

The Second Amendment

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GUN OWNERS OF AMERICA

The only no-compromise gun lobby in Washington

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Introduction

Chairman Paul, Ranking Member, members of the committee—thank you for the invitation. My name is Erich Pratt. I serve as Senior Vice President of Gun Owners of America, and I represent more than two million Americans who believe the Second Amendment means exactly what it says.

The Second Amendment declares that a “well regulated militia” is “necessary to the security of a free state.” That language is not accidental, nor is it merely historical—it reflects a foundational principle of American government. The Founders understood that a free society depends not on a permanent, centralized force, but on a capable and armed citizenry. As the Supreme Court explained in *District of Columbia v. Heller*, an armed people were considered necessary not only to repel invasions and suppress insurrections, but also because an armed populace is “better able to resist tyranny.”

In other words, the right to keep and bear arms is not just about individual self-defense—though it certainly includes that—it is a structural safeguard to ensure that the people remain sovereign. It ensures that power ultimately remains with the people, not solely with the government.

For that reason, any federal policy or administrative action that weakens the ability of law-abiding citizens to exercise this right does more than burden individual liberty—it undermines the very security the Second Amendment was designed to protect. And as this Committee evaluates matters relating to homeland security, it is essential to consider whether federal policies are reinforcing—or eroding—the constitutional framework that keeps the people, and therefore our nation, free.

This testimony begins by exposing the dangers of federal gun owner recordkeeping and the urgent need for Congress to eliminate the *de facto* registry being maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). It then outlines the constitutional and practical necessity of nationwide concealed carry reciprocity to ensure Americans do not lose their rights when crossing state lines. Next, it examines how current federal gun policies are undermining the security of a free state by shifting power away from the citizenry. It also highlights Gun Owners of America’s decades-long record of successfully fighting back against federal attacks on the Second Amendment. Finally, it turns to the states, where GOA continues to secure critical courtroom victories against aggressive local and state gun control measures.

But first, I commence with the ATF registry of gun owners’ names.

Eliminate ATF's Registry of Gun Owners

In 2021, GOA uncovered that the Biden administration had accumulated 54 million gun owner records in one year alone.¹ Rep. Michael Cloud (R-TX) then took our information,² and with 51 other Representatives, demanded an accounting from the ATF.³ Well, what they got back was far beyond what we could have imagined.

Biden's ATF admitted they had amassed almost one billion records of gun owners. And 94% of them are already in digital format. This is gun owner registration, pure and simple. And it's a violation of federal law.⁴ Congress needs to take action by passing the Cloud-Risch legislation (H.R. 563/S. 119), which would demand the destruction of these lists. And then, we would implore Congress to defund and dismantle the ATF, by passing H.R. 221.

This is not the first time the ATF has been caught illegally retaining gun owners' names.⁵ Currently, when Americans purchase guns from a dealer, they fill out a 4473 form, which contains all kinds of information about the gun buyer—their name and address, along with the type of gun that they bought.

This is a recipe for abuse, and we witnessed that abuse during the previous administration, when Biden's ATF attempted to ban up to 40 million pistols that contain stabilizing braces.⁶ These guns were approved at one time by the ATF, but by a stroke of the pen, Biden did an about-face—issuing an Executive Action banning these firearms without Congress taking action.⁷

Of course, Gun Owners of America—along with several other groups—challenged this rule. And thankfully, we were able to secure injunctions and eventually the rule was vacated.⁸ These victories were very important. Had the rule remained in place, the ATF would have been able to determine where every single one of those millions of firearms were because of the 4473 forms—and because of purchase orders the agency could obtain.

¹ <https://www.foxnews.com/politics/gun-rights-atf-accuses-agency-illegal-gun-registry>

² <https://www.gunowners.org/wp-content/uploads/GOA-ATFs-Illegal-Gun-Owner-Registry.pdf>

³ <https://cloud.house.gov/posts/congressman-cloud-leads-effort-opposing-unconstitutional-gun-registry>

⁴ 18 U.S. Code § 926 (a)(3)

⁵ <https://www.gunowners.org/oped08092016b>

⁶ <https://www.gunowners.org/goa-and-texas-ag-paxton-file-suit-against-atf-pistol-brace-rule/>

⁷ <https://www.justice.gov/archives/opa/pr/justice-department-issues-proposed-rule-and-model-legislation-reduce-gun-violence>

⁸ <https://x.com/GunOwners/status/1801305291205529750?s=20>

This could have been a confiscation list—and this is why Congress needs to order these records to be destroyed.

Federal retention of gun records is NOT keeping Americans safe

One key record the ATF requires firearms dealers to maintain is the “Firearms Transaction Record,” or ATF Form 4473. It includes identifying information on every person who buys a firearm from a licensed dealer.

The ATF considers these records valuable, under the thinking that they allow the federal government to trace the ownership of firearms. So for the first 17 years after the Gun Control Act of 1968, the ATF actually required dealers to keep these transaction records permanently. But that changed in 1985—for good reason.⁹

In 1985, ATF concluded that its original policy of permanent retention for out-of-business records was unsustainable. Citing “ever-increasing storage costs” and its own internal study on the limited usefulness of older records, ATF switched to a 20-year retention period.

The data simply didn’t support keeping these records forever.

ATF determined that, after roughly 15 years, the chance of a successful firearms trace drops sharply. In fact, what ATF claims are “crime guns” are not necessarily guns used in crime. It can be something as innocuous as local police running a trace on a firearm possessed by a person pulled over for speeding, where the gun was not used in a crime.

Even fresh traces have limited value, and even then, the agency cannot tell us how often those traces actually result in criminal prosecutions. In fact, ATF has admitted:

“The NTC [or National Tracing Center] has no ability to determine the successful prosecution of hundreds of thousands of crime gun traces it completes annually, nor does it have any way to link a trace for a specific prosecution for a particular year.”¹⁰

There is no solid evidence that this system meaningfully helps to solve crimes. At best, a trace only identifies the original buyer at the point of sale—not the person who

⁹ 50 FR 26704

¹⁰ <https://www.gunowners.org/wp-content/uploads/Rep.-Cloud-Asks-ATF-For-OBR-Update-Letter-on-2.14.25.pdf>

ultimately used the firearm in a crime. Most of the time, guns used in crime are stolen, or purchased illegally—i.e., not acquired at licensed gun dealers. And as the records get older, their purported usefulness keeps declining.

So if these records are not reliably helping law enforcement solve crimes, then the real question is this: what exactly are they accomplishing?

Registration to Confiscation

History shows repeated cases where gun registration paved the way for confiscation. Examples from the past century include Greece, Ireland, Jamaica, and Bermuda.¹¹ In more recent times, the governments of Australia¹² and Venezuela¹³ carried out large-scale firearm confiscations. And Canada is now threatening to use its registry to do door-to-door confiscations.¹⁴

But the most severe examples occurred in countries like Turkey, China, Germany, Guatemala, Uganda, Cambodia and the Soviet Union—where strict gun control laws (including gun owner registration) were implemented prior to the genocides that were committed in each of these countries.¹⁵

Lest one think that registration-to-confiscation is simply an “other world” problem, we need to look no further than within our own borders. In the mid-1960’s, when officials in New York City began registering long guns, they promised they would never use such lists to take away firearms from honest citizens. But in 1991, the city banned (and soon began confiscating) many of those very same guns.¹⁶

In 1992, a New York City paper reported that, “Police raided the home of a Staten Island man who refused to comply with the city’s tough ban on assault weapons, and seized an arsenal of firearms. . . . Spot checks are planned [for other homes].”¹⁷

¹¹ David Kopel, ed., *Guns: Who Should Have Them?* (1995) at 88, 117 (fn. 75), and 122 (fn. 124).

