills” where schools can be a place of safety and support, not a target.

Zach is proud of the steps Colorado has taken to make the state safer from gun violence, although he wishes it happened a long time ago. The 17 and 18-year-olds he teaches are smart and capable, but they are also impulsive, especially under duress. Guns bring out the worst of this impulsivity, and as an educator and survivor, he questions how we are able to live with that as a society if we are not willing to enact common-sense reforms. Zach believes that age minimum laws have real potential to protect young people’s lives, stating that “nothing in my mind supersedes the lives of our young people, so anything we can do to protect them, I think we should take those steps.”

## **2. Tom Mauser**

Tom Mauser, now 71, tends to measure his life in two distinct parts: before and after the Columbine tragedy. He moved to the Columbine area in 1987 and still lives in the same home he purchased in 1991. He and his wife, Linda, have been married for 42 years, and they had three children together—their oldest, Daniel; Christine, who is two years younger; and Madeline, who was adopted in 2000.

Daniel Mauser was a “sweet little kid.” A reserved, introverted child growing up, he liked to read and played piano and video games. Though he struggled academically in middle school, he studied with his mother until, by the time he was a sophomore at Columbine High School, he had become a straight-A student. While he wasn’t necessarily the most athletic, he chose to join the cross country team in

high school and continued practicing with them despite never making the competitive team. And, despite being shy, Daniel decided to join the debate team, eventually becoming one of the better debaters at Columbine High School. That's what Tom admired most about his son: that "he was a kid that wasn't afraid as a teenager to hug his mother," and that he wasn't afraid to do the things that he wasn't naturally good at.

Daniel was only 15 years old when he died after being shot in the head at Columbine.

Around noon on April 20, 1999, Tom prepared to leave his office for a conference in a nearby town. As he got ready to leave, a fellow employee came in and started asking him questions: whether he had children, whether he lived in south Jefferson County. Whether he had any kids at Columbine High School. When Tom answered yes to all three questions, he was brought to the conference room, where people had gathered to watch the news on the TV. Tom watched coverage about something occurring at Columbine and saw images of students running away from the high school.

But as Tom sat there, he wasn't all that worried. He knew that sweet, introverted Daniel would never be involved in something bad. And with 2,000 students at Columbine, what were the odds that Daniel would get caught up in something anyway? Even as Tom heard from Linda that she couldn't find Daniel at

the elementary school they were evacuating students to, Tom wasn't afraid. Eventually, his colleagues convinced him to remain at home and check on the situation, and Tom joined Linda to wait for their son at the elementary school. Daniel still hadn't arrived.

Tom waited. After a while, the workers at the school told him there was one last school bus transporting kids they had evacuated from Columbine High School. Tom waited and waited, but no school bus ever came. Then, someone asked the parents who were still waiting, whose kids were not yet accounted for, to step into a room. There were counselors inside. A teenager ran into the room, and Tom overheard them saying that around twenty kids had been shot. When Tom heard that, he froze—it had been the first time he'd heard of any victims, of any deaths, and he couldn't believe what was going on. After that, he left. He wanted to be with his family.

Later that night, the police called and asked what Daniel was wearing. Then, they called again to ask for Daniel's dental records. Tom struggled to hold onto hope after hearing those questions. However, the police mentioned that they couldn't enter the school for fear of bomb threats, and Tom wondered if Daniel was simply tucked away in a room somewhere. If he was just hiding. Tom went to bed that night not knowing whether his son was dead or alive.

At noon the next day, the police called and let Tom know that Daniel was one of the victims of the Columbine tragedy. It was, Tom recalls, the worst 24 hours of his life. Tom drifted through the next few days in a state of shock. “You just don’t expect to have your child murdered in their school,” he says. He doesn’t know how his family made it through that first week. One of the worst parts, perhaps, was how many flower arrangements were sent to his home. They filled his living room to the point that Tom started having to give them away, and Tom did not like how their smell permeated the air, transforming his house “into a funeral home.” It disturbed him. On some level, he still wanted to deny that his son was dead and that there would have to be a funeral. He recalls feeling torn between wanting to reflect on Daniel’s life with the family around him and sitting in his disbelief—“My god. My son has been murdered.”

