

August 25, 2025

Via Electronic Mail & Express Mail

Hon. Andrew Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Ferguson:

I write on behalf of the National Shooting Sports Foundation (NSSF) to respectfully urge the Federal Trade Commission to take important action to implement President Trump's Executive Order Protecting Second Amendment Rights (Executive Order). In his Executive Order, the President recognized that "[t]he Second Amendment is an indispensable safeguard of security and liberty" and he directed the Attorney General to conduct a review of the Executive Branch to identify infringements of Second Amendment rights.¹ The Commission should support this effort by rooting out and helping to remedy any activities by the Biden-era FTC that may have improperly aligned the agency with anti-Second Amendment non-governmental organizations ("NGOs") or otherwise infringed upon Second Amendment rights.

President Trump's Executive Order comes at a critical time. There is a large and well-funded network of Democrat-aligned NGOs who have made it their mission to attack the Second Amendment. During the Biden Administration, these groups found eager allies in the White House, which shared the anti-Second Amendment mission. The result was a reciprocal relationship between the Biden Administration and this NGO industrial complex. The former directed a "whole of government approach" to the anti-firearm mission, including directing the FTC to investigate constitutionally protected firearm advertising, while the latter supplied key personnel to the White House, applied pressure from the outside, including publishing a series of misleading FTC "complaints" that urged the Commission to challenge lawful firearm advertising, and funded a concerted lawfare campaign.²

¹ President Trump's Executive Order Protecting Second Amendment Rights, Feb. 7, 2025 §§ 1-2(a).

² See, e.g., Biden Executive Order, March 14, 2023 § 3(h) ("The Federal Trade Commission is encouraged to issue a public report analyzing how gun manufacturers market firearms to minors and how such manufacturers market firearms to civilians, including through the use of military imagery."); Brady

Countering President Biden’s “whole of government” effort to infringe the Second Amendment necessitates a whole of government response by this administration. Likewise, the particular focus from the Biden Administration and NGOs on co-opting the Biden-era FTC for their unconstitutional agenda, necessitates decisive action from the current Commission.

The NSSF advocates for the firearm industry and its businesses and jobs.³ Today, we respectfully urge the Commission to take the following actions to promote the implementation of President’s Trump’s Executive Order:

- Issue a statement publicly reaffirming the Commission’s commitment to protecting Second Amendment rights, consistent with the Executive Order;
- Review actions during the last administration to determine the full nature and extent of the pressure exerted by the Biden White House on former commissioners and staff to infringe Second Amendment rights;
- Review actions during the last administration by former commissioners and staff to determine whether they improperly aligned themselves with anti-Second Amendment NGOs, utilized Commission resources to aid those groups, or otherwise engaged in conduct that infringed the Second Amendment;
- Refer any relevant findings to the Attorney General; and
- Promote full public transparency of the foregoing by making public the results of the Commission’s inquiry.

et al., The Gun Industry’s Advertising: Effective, Deadly, and Actionable (April 7, 2022), <https://firearmsaccountability.org/FTCPetition.pdf> (hereinafter, 2022 Brady Letter); Everytown et al., Letter to Federal Trade Commission (August 17, 2021), <https://everytownlaw.org/wp-content/uploads/sites/5/2021/08/2021.08.17-SW-FTC-Submission.pdf> (hereinafter, 2021 Everytown Letter); Everytown et al., Complaint and Request for Investigation of Smith & Wesson Brands, Inc. (May 31, 2020), <https://everytownlaw.org/wp-content/uploads/sites/5/2020/06/ftc-letter.pdf> (hereinafter, 2020 Everytown Letter).

³ Through our Real Solutions. Safer Communities.® initiative NSSF promotes the safe and responsible handling and storage of firearms through programs like Project ChildSafe® which is the largest firearm safety program in America that has distributed over 41 million firearm safety kits including a cable-style gun lock throughout American. We work with the largest suicide prevention organization in the United States as well as the Veterans Administration and the Department of Defense to reduce firearm involved suicides. NSSF also cooperates with law enforcement, especially the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), to prevent illegal straw purchasing and to keep firearms out of the hands of those who cannot be trusted to possess or use them in a responsible manner. NSSF’s mission includes promoting hunting and recreational shooting, as well as the use of firearms for self-protection. We work to educate the public to better understand and appreciate the industry’s lawful products.