¹² Australian National Audit Office, *Audit Report No. 25, 1997–98* (Canberra: Australian National Audit Office, 1998). www.anao.gov.au/sites/default/files/anao_report_1997-98_25.pdf

¹³ José Niño, *Gun Control Preceded the Tyranny in Venezuela*, Found. for Econ. Educ. (Jan. 22, 2019). www.fee.org/articles/gun-control-preceded-the-tyranny-in-venezuela

¹⁴ https://www.youtube.com/watch?si=aiVfKHnEQVK_z9q&v=dNBwQSAYYiI&feature=youtu.be

¹⁵ Jay Simkin, Aaron Zelman and Alan Rice, *Lethal Laws: Gun Control is the Key to Genocide*, Jews for the Preservation of Firearms Ownership (1994).

¹⁶ On August 16, 1991, New York City Mayor David Dinkins signed Local Law 78 which banned the possession and sale of certain rifles and shotguns. N.Y.C., N.Y., Local Law No. 78 (1991) (enacted Aug. 16, 1991). <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-219617>

¹⁷ John Marzulli, “Weapons ban defied: S.I. man, arsenal seized,” *Daily News* (September 5, 1992).

This is the very reason that gun owners are concerned about their names and addresses being stored in ATF's billion records database. Keeping these records serves as an "infringement" ... they violate gun owners' privacy ... and the computers that are housing that information need to be sunk to the bottom of the ocean.

GOA implores the Congress to immediately pass the No REGISTRY Rights Act (H.R. 563 and S. 119).

ATF retention of Out of Business records should be ZERO years

Recently, Gun Owners of America has learned that ATF is preparing to issue a Notice of Proposed Rulemaking.

According to what we're hearing, the agency intends to seek public input on how long Federal Firearms Licensees should be required to retain their business records.

This comes on the heels of a major policy shift under the Joe Biden administration. In 2022, ATF imposed a mandate requiring FFLs to retain firearm transaction records indefinitely—ensuring those records are ultimately digitized and added to what has become a massive federal database containing roughly a billion firearm transactions.

Prior to that change, the rule was straightforward: FFLs were required to keep records for 20 years, after which they could lawfully destroy them.

The Biden-era mandate marked a significant escalation—one that aligns with a long-standing objective of the gun control movement: assembling a comprehensive registry of firearms and their owners, despite clear federal prohibitions on such a system.

And this effort doesn't stop at regulatory changes. Every few years, anti-gun lawmakers introduce so-called "Modernizing ATF" legislation, marketed as a "commonsense" public safety reform. In reality, these proposals are aimed at chipping away at the protections in the Firearm Owners Protection Act—specifically, its explicit ban on any federal gun registry.

From a constitutional standpoint, the proper retention period is zero years. That is the only position consistent with the Second Amendment's command that the right to keep and bear arms "shall not be infringed."

That said, GOA is concerned that ATF may attempt to walk back from its current permanent retention rule only slightly—perhaps proposing a fixed period of 20 years or longer.

But let's be clear: a 20-year requirement would simply revert to the pre-2022 status quo. Anything longer would be an expansion, not a reform.

Interestingly, even gun control advocates at Giffords Law Center have suggested a 10-year retention period for some firearm sale records, arguing that this would "align with the average time before a gun is recovered after use in a crime."¹⁸

Yet none of these options—10 years, 20 years, or permanent retention—comport with the constitutional standard. Maintaining the current system, where ATF indefinitely retains out-of-business records, effectively results in a national gun registry. That is a nonstarter.

GOA is urging Congress to pass legislation introduced by Rep. Michael Cloud and Sen. James Risch that would require the destruction of these ATF's out of business records of gun owners (H.R. 563/S. 119). But until Congress passes this legislation, these records must be destroyed after some period of time, regardless of whether they are held by the FFL or by the ATF.

Otherwise, these records could be kept for decades—far longer than any they have any reasonable law enforcement utility.

At that point, we are no longer talking about limited recordkeeping—we are talking about a de facto registry spanning generations of American gun owners. Such a system not only violates federal law multiple times over, but also lays the groundwork for future confiscation efforts.

A registry that outlives the American Citizen

Consider the practical reality: federal law prohibits handgun purchases from dealers by individuals under 21. Combine that with a retention period of many decades, and many Americans will never live to see a time when the government no longer holds records of their lawful firearm purchases.

That's not an accident. The Biden Administration understood exactly what it was doing when it mandated permanent retention of Form 4473 records. Around that same time, the Department of Justice finalized another rule aimed at expanding background check requirements—what President Biden himself said was designed "to move us as close as

¹⁸ <https://files.giffords.org/wp-content/uploads/2020/11/Extend-ATF%E2%80%99s-retention-of-records-of-multiple-sales-of-firearms-so-that-they-are-deleted-after-ten-years-instead-of-two-years-1.pdf>

we can to universal background checks without new legislation.”¹⁹ Biden’s ATF also tried to put as many gun stores out of business as possible, through its “zero tolerance” policy for FFL revocation.

When you put the pieces of this puzzle together—permanent recordkeeping, expanded background check mandates, and mass license revocations—the trajectory is clear. Step by step, under the banner of “public safety,” the infrastructure for a national gun registry is being assembled.

This is more than a Second Amendment concern; it is a homeland security risk. In the 1984 film *Red Dawn*, invading Soviet forces went straight to American gun stores to seize the paper Form 4473 records so they could identify and disarm gun owners. Today the ATF maintains those same records in digital form. A hack, a breach, or any other compromise of that database would instantly unmask the names, addresses, makes, models, and serial numbers of more than one hundred million law-abiding American gun owners. In the hands of a foreign adversary or domestic threat, such records would constitute an unprecedented targeting list.

Fortunately, GOA took action and successfully challenged the Biden Administration’s universal background (registration) check rule in court, preventing its full implementation. And our challenges to Biden’s “zero tolerance” regime ultimately led to ATF rescinding the policy.

But we would expect that a future anti-gun administration will renew efforts to retain these records permanently. And that’s why GOA implores Congress to immediately take up and pass H.R. 563 and S. 119, to delete all existing gun records.

¹⁹ <https://www.youtube.com/watch?v=dASR41GI0F4>

Congress Must Pass Concealed Carry Reciprocity

Gun Owners of America strongly supports the right of law-abiding Americans to carry firearms for self-defense anywhere in the country, without losing that right the moment they cross a state line.

In fact, GOA was the original national organization fighting for Constitutional Carry—even as far back as the 1990s, when it was then referred to as Vermont-style carry. GOA has been involved in one way or another in the passage of every permitless carry law in the 28 states that have followed Vermont into the Constitutional Carry “club.”

But while the states have made tremendous gains, the protections at the federal level lag behind. A constitutionally protected right under the Second Amendment should never carry less weight than the mere privilege of driving. Americans can drive across all 50 states with just a valid driver’s license, yet the fundamental right to bear arms often disappears at the border. That makes no sense.

Senator Mike Lee of Utah has recently introduced GOA-backed legislation (S. 4013) that would allow Americans to carry in all 50 states, with just their ID.

The bill, named The National Constitutional Carry Act, ensures that Americans are always able to defend themselves and their fellow countrymen regardless of state borders.

Like the act says, the Constitution and the Second Amendment are the carry permit for all Americans. Hence, this legislation reflects the principle that the Second Amendment itself is the foundation for the right to carry, eliminating the need for state-issued permission schemes.

In the House, H.R. 38 and S. 65 would provide for reciprocity among the several states, so that law-abiding Americans can protect themselves when traveling. Similarly, H.R. 645 would establish nationwide permitless carry for law-abiding Americans who are eligible to possess firearms.

All these bills would significantly strengthen the ability of law-abiding Americans to carry firearms for self-defense across state lines. And they would reduce state-level barriers that restrict the ability of law-abiding Americans to carry firearms for self-defense.