The Mauser family had eaten together at the dinner table every night. Two weeks prior to the tragedy at Columbine, Daniel had asked Tom a question: “Dad, did you know there are loopholes in the Brady bill?” “Ah, I didn’t know that, Daniel,” Tom had said, and the discussion had ended there. To this day, Tom wonders if his lack of interest shown had shut Daniel down and killed the conversation, mere weeks before a gun purchased through that very loophole had ended Daniel’s life. His son’s question rings in his head to this day.

Ten days after the tragedy at Columbine, a friend asked Tom if he was going to the protest at the National Rifle Association's national convention, held in Denver that year. Tom decided he would. He went to a sign shop and had a poster made with a picture of Daniel and the sentences, "My son Daniel died at Columbine. He'd expect me to be here today." Though Tom was utterly unprepared for the level of public attention he'd receive afterward, he felt it was something he needed to do in order to follow up on Daniel's question to him. After that, Tom became a lobbyist for a newly formed organization called Safe Colorado, advocating for gun safety bills in the Colorado state legislature. When none of their proposed laws passed, his organization decided to put the "gun show loophole," through which guns purchased from unlicensed dealers are not subject to background checks, on the ballot. Tom became the spokesperson for the referendum effort. By a 70-30 majority, Colorado voters closed the loophole. It was "the most pleasing thing in his life," Tom said, because he "did that for Daniel."

But beyond that, Tom didn't see much progress occurring after Columbine. Of course, he heard people say that Columbine changed minds about gun safety laws across the country, but he didn't feel its impact at the legislative level. He feels that that change is happening today, but he firmly believes there's still more to be done.

Tom does not believe that 18- to 20-year-olds should have the ability to carry guns in public. He thinks about how the Columbine perpetrators, then both 17,

enlisted their 18-year-old friend to go to the gun show with them and purchase firearms on their behalf. He thinks about the too-numerous, too-frequent mass shootings he’s heard about in the decades since, a majority of which are committed by 18, 19, and 20-year-olds. In fact, he helped advocate for the passage of the law being challenged today because he feels that 18- to 20-year-olds are not emotionally mature enough to wield lethal weapons—especially not without consistent adult supervision—in public. He distinguishes emotional development from intelligence or driving skills, and recognizes that with teenagers who can get easily upset and encounter problems at school or relationship issues, the presence of a firearm can make the situation significantly more dangerous. Tom believes that for the state to reduce gun violence, it must reasonably regulate those who are most likely to be dangerous with a weapon.

### **3. Alison Winn**

At 44 years old, Alison has lived in Colorado for all but one year of her entire life. Born and raised in Littleton, CO, she recounts her community as “All-American,” deeply rooted in tradition and school spirit — everyone knows everyone and the stands are always packed at sporting events for Arapahoe High School. Arapahoe High School is a big part of Alison’s life – it is where she went to high school, where she has been teaching U.S. History and American Government for the last fourteen years, and where her 14-year-old daughter is currently a freshman.

Unfortunately, Arapahoe High School, the place where Alison grew up and is so central to her family, became a place of horror on December 13, 2013 when an 18-year-old high school senior brought a shotgun into the school.

Friday, December 13, 2013 was the last day of school before final exams the following week, and that morning Alison had her government studies classes doing final presentations. After lunch, around 12:30 p.m., Alison had just started an off-hour and was in the social studies office grading papers when she heard a loud yet unrecognizable noise emanate from the hallway. Initially, Alison believed the sound to be from a locker door slamming, but the moment she heard the second gunshot, she and her colleagues in the social studies office knew it was gunfire. Complete panic set in.

