



U.S. Department of Justice

Criminal Division

Appellate Section

Washington, D.C. 20530

August 31, 2022

Hon. Lyle W. Cayce, Clerk
United States Court of Appeals for the Fifth Circuit
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130

Re: *United States v. Rahimi*, No. 21-11001
Oral argument held Aug. 30, 2022

Dear Mr. Cayce:

Pursuant to Rule 28(j), the United States respectfully submits citations to the colonial statutes discussed at yesterday's oral argument, some of which were not cited in the government's supplemental brief.

Before 1791, four colonies or states codified the common-law prohibition on going armed offensively in a threatening manner and authorized arrest of those who did so. *See* 1 Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay, 52-53 (1869) (1692 statute); Acts and Laws of His Majesty's Province of New-Hampshire: In New-England; with Sundry Acts of Parliament 17 (1771) (1701 statute); 1 Laws of the State of North-Carolina, including the Titles of Such Statutes and Parts of Statutes of Great Britain as Are in Force in Said State 131-32 (1821) (1741 statute); Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force 33 (1794) (1786 statute).

The above statutes from Massachusetts Bay and New Hampshire also required the offending person to find sureties of the peace or good behavior. And those two statutes, plus the Virginia statute, required forfeiture of the offender's weapons.

Three additional colonies (plus Virginia after independence) codified the common-law surety system before 1791. *See* 2 Statutes at Large of Pennsylvania from 1682 to 1801, pg. 23 (1896) (1700 statute); 1 Laws of the State of Delaware from the Fourteenth Day of October, One Thousand Seven Hundred, to the Eighteenth Day of August, One Thousand Seven Hundred and Ninety-Seven 52 (1797) (1700 statute); Acts and Laws of His Majesties Colony of Connecticut in New-England 91 (1901) (1702 statute); 13 Statutes at Large; Being a Collection of All the Laws of Virginia, from the first Session of the Legislature, in the Year 1619, pg. 41 (1823) (1789 statute). Maryland's 1776 Declaration of Rights also assumed the common-law surety system in its section on oaths. 1 General Public Statutory Law and Public Local Law of the State of Maryland, from the Year 1692 to 1839 Inclusive: With Annotations Thereto, and a Copious Index, pg. xxx (1840).

Respectfully submitted,

s/William A. Glaser

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2022, I electronically filed the foregoing document with the United States Court of Appeals for the Fifth Circuit using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ William A. Glaser
WILLIAM A. GLASER