



TESTIMONY OF DUDLEY BROWN

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BEFORE THE U.S. SENATE COMMITTEE ON HOMELAND SECURITY &  
GOVERNMENT AFFAIRS HEARING ON “THE SECOND AMENDMENT”

342 DIRKSEN SENATE OFFICE BUILDING

APRIL 15, 2026

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Chairman, Ranking Member, and Members of the Committee —

My wheelhouse is the Second Amendment; it is my life’s work and I am thankful to have been given the opportunity to champion gun rights as a career for the last 33 years.

But a few months ago, a man was shot and killed at a protest in Minnesota. Now, I am not here to litigate Alex Pretti's actions, whether the shooting was legally justified, or to endorse the politics of the protest he attended. I suspect he and I would have agreed on very little – that is not my concern today. My concern is what the current administration said afterward.

In the 33 years representing gun owners in state legislatures and the federal government, what is the tool I’ve relied on to preserve firearms freedoms? Easy. The First Amendment.

Today, I find it prudent to speak on the intersection of the First and Second Amendments, and the reason is simple: we as a nation have never seen these rights as wholly separate. The First Amendment is *how* free people speak to power. Americans have shown since the founding they will tolerate being governed, but not being ruled.

That is the arrangement that makes this country different from every other on earth — and it is precisely why an attack on the right to bear arms at a lawful public assembly is not a Second Amendment problem alone. It is an attack on the entire architecture of American liberty.

Before I go further, let me disavow the notion that this is a partisan issue. Regardless of the drastic changes of party control over the White House and the two legislative

chambers, the one constant is that all those in power must be reminded that a civil right is in place to protect all the people, regardless of their politics, their race, their creed.

That is what is happening here. Consider what was actually said by officials from the administration. The President of the United States said 'You can't have guns. You can't walk in with guns.'<sup>1</sup> The FBI Director remarked you simply cannot bring a firearm to a protest.<sup>2</sup> And the former Secretary of Homeland Security said 'I don't know of any peaceful protester that shows up with a gun and ammunition rather than a sign.'<sup>3</sup>

That last statement is the most revealing. Secretary Noem was not citing law. She was declaring a worldview — that carrying a firearm is inherently incompatible with peaceful assembly. It is a worldview the Founders would not have recognized. Just before the Second Amendment was ratified, six of the thirteen colonies did not merely permit citizens to carry firearms to public assemblies — they required it. The generation that wrote 'the right of the people peaceably to assemble' looked at an armed citizen in a crowd and did not see a threat to the peace. They saw its guarantee.

The argument being made implicitly is that you may have a Second Amendment right and a First Amendment right, but not both at once. Choose one. And if you choose wrong, don't be surprised if federal agents unceremoniously snatch one or both of those rights.

Several states today forbid the carry of firearms at public demonstrations. Those laws deserve scrutiny not only on constitutional but also on historical grounds. Their roots trace directly to the Black Codes.

A law conceived to control a people does not become legitimate simply because time has passed and the target has changed. The states that enacted them were not concerned with public peace, but with public control.

Each party has the same capacity for authoritarianism as the other side when it serves their short-term interests. So, I will ask the members in this room directly: is this the precedent we intend to set? That officials can decide, after the fact, that a citizen had no right to carry because the administration disliked his politics? That is not a legal conclusion. That is a rationalization.

There is no textual, historical, or traditional basis for the proposition that Americans must choose between their First and Second Amendment rights. You do not forfeit one by exercising the other. These rights are not in competition. They are the same right expressed twice. An armed people is a people whose assembly the government must take seriously. A disarmed people protest at the government's pleasure.

The Second Amendment does not exist in isolation. It exists to ensure that all the others remain meaningful. The Founders understood that. The statements made by this

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<sup>1</sup> Liz Landers and Joshua Barajas, "You can't have guns. You can't walk in with guns," Trump says of Alex Pretti killing, PBS News, Jan. 27, 2026, <https://bit.ly/4bLerUb> (last accessed Feb. 9, 2026).

<sup>2</sup> Bill Hutchinson, 2nd Amendment backlash follows portrayal of Alex Pretti by some Trump administration officials, ABC News, Jan. 27, 2026, <https://bit.ly/3MBTqB7> (last accessed Feb. 10, 2026).

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

administration suggest they do not. The members of this committee have the standing, the authority, and the obligation to say so. I hope they find the courage to use it.

On behalf of the millions of members of my organization, who take this very seriously, let me thank you for your time.

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