And of course, with these bills, never again will a story like Louis "Sandy" Javelle's be told. For those unfamiliar, Sandy Javelle was killed in Wakefield, Massachusetts by a rampaging killer.²⁰

Javelle had a firearm and a carry permit in his home state of New Hampshire. Unfortunately, because he did not have a Massachusetts permit, he was unarmed at the time of the shooting. Not only did he lose his life, but he was unable to stop the killer from taking the lives of others.

The Second Amendment is our carry permit. We shouldn't lose our right to carry at our state border. And federal law should reflect that.

²⁰ <https://www.gunowners.org/concealed-carry-reciprocity-would-save-lives/>

How Federal Gun Policies Are Undermining the Security of a Free State

The policies and legal positions advanced by the federal government do not exist in a vacuum—they shape the real-world security of the nation. When those policies respect the Constitution, they reinforce a system in which the American people remain an active part of their own defense. But when they undermine constitutional rights, they weaken that system and shift the balance of power away from the citizenry.

In recent years, a series of actions by the federal government have raised serious concerns about that balance. These actions do not simply affect gun owners in the abstract—they impact the broader principle that a free and secure nation depends on an armed and engaged populace.

Fortunately, President Trump has largely begun to reverse this trend in his second term. Upon being elected to federal office, he signed the historic Executive Order 14206, entitled “Protecting Second Amendment Rights.” The importance of this executive order cannot be understated. It recognizes that:

“The Second Amendment is an indispensable safeguard of security and liberty. It has preserved the right of the American people to protect ourselves, our families, and our freedoms since the founding of our great Nation. Because it is foundational to maintaining all other rights held by Americans, the right to keep and bear arms must not be infringed.”

President Trump’s executive order initiated a whole-of-government review of ongoing federal infringements on Second Amendment rights. Gun owners can see the fruits of President Trump’s pro-gun executive order across many departments:

- Assistant Attorney General Harmeet Dhillon is putting the Civil Rights Division to work challenging unconstitutional state-level gun control laws—an effort that’s drawing consistent praise from Second Amendment advocates.²¹
- The Department of Veterans Affairs has restored gun rights to more than 250,000 veterans who were previously flagged simply for needing help managing their benefits.²²

²¹ <https://x.com/gunowners/status/1953571224522510685?s=46>

²² <https://news.va.gov/press-room/va-undoes-decades-old-wrong-and-protects-veterans-second-amendment-rights/>

- The Treasury Department has backed off its “reputational risk” guidance that had been used to pressure banks into cutting off services to the firearms industry.²³
- The Department of the Interior has expanded access to hunting on federal lands.²⁴
- And Department of War Secretary Pete Hegseth signed a memo allowing soldiers to carry firearms on base.²⁵

In fact, President Trump has signed the most pro-Second Amendment laws in recent American history:

- Repealed the Social Security Gun Ban,²⁶
- Defunded the ATF,²⁷
- Defunded veteran disarmament by VA bureaucrats,²⁸ and,
- Signed legislation eliminating the century-old \$200 tax on suppressors and short-barreled firearms.²⁹

We are grateful to President Trump and his administration for protecting and restoring our lost Second Amendment rights in these ways.

However, there are ongoing problems with the ATF—an agency which has gone rogue and run roughshod over the rights of law-abiding citizens. Even former Attorney General Bondi recognized that “these people were targeting gun owners” during the Biden Administration. Indeed, the White House Office of Management and Budget described these attacks well in its FY 2026³⁰ and FY 2026³¹ budget requests when it said:

“[R]egulations imposed by prior administrations... effectively criminalized law-abiding gun ownership. The previous administration used the ATF to attack gun-owning Americans and undermine the Second Amendment by:

²³ <https://forms.gunowners.org/form/plan-of-action-for-white-house>

²⁴ <https://www.doi.gov/document-library/secretary-order/so-3447-expanding-hunting-and-fishing-access-removing-unnecessary>

²⁵ <https://www.afcmc.af.mil/NEWS/Article/4451297/hegseth-authorizes-off-duty-service-members-to-carry-private-firearms-on-instal/>

²⁶ <https://www.nbcnews.com/news/us-news/trump-signs-bill-revoking-obama-era-gun-checks-people-mental-n727221>

²⁷ <https://www.npr.org/2025/07/02/nx-s1-5440343/trump-administration-atf-jobs-gun-restrictions>

²⁸ <https://news.va.gov/press-room/va-undoes-decades-old-wrong-and-protects-veterans-second-amendment-rights/>

²⁹ <https://www.newsweek.com/trump-bill-sparks-gun-group-lawsuit-2094946>

³⁰ <https://www.whitehouse.gov/wp-content/uploads/2025/05/Fiscal-Year-2026-Discretionary-Budget-Request.pdf>

³¹ https://www.whitehouse.gov/wp-content/uploads/2026/04/budget_fy2027.pdf

1. "requiring near-universal background checks;
2. "subjecting otherwise lawful gun owners to up to 10 years in prison for failing to register pistol braces that make it possible for disabled veterans to use firearms;
3. "the imposition of excessive restrictions on homemade firearms;
4. "and the revocation of Federal Firearms Licenses."

During Kash Patel's tenure as Acting ATF Director, the Biden Zero Tolerance Policy of revoking gun store licenses for simple and harmless paperwork mistakes immediately ceased. This was undoubtedly a huge and immediate victory for the Second Amendment.

But unfortunately, rogue bureaucrats at the ATF and the Department of Justice have continued to oppose gun owners, even during President Trump's administration. As a consequence, former Attorney General Bondi failed to deliver on President Trump's campaign promise to gun owners to eliminate the three major Biden-era ATF rules, and they all remain on the books to this very day. So, with this section of my testimony, I hope to highlight several ongoing issues within ATF and the Department of Justice that need to be rectified. (And to Republicans on the committee and in the rest of Congress, I will note that these problems must be fixed immediately if they hope to win the gun vote in the 2026 midterm elections.)

The following examples highlight a troubling pattern: policies that burden lawful firearm ownership, expand federal control, and erode the role of the citizen in maintaining the security of a free state. Fortunately, there is simple solution for President Trump: give the next attorney general a mandate to protect and restore Second Amendment rights and quickly deliver on the President's campaign promises to gun owners.³² Likewise, we hope that during the confirmation hearings for the next Attorney General, the Senate will urge the president's candidate to fix these problems.

Problem #1: Undermining Lawful Suppressor & Short-Barreled Firearm Ownership

Since President Trump took office, the Department of Justice repeatedly has undermined the right to own firearm suppressors (or "silencers") and short-barreled firearms restricted by the National Firearms Act of 1934. In March 2025, Gun Owners of America broke the news—a Biden-holdover bureaucrat at the DOJ was arguing in a federal criminal appeal that suppressors were not protected by the Second

³² <https://www.zerohedge.com/political/second-amendment-roadmap-next-attorney-general>

Amendment.³³ In response to widespread publicity and criticism from gun owners, DOJ asked the court for time to withdraw and rewrite its brief.³⁴ This indicated a potentially huge win for gun owners.

Unfortunately, DOJ's subsequent brief wasn't much better. DOJ argued that, while suppressors are technically protected by the Second Amendment and cannot be *banned*, Congress nevertheless has the power to strictly regulate them, effectively discouraging their ownership altogether.³⁵ But if an object is acknowledged to be a Second Amendment-protected "Arm," then onerous taxation and universal registration is *obviously* an infringement.

DOJ then telegraphed why it was fighting so hard to restrict these popular firearm accessories.

Ultimately, DOJ's refusal to take a principled stand for the right to own suppressors in *U.S. v. Peterson* resulted in a highly flawed Fifth Circuit decision which largely parroted DOJ's briefing to reach DOJ's preferred result.³⁶

DOJ has gone on to apply the same offensive language and anti-gun reasoning about suppressors to undermine the right to own short-barreled firearms as well.³⁷ Each time the Department of Justice opposes the right to own hugely popular firearms and firearm accessories free of government taxation and registration, it tarnishes the President's legacy. After all, if suppressors and short-barreled rifles "are especially susceptible to criminal misuse," then why did President Trump sign legislation to make them more easily accessible to the millions of American gun owners who want them?