Alison's initial bodily response was to get out of there as fast as she could. She ran to the door of the office and swung it open, hoping to flee into the hallway and out the side exit doors of the school. A veteran teacher, Mrs. Gerlich, saw her in the hallway and yelled at Alison to get into the office and into lockdown mode. Alison was ushered into the small closet in the office with five other teachers, one student, and a football helmet salesperson. As they huddled together, one of the teachers recounted seeing the boy with the gun just moments before and tried to make sense of what she saw and whether the boy was headed in their direction. The



PA system finally kicked in, telling the school that “this is not a drill” and to enter lockdown mode.

They waited in fear and agony for about two hours in that office, uncertain as to whether the shooter had been apprehended yet, what damage he caused, and whether they were safe. Finally, they heard a loud pounding on the door with people shouting at them to open the door. Safety training dictates that they do not open the door, so they refused. The police were able to open the door with a key and pointed firearms at the group while screaming at Alison and her cohorts to put their hands above their head and walk out of the school. They were directed to the track outside where waves of students were also led to by gun-wielding officers.

Finally, the police told Alison she could leave, but as her car was stuck at the school, she walked to a nearby neighborhood where her brother’s girlfriend lived. Luckily, Alison had her phone and was able to let her husband and family know she was okay and let her husband know to pick up her then 4-year-old daughter and 2-year-old son from daycare. That evening, Alison was in complete shock. She watched the news and saw her own school on the national NBC nightly news. She was able to piece together the story of what happened that day – in a matter of 1 minute and 20 seconds, the 18-year-old shooter had entered the school, fired a shotgun five times, killing 17-year-old senior Claire Davis before killing himself in the school’s library.

The next few days were the hardest – the weight of what happened hit Alison, and when Claire died of her wounds four days later, the tragedy and pain was taken to a whole new level. Finals were canceled and winter break was extended to give students and teachers time to acclimate to the idea of going back into the school where so much trauma had happened. The next semester was very difficult, especially for the graduating class after losing one of their own. Even now, ten years later, the tragedy still affects Alison. She still deals with extreme anxiety, a constant fear of gun violence, and an ongoing frustration and anger that more is not being done to stop this violence. While the media and nation might have moved on to other shootings, the community at Arapahoe and Littleton still grapple with what happened that day. Alison’s trauma is rekindled at every news alert of a school shooting, which happens with increasing regularity. Alison’s daughter now attends Arapahoe, which adds a new level of anxiety for her – what if another shooting happens and she cannot get to her daughter?

The shooter was an 18-year-old high school senior who legally purchased the shotgun he used to kill Claire and himself. Alison often teaches seniors and loves her students like her own children but knows that even the most mature, responsible, and brightest 18-year-olds in her classroom are nowhere near ready to have firearms. Alison sees firsthand that these students, due to a not-fully-developed prefrontal cortex, are still very much in an adolescent mindset, think they are invincible, and

don't understand long-term consequences. Often, they do not realize a social media post can come back to haunt them and affect their futures; they are certainly not ready to have access to a weapon that could kill someone. When asked whether 18-year-olds should have access to firearms, Alison says, "No. Absolutely not."

For the grief and fear she feels and grapples with every single day, for the collective and lasting trauma of her community, for the next communities that will have to learn all too well the terrors of a mass shooting, and to protect young people from something they can never take back, Alison tells her story over and over again to anyone who will listen. Alison would be angry and frustrated if Colorado's law is overturned. What happened at Arapahoe clearly shows the tragedy that results when youth are allowed to purchase firearms.

#### **4. Kaviya Barathi Chidambaram**

Kaviya Barathi Chidambaram is an 18-year-old first-year at Colorado College, who was born and raised in the state. She grew up in Broomfield, outside of Denver. Kaviya describes Broomfield as a "really tight-knit community," where the mayor would attend the homecoming rally at Broomfield High School. She was the student body president, felt like she knew everyone, and most of the school would spend their Friday nights cheering on their football team.