I. Biden Administration’s “Whole of Government” Effort to Infringe Second Amendment Rights

President Biden openly called the firearm industry “the enemy” and his administration systematically attempted to dismantle it.⁴ His Commerce Department imposed new administrative burdens on exports of firearms, including banning exports by executive fiat for a time.⁵ He nominated a gun control lobbyist to lead the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).⁶ He promulgated regulations through the Department of Justice and ATF to attempt an end-around Congress and redefine “frames or receivers” and ban stabilizing pistol braces.⁷

This was a calculated, coordinated effort intended to bring the full weight of the Executive Branch to bear. In the White House, a team of staffers—some drawn directly from anti-firearm NGOs—coordinated the effort “every day, from every angle.”⁸ Ultimately, President Biden reached for nearly every lever of government to erect roadblocks to law-abiding citizens exercising their Second Amendment rights and hobble the firearm industry’s ability to meet the demands of firearm owners.

The FTC was one such lever. Present Biden pressured the FTC to “issue a public report analyzing how gun manufacturers market firearms to minors and how such manufacturers market firearms to civilians, including through the use of military imagery.”⁹ These calls were further amplified by leftwing members of Congress.¹⁰ The

⁴ *Full Transcript of Night Two of First 2020 Democratic Presidential Debate*, Wash. Exam’r. (June 28, 2019), <https://www.washingtonexaminer.com/news/1044912/full-transcript-of-night-two-of-first-2020-democratic-presidential-debate/>.

⁵ See 89 Fed. Reg. 34680 (Apr. 30, 2024); Bureau of Ind. and Security, *Firearms Pause & Review: Frequently Asked Questions* (Oct. 27, 2023), <https://www.bis.doc.gov/index.php/documents/policy-guidance/3374-2023-10-27-bis-faqs-firearms-pause-and-review/file>.

⁶ NSSF, *Here’s Why David Chipman is a Terrible Choice for ATF Director* (Apr. 12, 2021), <https://www.nssf.org/articles/heres-why-david-chipman-is-a-terrible-choice-for-atf-director/>.

⁷ See 88 Fed. Reg. 6478 (Jan. 31, 2023); 86 Fed. Reg. 27720 (Aug. 19, 2021).

⁸ Stefanie Feldman, *Taking on Gun Crime and Violence with a Whole-of-Government Approach* (March 28, 2022), <https://bidenwhitehouse.archives.gov/briefing-room/blog/2022/03/28/taking-on-gun-crime-and-violence-with-a-whole-of-government-approach/>; Everytown, *Everytown, Moms Demand Action, Students Demand Action Applaud Biden-Harris Administration for Launching White House Office of Gun Violence Prevention; Herald Commitment to Gun Safety as Key Administration Priority* (Sept. 21, 2023), <https://www.everytown.org/press/everytown-moms-demand-action-students-demand-action-applaud-biden-harris-administration-for-launching-white-house-office-of-gun-violence-prevention-herald-commitment-to-gun-safety-as-key-admi/> (describing future Biden Office of Gun Violence Prevention official Rob Wilcox as the person “who has been leading Everytown’s federal work”).

⁹ Biden Executive Order, March 14, 2023 § 3(h) (“The Federal Trade Commission is encouraged to issue a public report analyzing how gun manufacturers market firearms to minors and how such manufacturers market firearms to civilians, including through the use of military imagery.”)

¹⁰ Letter from Sen. Richard Blumenthal to Lina Khan (Sept. 12, 2022) (“We write to urge the Federal Trade Commission (FTC) to undertake an investigation and consider regulation . . . [of] the firearms industry”).

thinly veiled purpose of this was to suppress lawful firearm ownership by restricting its necessary and constitutionally protected precondition: lawful commerce in firearms, including truthful advertising.¹¹ President Biden did not come up with this strategy all on his own. He copied it from Democrat-aligned NGOs who were advancing the same agenda from outside government.

II. An Advertising Campaign by Special Interests

In recent years, NGOs Everytown, The Brady Campaign, and Giffords Law Center published a series of purported FTC “complaints” falsely accusing firearm industry members of violating the FTC Act.¹² The groups’ accusations and apparent legal theories changed from one letter to the next, but in all cases, they portrayed themselves as disinterested advocates speaking on behalf of the American public and urging FTC action in the selfless pursuit of consumer protection. Nothing could be further from the truth.