NOTE: *The National Rifle Association ("NRA"), American Suppressor Association ("ASA"), and GOA all filed briefs in opposition to the Department of Justice on suppressors in the Firearms Policy Coalition-backed ("FPC") case U.S. v. Peterson. The Solicitor General also asked the Supreme Court not to take up the NRA's short-barreled rifle challenge in Rush v. U.S.—where the Second Amendment Foundation ("SAF") filed an amicus brief. Likewise, the Solicitor General opposed certiorari in Robinson v. U.S.—another short-barreled rifle challenge where GOA and SAF filed amicus briefs. In other words, on just this single issue, DOJ has managed to find itself crossways with every major Second Amendment group in the country.*

³³ <https://x.com/GunFoundation/status/1901776688100360477?s=20>

³⁴ <https://x.com/GunOwners/status/1902753715473330667?s=20>

³⁵ <https://x.com/GunOwners/status/1926060595045884186?s=20>

³⁶ <https://www.facebook.com/gunpolicy/posts/the-5th-circuit-panels-decision-in-us-v-peterson-is-a-disaster-and-will-cause-im/733431615918866/>

³⁷ <https://x.com/GunOwners/status/1976714965924077799?s=20>

Problem #2: Defense of Federal Gun Registration

The Department of Justice has ignored President Trump's Executive Order on gun rights and defended unconstitutional federal gun registration. The DOJ's defense of the National Firearms Act's onerous and invasive registration requirements contradicts President Trump's new changes to the law through the One Big Beautiful Bill Act, as well as pre-existing Trump Administration precedent.

After Congress used reconciliation to zero the Obamacare penalty, or "tax," then-Attorney General Barr conceded "that the individual mandate [was] no longer constitutional...."³⁸ In other words, DOJ sided with a conservative coalition of Texas and 11 other states in opposition to the unpopular individual mandate. AG Barr's decision was hardly surprising. As over 40 House Representatives and Senators put it recently:

"The Department [of Justice] is fully empowered to decline to defend statutory provisions that no longer rest on a valid constitutional basis. It has exercised that authority before...."³⁹

But in stark contrast to DOJ's treatment of the Obamacare mandate, DOJ has disregarded the fact that Congress has now amended the National Firearms Act in an identical manner, reducing its excise taxes on short-barreled firearms and suppressors to \$0. But rather than concede that the registration of now-untaxed firearms is unconstitutional, DOJ has chosen to fight Texas (and now 14 other states), along with GOA, NRA, FPC, and SAF in federal court. As 40+ Members of Congress put it:

"The Department [of Justice]'s recent filing ... advances a theory that would effectively transform the NFA from a tax statute into an independent federal gun-registration regime—an outcome Congress has never authorized, has repeatedly rejected, and in fact expressly prohibited...."⁴⁰

Indeed, under former Attorney General Bondi, DOJ had advanced perhaps the most expansive view of federal power since Franklin Delano Roosevelt. Not only has DOJ claimed that a \$0 tax is somehow "a valid exercise of Congress's taxing power," but DOJ alternatively claims that "the Constitution empowers Congress to adopt" a federal gun registration requirement without any link at all to the taxing power.⁴¹ DOJ has argued that:

1. "Congress's power under the Commerce Clause independently authorizes the challenged NFA [registration] requirements;" and

³⁸ https://www.supremecourt.gov/DocketPDF/19/19-840/130821/20200203172646530_19-840%20%2019-841%20-%20Cal%20%20House%20v%20Texas.pdf

³⁹ <https://x.com/GunOwners/status/2001765452998209683?s=20>

⁴⁰ *Id.*

⁴¹ <https://x.com/GunOwners/status/1991714801903677511?s=20>

2. "Congress's authority under the Necessary and Proper Clause further supports the challenged NFA [registration] requirements."

If the Commerce Clause and Necessary and Proper Clause are upheld as foundations for federal gun control, reaching even purely *intrastate* activity, then the DOJ will have laid the foundation for the future evisceration of the Second Amendment.

DOJ's additional arguments confirm our worst fears. For example, DOJ defended the NFA on the grounds that it "target[s] particularly dangerous and easily concealable weapons that 'could be used readily and efficiently by criminals.'" Of course, this argument could also be used to justify a total handgun ban,⁴² as handguns are far more concealable and used in far more crimes than short-barreled firearms and suppressors.⁴³ DOJ even twice referred to firearms with short barrels as "weapons of war"—another move straight out of the gun control lobby's playbook.⁴⁴

Problem #3: Demanding 2A Organizations' Membership Lists

Even when the Department of Justice agrees that a gun control law is unconstitutional, pro-Second Amendment lawsuits still have faced major DOJ opposition. For example, the DOJ's opposition has even taken the form of requests for the court-ordered disclosure of pro-gun organizations' membership lists to the federal government as a condition of relief. DOJ has sought to chill the freedom of association in this manner on two occasions.⁴⁵

Making matters worse, a federal judge even granted DOJ's request, ordering two major gun rights groups to turn over lists of gun owners to the federal government.⁴⁶ Of course, both groups refused, calling the idea "preposterous" and "legally baseless and morally bankrupt."⁴⁷ The Department of Justice backed down slightly, requesting the court make the disclosure optional. This is hardly the way to handle the enforcement of a law that even DOJ *agrees is unconstitutional*.

DOJ has taken the position that gun rights organizations must turn over their membership lists to the federal government as a condition of receiving relief from the very agencies enforcing federal infringements and violating our members' rights. These sorts of underhanded litigation tactics by DOJ must cease, and effective relief must be given when a law is declared unconstitutional.

⁴² <https://x.com/GunOwners/status/1991717998391128514?s=20>

⁴³ <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-8.xls>

⁴⁴ <https://x.com/GunOwners/status/1991869208074781079?s=20>

⁴⁵ <https://x.com/GunOwners/status/1983566319376097642?s=20>

⁴⁶ <https://x.com/GunOwners/status/1975671887897501968?s=20>

⁴⁷ [https://saf.org/order-demanding-production-of-saf-membership-list-vacated/;](https://saf.org/order-demanding-production-of-saf-membership-list-vacated/)
<https://www.firearmspolicy.org/fpc-statement-on-reese-v-atf-judgment>

Problem #4: Fighting to Moot GOA's Lawsuits & Thwart Lasting Relief

The Department of Justice has fought to moot Second Amendment lawsuits which otherwise would result in the codification of permanent pro-gun precedents. Usually, this would guarantee that a Biden-era infringement is struck down for good, and guarantee that a future Democrat administration would not be able to reinstitute unlawful or unconstitutional policies.

In contrast, DOJ has failed to moot Second Amendment lawsuits even when they were likely to result in anti-gun precedents. For example, DOJ ignored GOA's urgent request that the *VanDerStok v. Garland* lawsuit at the Supreme Court be mooted before it could be decided. This request went unanswered for months until the Supreme Court issued a 7-2 anti-gun opinion against the Second Amendment.