Despite her connection and community, there were still times that Kaviya felt unsafe at school. Although she never had active shooter drills, they had lock-downs

and lock-ins. Once, the alarm was set off accidentally, and she, along with the rest of the students and parents, thought there was an active shooter in the school. Another time, there was a rumor her senior year that another student was going to shoot up a homecoming pep rally. Kaviya, along with many other students, chose not to go, and although nothing happened, the threat loomed partially in their proximity to the STEM School Highlands Ranch shooting, where in 2019 one student was killed and eight others injured.

Now a freshman at college, Kaviya loves going to school: she likes how small Colorado College is, how open the affinity groups are, and enjoys getting to know the shared identities she has with other students. But the thoughts of guns on campus, especially wielded by other students, scares her. She thinks back to when she was in high school, and how by the end of their senior year, most of the class was 18, and the thought of her classmates possessing a gun, or even bringing a gun they could legally buy to school, terrifies her. Now at college, she's witnessed firsthand the poor choices her classmates have made, especially intoxicated, with far less deadly weapons, like sticks, tasers, and pocket knives, and doubts the ability of other young adults to make wise decisions with weapons on their shared campus.

Kaviya's feeling of physical safety is of the utmost importance to her. In her words, feeling safe is "extremely important. This [college] is where I live, and my home, and where I go to school, and where everyone who is most important to me

is.” Feeling safe is fundamental to her education, to being able to enjoy school, and to being safe. The idea of other 18- to 20-year-olds being able to purchase guns, and potentially bring them on campus, is terrifying to her. The possibility of another student bringing a gun into her dorm, being intoxicated and getting into an argument with guns involved, or open carrying on campus would make being at school untenable. She said “if I see someone open carrying on campus, I’m not going outside.” She’s not willing to put her safety on the line to see if someone has the right state of mind to be carrying a gun – especially an 18- to 20-year-old.

Kaviya got involved in gun violence prevention activism back in middle school; in eighth grade, her school had a walk-out after the Parkland shooting, and got involved in a local chapter of March for Our Lives, eventually joining the state board. As a student activist, she knows that herself and other young people will be the leaders of tomorrow but are being impacted by gun violence today. Between the STEM high school shooting, the King Soopers grocery store shooting, the Club Q shooting, Aurora, Columbine, and countless others both in her state and across the country, she grew up knowing about the threat facing her in her home state alone. Kaviya’s perspective on gun violence was also shaped by the Parkland shooting – it shaped gun violence around her sense of safety at school, and it made her realize how real the threat is.

Kaviya was so glad to see the work that the state of Colorado did to pass common sense gun laws over the summer: it makes her feel safer, and she feels better about living in Colorado. She wants to tell the Court, as someone between the ages of 18 and 21, that no one else is better suited to answer if her own age group should have ready access to guns, and she believes her peers should not.

### CONCLUSION

For the foregoing reasons and those advanced by Defendant-Appellant, the decision below should be reversed.

Respectfully submitted,

Dated: December 14, 2023

By: /s/ James C. Dugan

James C. Dugan  
WILLKIE FARR & GALLAGHER LLP  
787 Seventh Avenue  
New York, NY 10019  
Telephone: (212) 728-8654  
jdugan@willkie.com

*Counsel for Amicus Curiae*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2023, I electronically filed the foregoing using the court's CM/ECF system, which will forward a copy to all counsel appearing in this case.

Dated: December 14, 2023

/s/ James C. Dugan  
James C. Dugan

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS**

1. This document complies with the word limit of Fed. R. App. P. 29(a)(5) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 6,319 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. 32(a)(6) because this document has been prepared in a proportionally spaced typeface setting using Microsoft Word in size 14 font and Times New Roman style.

Dated: December 14, 2023

/s/ James C. Dugan  
James C. Dugan