



Written by [Bob Adelman](#) on December 15, 2023

## Is Repeal of the National Firearms Act Possible?

Dean Weingarten, a journalist at Ammoland, has been fighting to restore the Second Amendment to its fullest and broadest understanding: that sovereign citizens have the unalienable right to defend themselves against a tyrannical government with firearms. [In November he wrote](#): “This correspondent has been involved in the struggle to restore Second Amendment rights for more than 50 years.”

Weingarten has been a peace officer and military officer, was on the University of Wisconsin Pistol Team for four years, and was first certified to teach firearms safety in 1973. He taught the Arizona concealed carry course for 15 years until the goal of Constitutional Carry was attained.

Weingarten, then, is the “500 pound canary: when he speaks, people listen!”

He thinks the time is ripe for a serious conversation about the legitimacy of the National Firearms Act (NFA) and whether it is time to abolish it altogether. He has help from an unlikely source: Wikipedia! According to the unnamed person who last edited its page on the NFA, “the ostensible impetus for the National Firearms Act of 1934 (NFA) was the gangland crime of the Prohibition era, such as the St. Valentine’s Day Massacre of 1929 and the attempted assassination of President-elect Franklin D. Roosevelt in 1933.”

The real reason was that Roosevelt and the communists that had infiltrated his administration saw their opportunity — the bottom of the Great Depression when a quarter of the country was unemployed and most other Americans were scrambling just to put food on the table — and were able to pass the monstrous infringement of the Second Amendment by a compliant Congress by voice vote.

The NFA birthed the violently anti-gun Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which has seized the opportunity ever since to harass law-abiding gun owners and gun dealers with more and more unconstitutional regulations, rules, and guidelines, which are then enforced by ATF thugs.

As Weingarten noted:

The Progressive revolution in the courts was greatly accelerated by the Franklin Delano Roosevelt (FDR) administration. The revolution in the courts was underway in 1932, but the FDR administration made the courts a center of Progressive power.

Progressives have been a majority on the Supreme Court for decades. Progressive ideology holds the Constitution has no fixed meaning.



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Recently, however, the anti-gun culture has lost — and continues to lose — much of its dominance: “Reliance on the courts to uphold the Second amendment,” wrote Weingarten, “was futile from 1939 until at least 2006.” But then, with the *Heller* decision (*District of Columbia v. Heller*), which squeaked by the high court by the narrowest of margins, 5 to 4, the worm began to turn. In that ruling the Supreme Court struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional.

That was followed in 2010 by the high court’s ruling in *McDonald v. City of Chicago* that a citizen had the right to “keep and bear arms” under both the Second and Fourteenth Amendments to the U.S. Constitution.

In 2022 the high court overturned decades of progressive ideology concerning the Second Amendment by ruling in *Bruen* that governments attempting to infringe on it had to show historical “analogues” to their proposed regulations or else they were unconstitutional and unenforceable.

As Weingarten noted, “Thanks to the new and expanded gun culture across the land ... We The People are becoming an ever more formidable power.” In reality, We the People always had the power — they just didn’t know it.

But under Weingarten’s Second Amendment “incrementalist” strategy, they are coming to know it.

Take Constitutional Carry, for example. Alaska became the first state in the union to restore Constitutional Carry — permitless carry — and now 27 states have restored that right to their citizens.

Weingarten explains:

When Alaska became the first state to restore Constitutional Carry in 2003, a Democrat legislator in the state explained how it happened. He said carry legislation kept coming up, year after year. He was sick of it. It was popular. *He did not want to deal with it anymore.* Just pass Constitutional Carry, and be done with it. [Emphasis in original.]

Call it gradualism or call it incrementalism, Weingarten thinks the time is ripe to consider abolishing the cancerous infestation of the NFA altogether.

The first step is education, and “it is well underway ... educate the gun culture and the general public about the history and the failure of the National Firearms Act. When people learn the history and the effects of the act, support for it evaporates.”

Another step is already underway — the gradual dismantling of some of its more ridiculous infringements. [Weingarten writes](#):

The [next] incremental step is to attack the NFA part by part. The weakest link in the NFA is the tax [on] and regulation of silencers.

Silencers registered with the NFA have gone from relatively rare in 1968 (probably on the order of a couple thousand, records are difficult to find) to over 2.6 million as of May of 2021.

Time and inflation (currency devaluation) are also on the side of obliterating the NFA. The original tax (along with registration) was (and still is) \$200, which in today’s money would be more than \$4,300. Put another way, that \$200 is now less than a day’s wages, which means many more law-abiding citizens



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seeking to purchase and own the outlawed firearms are able to do so, thus emasculating the law's original intent: make owning such firearms so expensive that few would be able to pay the price for the privilege.

On January 20, 2023 the first order of business for newly elected House member Eric Burlison (R-Mo.) was to submit [HR 374](#), the Abolish the ATF Act. Four days later he submitted [HR 450](#), the Repeal the NFA Act.

In [his press release](#) Burlison said:

The federal government has used the National Firearms Act for almost a century to violate law-abiding citizens' Second Amendment rights.

The recent ATF pistol brace rule is just another example of these blatant attacks on the constitutional rights of Americans. The ATF-NFA sham needs to end.

The Repeal the NFA Act will strip the ATF of its authority to criminalize lawful gun owners and will undo nearly 90 years of assault on fundamental freedoms.

I'm proud to stand with and support Americans nationwide as we take this issue head-on.

He has support. Said Rep. Andy Biggs (R-Ariz.):

For too long, anti-gun zealots have enacted policies that infringe on Americans' Second Amendment rights. The NFA has only led to increased government bureaucracy and has done nothing to reduce gun violence.

I applaud Congressman Burlison's legislation that would prevent the federal government from continuing to impose these draconian registration mandates on law-abiding gun owners.

And this from Aaron Dorr of the American Firearms Association:

The National Firearms Act (NFA) was tyrannical when it was first passed almost 90 years ago. But over the years, it has become the number one way for the federal government to target law-abiding gun owners, as the ATF can add accessories like pistol braces to the NFA without needing a vote in Congress!

Congressman Eric Burlison is leading the fight to repeal the NFA and protect law-abiding gun owners. The American Firearms Association and our members across the country thank him for his leadership and will be doing everything we can to advance this badly needed legislation.

After 50 years in the freedom fight, Dean Weingarten is seeing the light at the end of the tunnel:

It is important to realize 2A incrementalism, while valuable in itself, has a goal: Full recognition and practical application of the Second Amendment, so that people in the United States can be practically and legally armed as they go about their daily lives; and they can be practically and legally armed so as to prevent tyranny by the governments they have created.



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