In contrast, DOJ has sought to moot (or has privately revealed the intent to moot) every major lawsuit that GOA filed against Biden-era gun control. Not only has DOJ refused to settle these lawsuits or allow the courts to proceed in deciding them on the merits, but the ATF has not actually rectified the Biden-era policies with lasting permanent solutions. Consider just three examples:

1. **"Frame or Receiver" Rule.** Even though the current White House denounced this Biden rule in May of last year, the current DOJ recently declared that, "[a]t this time, the government has decided to maintain [Biden's] definition of firearm 'frame' & 'receiver.'"⁴⁸
2. **"Engaged in the Business" Rule.** The previous president signed this Executive Order as an attempt "to move us as close as we can to universal background checks without new legislation."⁴⁹ Subsequently, President Trump promised to repeal this rule during his first week in office.⁵⁰ Nevertheless, the current DOJ continues to defend the rule in court.⁵¹

⁴⁸ <https://x.com/GunOwners/status/2042288862441902204> and <https://x.com/GunOwners/status/2042277780235133450?s=20>

⁴⁹ <https://www.youtube.com/watch?v=dASR41GI0F4>

⁵⁰ <https://x.com/GunOwners/status/1853558098952372236?s=20>

⁵¹ In the conclusion in DOJ's latest brief defending the EIB Rule, they said that "the Court should grant Defendants' Motion for Summary Judgment" (*Butler v. Bondi*, No. 1:24-cv-00975-CLM (N.D. AL), ECF # 78 at 10). That summary judgment briefing was completed under the Biden era, and under the Biden administration's briefing. And now, since they are asking for the Court to "grant Defendants' Motion for Summary Judgment," they are relying on the Biden DOJ briefing for the court to deny plaintiffs' any relief against the Rule. Contrary to anything DOJ says, they are still defending the Rule for all the reasons raised in the Biden DOJ briefing.

3. **“Pistol Brace” Firearms Ban.** President Trump mocked this rule, as it criminalized the possession of up to 40 million estimated pistols that were equipped with certain stabilizing braces.⁵² And even though a Federal Judge vacated the rule, the current “[ATF] continue[s] to enforce the NFA’s and the GCA’s regulation of short-barreled rifles against some brace-equipped pistols.”⁵³

DOJ’s tactics—seeking to moot legitimate Biden-era lawsuits and avoid unfavorable rulings for the government—means that the next anti-gun administration retains maximum discretion to simply reimplement those same Biden policies in the future.

Tellingly, while this Republican administration moots conservative lawsuits designed to protect the Second Amendment, Democrat administrations have taken a far different approach. For example, when the left-leaning ACLU sued to challenge the first Trump Administration’s “Zero Tolerance” policy for immigration, and the Biden Administration later took office, DOJ did not seek to undermine and moot the ACLU’s case. Quite the opposite, the Biden DOJ gave its friends at the ACLU a permanent injunction and a \$6 million settlement for attorneys’ fees.⁵⁴ Yet to date, no gun rights group has obtained a dollar’s worth of attorneys’ fees for the years spent fighting the Bump Stock Ban—which was found unlawful after five long years of litigation.⁵⁵

Problem #5: Violating GOA’s First Amendment Rights with a Gag Order

When the Biden administration accidentally sent GOA unredacted information in a FOIA production, the ATF secured a gag order against GOA.⁵⁶ This violated our First Amendment right to print the news about an unlawful FBI gun purchase monitoring system that we uncovered, and which the Trump ATF curtailed in April 2025. This program was also used to spy on January 6th defendants, and to enforce state “assault weapons” bans.⁵⁷

⁵² President Trump stated: “I will eliminate the Biden ATF’s ridiculous pistol brace rule, which orders law-abiding citizens to register or surrender guns with stabilizing braces.” – President Trump on April 14th, 2023 in Indianapolis, Indiana. And then again, “[President Biden] imposed the so-called pistol brace rule which orders law-abiding citizens to register or surrender guns with certain equipment. You know that. Many of you are forced to do it. ... All of those Biden disasters get ripped up and torn out my first week but maybe my first day in office okay, okay maybe my first.” – President Trump on Feb. 9th, 2024 in Harrisburg, Pennsylvania

⁵³ <https://x.com/GunOwners/status/2034683168523960546/photo/2>

⁵⁴ <https://www.aclu.org/press-releases/court-approves-historic-settlement-in-aclus-family-separation-lawsuit>; https://www.tucsonsentinel.com/local/report/111124_family_separations/court-orders-feds-pay-6m-as-family-separations-lawsuit-ends/

⁵⁵ <https://www.youtube.com/watch?v=vsFuk1E7FEY>

⁵⁶ <https://www.gunowners.org/wp-content/uploads/D.C.-Circuit-Court-of-Appeals-Opening-Brief.pdf>

⁵⁷ <https://www.youtube.com/watch?v=FfOqFko-iJY>

Inexplicably and inexcusably, the current DOJ has continued to defend this prior restraint on GOA's speech—despite clear First Amendment legal precedent prohibiting government censorship under these circumstances. Every major news outlet in the country—from the *Wall Street Journal* to the *New York Times*—recently filed an *amicus* brief supporting GOA's First Amendment rights and opposing the current DOJ. The DOJ's continued opposition to GOA's First Amendment rights is outrageous, and DOJ should cease fighting to censor GOA immediately.

Amazingly, instead of settling this case with GOA, the DOJ once again has tried to moot GOA's lawsuit by intentionally re-sending GOA the unredacted files.⁵⁸ Of course, if GOA had *used* these files, we would have been in violation of the court order prohibiting us from so much as viewing the information ATF claims to have "intentionally" sent us.

DOJ has no business trying to trick GOA into breaking the law. And the Trump Administration has no business trying to moot a First Amendment lawsuit to justify Biden-era censorship.

What is worse, ATF's actions also violate longstanding congressional appropriations restrictions that protect gun owner data.⁵⁹ Because DOJ "intentionally" re-sent the unredacted FOIA documents to GOA, an anti-gun precedent has been set. It allows ATF bureaucrats to violate acts of Congress, congressional appropriations, and gun owner privacy protections whenever they like. This is unacceptable and must be met with severe consequences for those responsible.

If anti-gunners were to get their hands on the sort of sensitive firearm trace data that ATF "intentionally" released to GOA, they will use it to make maps of where gun owners live.⁶⁰ They will make maps that target local gun stores for harassment.⁶¹ And they will file lawsuits against gun stores and manufacturers using the trace data to satisfy the "proximate cause" element in their frivolous *prima facie* case of public nuisance, like they previously attempted in *Mexico v. Smith & Wesson*.⁶² Because Everytown for Gun Safety filed an *amicus* brief in this lawsuit seeking to do just that, we know that the gun control lobby is fully aware of the situation and its consequences.⁶³

Federal policy must reinforce—not undermine—a free and secure nation

The issues outlined here point to a larger concern that goes beyond any single policy or agency. At stake is whether the United States continues to operate under a system

⁵⁸ <https://x.com/GunOwners/status/1996298569624453330?s=20>

⁵⁹ https://www.youtube.com/watch?v=aiN_U9cHWew

⁶⁰ <https://www.cnn.com/2012/12/25/us/new-york-gun-permit-map>

⁶¹ <https://gunstoretransparency.org/>

⁶² *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280 (2025), https://www.supremecourt.gov/opinions/24pdf/23-1141_lkgn.pdf.

⁶³ <https://www.courtlistener.com/docket/71201655/gun-owners-of-america-inc-v-atf/>

where the people themselves are recognized as an essential component of national security—or whether that role is gradually diminished.

The Second Amendment reflects the Founders' understanding that security and liberty are not opposing forces, but mutually reinforcing principles. A nation is most secure when its citizens are trusted, equipped, and free to exercise their rights—not when they are monitored, restricted, or sidelined.

The accumulation of firearm records, the expansion of regulatory authority, and the advancement of novel legal theories all move in the same direction—toward greater centralization of power over a fundamental right. That trajectory does not strengthen the country. It weakens the very framework that has long preserved both freedom and stability.

If the goal is a secure homeland, then policy must reflect that constitutional reality. The right to keep and bear arms is not a secondary concern—it remains, as the Founders recognized and the Supreme Court affirmed, necessary to the security of a free state.

GOA Combatting a Series of Attacks on 2A Rights

Gun Owners of America has been on the front lines as a no-compromise defender of the Second Amendment since 1976, pushing back against a relentless wave of federal and state attacks from anti-gun politicians, bureaucrats, and special interests.

From attempts to renew the Feinstein semi-automatic ban, or inserting red-flag confiscation into defense bills, or disarming veterans without due process, the strategy has been a steady, piece-by-piece erosion of the right to keep and bear arms.

At every step, GOA has fought back—mobilizing tens of thousands of grassroots activists, scoring legislators, engaging Congress directly, and taking cases to court—successfully slowing, stopping, and in many cases rolling back major infringements on law-abiding gun owners.

Here are more than two dozen concrete examples from the past two and a half decades.

Passing Legislation to Arm Pilots

In the wake of the September 11, 2001, attacks on the U.S., GOA played a lead role in crafting legislation that created the Federal Flight Deck Officer program, allowing qualified commercial airline pilots to be armed as a last line of defense against terrorism. Through sustained grassroots activism and direct engagement with Congress, GOA helped secure the ultimate passage of this measure to strengthen aviation security and protect innocent lives.⁶⁴

Defeating a Nationwide “Assault Weapon” Ban (Round 1)

In 2004, Gun Owners of America was proud to stand alongside a broad coalition of gun owners and allied organizations in defeating efforts to renew Senator Dianne Feinstein’s ban on commonly owned semi-automatic firearms.

Through coordinated grassroots activism and sustained pressure on Capitol Hill, these efforts helped stop the ban from advancing. As one Senate office told us, “GOA postcards killed the Feinstein ban!”⁶⁵

⁶⁴ <https://www.gunowners.org/goa-releases-feature-documentary-on-the-fight-to-arm-pilots-following-9-11/>

⁶⁵ <https://www.gunowners.org/a121404>

Likewise, the *National Journal* reported in 2024 that “[GOA’s] lobbying probably torpedoed the best chance for [renewing the semi-auto ban] this year.”⁶⁶

Banning Gun Confiscation After Hurricane Katrina

When New Orleans used “emergency powers” to confiscate legal guns in the wake of Hurricane Katrina, GOA spent the next year working to ban similar efforts from occurring in the future.

And once the federal law went into effect, U.S. Senator David Vitter (R-LA) expressed his thanks “for all of GOA’s help in pushing my amendment to prohibit gun confiscation.”⁶⁷

Fighting the Brady Law Expansion

Mail from tens of thousands of GOA members swamped Capitol Hill in 2006, leading one office to exclaim, “Oh s--t! We got a lot of postcards and emails from GOA members.”⁶⁸ Thanks to this tidal wave of GOA opposition, the Brady expansion (a precursor to Fix NICS) died.

Repealing the National Park Gun Ban

Senator Tom Coburn (R-OK) worked exclusively with Gun Owners of America to successfully craft and push a repeal of the National Parks Service gun ban in 2009. After the repeal was signed into law, Sen. Coburn declared that, “The real gun lobby in Washington is the GOA.”⁶⁹

Striking Gun Control from ObamaCare

GOA’s lobbying efforts get several anti-gun items removed from the socialized health care bill. *Slate* magazine acknowledged this, saying, “Score one for the Gun Owners of America, a lobby group positioned well to the right of the National Rifle Association.”⁷⁰

⁶⁶ “Kristen Rand, the legislative director for the Violence Policy Center... agreed that [GOA’s] lobbying probably torpedoed the best chance for action this year. ‘I think their input was very significant,’ Rand said of the gun-owners group.” (*National Journal*, July 17, 2024).

⁶⁷ <https://www.gunowners.org/a121406>

⁶⁸ <https://www.gunowners.org/a121406/>

⁶⁹ <https://www.gunowners.org/wp-content/uploads/2008/09/n20090921.pdf>

⁷⁰ <https://slate.com/news-and-politics/2009/12/a-gun-nut-win-on-health-reform.html>

Defeating Universal Background Checks and Manchin-Toomey Gun Control

When anti-gunners tried to exploit a tremendous tragedy to push sweeping gun control legislation, GOA pushed back. And according to the *New York Times*, GOA was the instrumental organization in defeating every restriction.⁷¹

Gun Owners of America mounted a fierce, no-compromise nationwide mobilization, flooding Senate offices with tens of thousands of calls and letters while refusing any new restrictions or “reasonable” compromises.

On April 3, 2013, the *New York Times* stated, “Gun Owners of America got busy, mounting a lobbying blitz that helps explain why a bipartisan Senate deal on background checks remains elusive.”

And five days later, TPM would report that “Democrats blame ‘Gun Owners of America’ for gun control setback” — *TPM*, April 8, 2013.

Fighting U.N. Gun Control

Gun Owners of America strongly opposed the United Nations Arms Trade Treaty as serious negotiations gained momentum under President Obama, who ultimately signed the agreement. Following the 2016 election, GOA officials met with incoming White House staff, urging the new administration to reject the treaty outright. GOA has consistently warned that the ATT poses a serious threat to the Second Amendment—opening the door to international pressure for gun control and even backdoor gun registration in the United States. In April 2019, those efforts paid off when President Donald Trump announced that the United States would withdraw from the treaty and revoke its signature.⁷²

Fighting Fix NICS Gun Control⁷³

Anti-gunners attacked the Second Amendment by trying to pass Fix NICS, a provision that would send hundreds of thousands of additional law-abiding veterans and seniors—or even those with outstanding traffic tickets—to the NICS ‘gun ban’ list without proper judicial process.

⁷¹ <https://www.gunowners.org/what-killed-post-sandy-hook-gun-control/>

⁷² <https://www.gunowners.org/wp-content/uploads/2020/03/GOA-NL-5-31-19.pdf>

⁷³ <https://www.gunowners.org/fixnicsfactsheet>

Gun Owners of America mounted a fierce nationwide member mobilization and aggressive scoring campaign against the bill. Although the provision ultimately passed when anti-gunners crammed it into the 2018 Omnibus spending bill, gun owners came close to defeating Fix NICS, and GOA's efforts brought the House vote within two votes of stopping gun control, forcing them to hide it in must-pass legislation instead of passing it cleanly.

Fighting Anti-Gun CDC and NIH Funding⁷⁴

The Fix NICS Act specifically earmarked the first funding in decades to CDC and the NIH to advocate for gun control. Anti-gunners used this money to attack the Second Amendment by trying to funnel millions in taxpayer dollars to the CDC and NIH for gun-control research that promotes radical new ideas like a 'firearm retirement' age for confiscating guns from senior citizens.

GOA fought these funding bills head-on, including supporting the GOA-backed Miller-Meeks Amendment to defund the CDC's Firearms Injury and Mortality Prevention Research.

While some funding survived in final appropriations packages, GOA's pressure repeatedly exposed the agencies' misuse of funds to advocate gun control and helped strip the most dangerous new proposals from clean passage.

Defeating a Nationwide "Assault Weapons" Ban (Round 2)

Anti-gunners attacked the Second Amendment by trying to pass the Assault Weapons Ban (H.R. 1808)⁷⁵ that sought to ban commonly owned semiautomatic rifles such as the AR-15. Gun Owners of America fought the ban with aggressive member alerts, legislative scoring, and key votes against final passage. The federal ban did not become law thanks in large part to GOA's no-compromise opposition that helped kill it in the Senate after the House passed it.

At the same time, anti-gunners attacked the Second Amendment by trying to pass the Enhanced Background Checks Act (H.R. 1446)⁷⁶ that would have eliminated the FBI's 3-business deadline to complete a NICS check, instead creating up to a 10-day waiting period and in the worst case allow the Attorney General to hold up gun purchases indefinitely.

⁷⁴ <https://www.gunowners.org/cdc-and-nih-are-weaponized-against-the-second-amendment/>

⁷⁵ <https://www.congress.gov/bill/117th-congress/house-bill/1808?hl=H.R.1808&s=10&r=1>

⁷⁶ <https://www.congress.gov/bill/117th-congress/house-bill/1446#:~:text=Enhanced%20Background%20Checks%20Act%20of%202021>

GOA fought these bills aggressively through member mobilization, motions to recommit, and public education exposing them as backdoor delays on the Second Amendment. The Enhanced Background Checks Act did not become law thanks to GOA's sustained pressure that helped prevent final passage.

Defeating Democrat Efforts to Protect Criminals, not Kids

Anti-gunners attacked the Second Amendment by trying to pass the deceptively named Protecting Our Kids Act (H.R. 7910), which included: a gun ban for adults aged 18-20; banning homemade firearms and making it illegal to reassemble your own firearm; mandating national safe storage, with the Attorney General allowed to seize firearms if not stored according to bureaucratic standards; a backdoor bump stock ban on semiautomatic weapons; and banning standard-size magazines holding 16 rounds or greater.

GOA fought the entire package title-by-title with member mobilization and floor votes against retaining each anti-gun section. The bill did not pass in full thanks in large part to strong GOA opposition that prevented the most extreme provisions from becoming law.

Defeating Gun Control in the "Disarm Women Act"⁷⁷

Anti-gunners attacked the Second Amendment by trying to insert gun control into Violence Against Women Act (VAWA) reauthorizations, including the NICS Denial Notification Act to launch criminal investigations into firearm transfer background check denials—even though 9 out of 10 times the system falsely denies a law-abiding citizen.

Plus, there was funding for ATF to deputize local police to enforce federal gun laws, especially to undermine Second Amendment Protection Act (SAPA) states.

GOA fought the gun-control provisions for multiple years, warning that they pretend to help 'battered women,' but in fact leave them disarmed and vulnerable. While some elements passed, less than half of the original anti-gun proposals survived, and GOA's opposition helped limit the damage.

⁷⁷ <https://x.com/GunOwners/status/1834710860813447609?s=20>

Defeating Red Flag Gun Confiscation for Military Servicemembers⁷⁸

Anti-gunners attacked the Second Amendment by trying to insert Red Flag Gun Confiscation Orders (GCOs) into the National Defense Authorization Act that would create a Military Court Gun Confiscation Order (GCO) program allowing judges to disarm service members on an *ex parte* basis.

GOA discovered the language, strongly opposed the military red-flag provisions in the NDAA (H.R. 6395), and mobilized against it as a disgusting violation of the Second, Fourth, Fifth, and Fourteenth Amendment rights of our armed service personnel.

The military red-flag language was defeated outright, was removed by leadership, and never became law.

Overturing COVID Lockdowns for Gun Stores and Shooting Ranges⁷⁹

Anti-gunners attacked the Second Amendment by trying to shut down gun stores and declare them non-essential during COVID lockdowns.

GOA pressured the federal government with letters and alerts demanding that gun stores be designated essential businesses. Trump's DHS ultimately reversed course and designated gun stores as essential, and GOA's efforts resulted in several states and jurisdictions reopening gun stores.

Fighting the Bipartisan Safer Communities Act or Cornyn-Murphy Gun Control⁸⁰

Anti-gunners attacked the Second Amendment by trying to pass the Bipartisan Safer Communities Act (S. 2938 / Cornyn-Murphy), which instituted mandatory wait times for 18-20 year old adults, funded state red flag law programs, and changed the definition of a firearm dealer. This eventually led to the ATF's 'Engaged in the Business' rule implementing backdoor registration checks.

GOA fought the bill aggressively and lost when it passed, but immediately filed a lawsuit challenging unconstitutional provisions such as the de facto waiting periods for adults under 21. GOA continues to fight the Biden Engaged in the Business Rule in court.

⁷⁸ <https://www.gunowners.org/na12072020/>

⁷⁹ <https://www.gunowners.org/breaking-go-and-goc-thank-the-trump-administration-for-designating-firearms-industry-as-essential/>

⁸⁰ <https://www.gunowners.org/03102023/>

Challenging the Biden Pistol Brace Ban

Anti-gunners attacked the Second Amendment by trying to implement the Biden Pistol Brace Ban through ATF regulation, which could have outlawed as many as 40,000,000 lawfully owned, braced firearms such as AR-15s.

GOA and the Gun Owners Foundation filed suit⁸¹ against the ATF Pistol Brace Rule and backed H.J. Res. 44 to disapprove the rule.

A federal court vacated the Biden pistol brace ban, GOA secured a preliminary injunction protecting members, and the House passed H.J. Res. 44 with strong GOA-backed support.⁸²

Challenging Biden's Homemade Firearm Ban

Anti-gunners attacked the Second Amendment by trying to ban homemade firearms through the ATF's Frame and Receiver rule, which imposed serialization, registration, and background check requirements on 80% kits and privately made firearms.

GOA and Gun Owners Foundation sued the Biden ATF over the Homemade Gun Ban and Gun Registry Rule, fighting to protect the historic right to manufacture firearms at home. This lawsuit continues today.

Challenging Biden's Backdoor Universal Registration Checks⁸³

Anti-gunners attacked the Second Amendment by trying to impose Biden's backdoor registration checks through changes that would expand the national gun registry via the Engaged in the Business rule.

GOA fought these efforts with member mobilization and public alerts exposing them as registration schemes.

GOA's opposition helped block or delay the most expansive backdoor registration attempts with our injunction for GOA members and Texans. This lawsuit continues today.

⁸¹ <https://www.gunowners.org/goa-gof-state-of-texas-secure-preliminary-injunction-against-biden-pistol-brace-ban/>

⁸² <https://www.gunowners.org/goa-applauds-house-vote-to-block-pistol-brace-rule/>

⁸³ <https://www.gunowners.org/four-reasons-a-federal-court-found-atfs-engaged-in-the-business-rule-to-be-illegal/>

Biden's Zero Tolerance Policy Attack on the Firearm Industry⁸⁴

Anti-gunners attacked the Second Amendment by using the ATF's zero tolerance policy to shut down hundreds of gun dealers.

GOA sued the ATF over the Zero Tolerance policy twice and fought to protect FFLs from arbitrary revocation. The policy was later rolled back by Acting ATF Director Kash Patel after GOA's sustained pressure. Our lawsuits, however, have yet to conclude as we seek a permanent ruling that the policy was unlawful.

Protecting the firearm industry from Weaponization of Government and De-Banking⁸⁵

Anti-gunners attacked the Second Amendment by weaponizing banks and regulators against the firearm industry (Operation Choke Point 2.0 style de-banking).

GOA fought to protect the firearm industry from de-banking and regulatory weaponization. GOA's advocacy helped expose and push back against these attacks. As a result, President Trump has taken decisive action in his second term to curtail debanking and the use of reputational risk to target the firearm industry by directing federal bank regulators like the OCC and Federal Reserve to identify financial institutions engaged in debanking and take appropriate remedial action.

Defunding the Veteran Gun Ban⁸⁶

Beginning with the Clinton administration, anti-gunners have supported the VA's practice of arbitrarily reporting veterans to NICS simply because they had a fiduciary appointed, without any court finding of danger.

GOA fought for years to stop the Veteran Gun Ban, supporting the Kennedy Amendment, Bost Amendment, and Crane Amendment to defund the practice. GOA celebrated the Senate repeal and successfully defunded the VA fiduciary gun-control rule in appropriations, securing major policy reversals that protect veterans' Second Amendment rights. The second Trump Administration's Department of Veterans Affairs recently finished the job by deleting the remaining 270,000+ veterans names from the FBI's prohibited person list.

⁸⁴ <https://x.com/GunOwners/status/1909677392408326637?s=20>

⁸⁵ <https://x.com/GunOwners/status/1953571224522510685?s=20>

⁸⁶ <https://x.com/GunOwners/status/2023885011519500566?s=20>

Defunding the ATF (Twice)⁸⁷

Anti-gunners defended the ATF's bloated budget and anti-gun enforcement agenda. GOA pushed for and achieved historic budget cuts to the ATF for a combined total of \$162,000,000 million.

Speeding Up NFA Wait Periods⁸⁸

Anti-gunners wanted the ATF to remain slow and obstructive on NFA applications. GOA worked with Congress to prioritize ATF funding specifically to speed up NFA processing times in appropriations language, delivering faster service for law-abiding gun owners.

Anti-gunners also supported shutdowns that would keep the NFA Division closed and delay lawful gun owners.⁸⁹

GOA fought to reopen the NFA Division in President Trump's ATF for the first time during a government shutdown, ensuring law-abiding Americans could still exercise their Second Amendment rights.

Eliminating the National Firearms Act Tax on Suppressors and Short-Barreled Firearms⁹⁰

Anti-gunners long defended the \$200 NFA tax that imposed a senseless burden on suppressors, short-barreled rifles, and other items.

GOA worked closely with Rep. Andrew Clyde to eliminate the \$200 NFA tax on suppressors, short-barreled firearms, and AOWs as part of the One Big Beautiful Bill signed in 2025.

This represents one of the greatest Second Amendment legislative victories in nearly a century; GOA is now in court fighting to recognize that a \$0 tax is unconstitutional and that they are no longer subject to regulation under the NFA.

⁸⁷ <https://x.com/GunOwners/status/2009389651573002447?s=20>

⁸⁸ <https://x.com/GunOwners/status/1980344359632662710?s=20>

⁸⁹ <https://www.gunowners.org/atf-recalls-nfa-examiners-to-work-during-shutdown-in-response-to-pressure-from-goa/>

⁹⁰ <https://www.gunowners.org/goa-to-file-one-big-beautiful-lawsuit-against-nfa-registry-as-one-big-beautiful-bill-heads-to-presidents-desk/>

Taking the Fight to the States: GOA's Courtroom Victories Against Recent Local and State Gun Control

While many of the most visible battles over the Second Amendment take place in Congress or federal agencies, some of the most consequential fights are happening in the states. Anti-gun politicians have aggressively pushed sweeping restrictions at the state and local level—often in direct defiance of Supreme Court precedent.

Gun Owners of America has met these attacks head-on in courts across the country, securing key victories and continuing to press forward in critical litigation. What follows are just four legal victories from the dozens of battles GOA has fought over the past few years.

Challenging New York's Post-*Bruen* Carry Restrictions

In 2022, GOA sued New York over its inaptly named "Concealed Carry Improvement Act."⁹¹ This was legislation hastily passed in the wake of *Bruen*, designed to make the New York permitting process impossible to navigate, and rendering the state inhospitable to those carrying firearms by designating nearly every public location a "sensitive place."

GOA quickly received a preliminary injunction against enforcement of much of the act. Unfortunately, the Second Circuit overturned much of that injunction, and later doubled down on its decision even after the Supreme Court vacated and remanded the case.

We are now back in the trial court, proceeding towards a final judgment. New York has already partially settled with us, consenting to permanent relief prohibiting it from demanding a person's social media history as a condition of licensure.⁹² Litigation about the legality of New York's litany of sensitive places is ongoing.

Forcing Reform of California's Concealed Carry Permitting Abuse

In 2023, GOA challenged the constitutionality of the Los Angeles Sheriff Department's concealed carry permit issuance policies, which charged exorbitant fees and imposed onerous wait times for permit issuance. We also challenged California state law which refused to grant carry permits to out-of-state residents, while failing to grant reciprocity to the permit of any other state.

⁹¹ <https://michellawyers.com/wp-content/uploads/2022/10/2022-09-20-Complaint.pdf>

⁹² <https://thereload.com/new-york-agrees-to-stop-requiring-social-media-disclosures-for-gun-permits/>

After significant litigation, GOA secured relief on both fronts. The L.A. Sheriff's Department now issues permits within the time frame set by state law, and greatly reduced the fees it charges.⁹³ Meanwhile, California agreed to begin issuing out-of-state concealed carry permits on the same terms as permits are issued to California residents.⁹⁴

Battling Illinois' Sweeping Semi-Automatic Firearm Ban

In 2023, GOA challenged Illinois' newly enacted ban on so-called assault weapons and large capacity magazines. This tyrannical bill banned most semi-automatic firearms, including most of the most popular guns in the country. That same year, the federal judge in our case granted a preliminary injunction striking down the law.

However, Illinois quickly appealed its loss to the Seventh Circuit which, unfortunately, put the law back in place in a poorly reasoned, radical anti-gun opinion. But then, after returning to the district court, our trial judge again struck down Illinois' bans in late 2024.⁹⁵ Our case is now pending review (again) in the Seventh Circuit.

Overturing Virginia's Universal Background Check Scheme

In 2020, GOA challenged Virginia's newly-enacted "universal background check" law. Later that year, we received a preliminary injunction, saying that the law could not be applied to young adults between the ages of 18-21, who the UBC law left entirely unable to purchase handguns (since federal law prohibits such purchases at licensed dealers).

Then, after years of litigation, the judge in our case threw out the entire law in late 2025, completely striking down Virginia's universal background check law.⁹⁶

One final note: With Virginia enacting multiple gun control laws this year, Gun Owners of America is already gearing up for another round of court challenges.

⁹³ <https://www.courthousenews.com/la-county-sheriff-settles-lawsuit-over-delays-in-concealed-carry-permits/>

⁹⁴ <https://thereload.com/analysis-some-non-residents-will-soon-be-able-to-carry-in-california-member-exclusive/>

⁹⁵ <https://isra.org/wp-content/uploads/2024/11/20241108-mcglynn-finding-of-fact.pdf>

⁹⁶ <https://www.gunowners.org/gun-owners-of-america-gun-owners-foundation-successful-in-overturing-virginias-universal-background-check-law-judge-halts-enforcement/>

Federal Policies Must Strengthen, Not Undermine, Our Security

The Second Amendment is not an abstract principle—it is a cornerstone of our national security. A free state is only as secure as the people who stand ready to defend it, and that security is weakened when lawful citizens are burdened, tracked, or discouraged from exercising their rights. This truth applies not only at the federal level, but equally in the states—where many of today’s most aggressive attacks on the Second Amendment are unfolding.

Despite a sustained push to expand federal control over firearms, the experience of Gun Owners of America shows that principled resistance can preserve and restore those freedoms. Time and again, efforts to impose sweeping restrictions have been stopped, scaled back, or overturned—protecting not just individual rights, but the broader balance of power that undergirds a free society. Whether in Congress, federal agencies, or courtrooms from New York to California to Virginia, GOA has demonstrated that these fights can be won.

But the concerns outlined here are not hypothetical or resolved. The continued accumulation of firearm records, the expansion of regulatory authority, and the advancement of novel legal theories all point in the same direction—toward greater centralization of power over a constitutionally protected right. And increasingly, that centralization is being driven through state-level restrictions designed to evade constitutional limits while reshaping the legal landscape nationwide.

That trajectory carries real consequences. Policies that treat law-abiding Americans as subjects of surveillance rather than participants in their own security do not make the nation safer—they move us further away from the constitutional framework that has long preserved both liberty and stability. Left unchecked, these policies—whether enacted in Washington or imposed in the states—risk normalizing a system where the exercise of a fundamental right is treated as a privilege to be managed.

If we are serious about homeland security, then we must also be serious about preserving the role of the American people within it. The right to keep and bear arms remains, as the Founders understood, necessary to the security of a free state—and it must be treated that way in both law and policy. Left unchecked, these policies—whether enacted in Washington or imposed in the states—risk normalizing a system where the exercise of a fundamental right is treated as a privilege to be managed.