These NGO “complaints” were about cash, not consumer protection. They were advertisements, intended to support lucrative fundraising efforts.¹³ Everytown’s parent organization, for example, is a thriving commercial enterprise that generates more than \$60 million per year in revenue and employs numerous executives at more than \$200,000 per year.¹⁴ It provides luxury travel for key personnel, spends millions of dollars annually on top advertising firms and consultants, and its campaigns are aided by a billionaire.¹⁵

¹¹ Truthful firearms advertising goes hand-in-hand with the constitutionally protected right to sell and to acquire firearms. *See, e.g., Nguyen v. Bonta*, 140 F.4th 1237, 1243 (9th Cir. 2025) (“the Second Amendment does protect against meaningful constraints on the acquisition of firearms through purchase”); *Teixeira v. County of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017) (“the core Second Amendment right to keep and bear arms for self-defense wouldn’t mean much without the ability to acquire arms”); *United States v. McNulty*, 2023 WL 4826950, at *4 (D. Mass. July 27, 2023) (“The text of the Second Amendment itself also suggests that the right to ‘keep’ firearms necessarily includes an ability to purchase, sell, or otherwise transfer firearms in order to keep oneself properly armed”); *Rigby v. Jennings*, 2022 WL 4448220, *8 (D. Del. Sept. 23, 2022) (“[T]he right to keep and bear arms implies a corresponding right to manufacture arms. Indeed, the right to keep and bear arms would be meaningless if no individual or entity could manufacture a firearm.”).

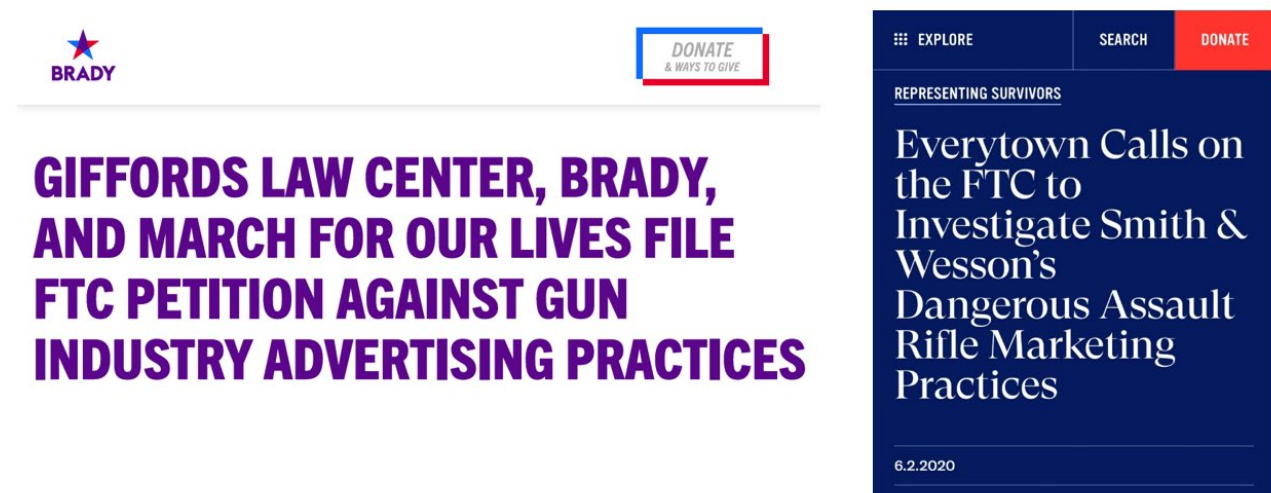
¹² 2022 Brady Letter, *supra* note 2; 2021 Everytown Letter, *supra* note 2; 2021 Everytown Letter, *supra* note 2.

¹³ Advertisement, *Black’s Law Dictionary* (2019) (“A commercial solicitation; an item of published or transmitted matter made with the intention of attracting clients or customers”).

¹⁴ ProPublica Nonprofit Explorer, *Everytown For Gun Safety Action Fund Inc.*, <https://projects.propublica.org/nonprofits/organizations/208802884> (July 20, 2025).

¹⁵ *Id.*; Form 990, Everytown for Gun Safety Action Fund Inc. (2023), <https://projects.propublica.org/nonprofits/organizations/208802884/202423209349305352/IRS990>; *Bloomberg Pumps Cash Into the Long-Term Legal Fight Against Trump*, N.Y. Times (April 8, 2025), <https://www.nytimes.com/2025/04/08/us/politics/michael-bloomberg-everytown-trump-democrats.html>; *Mike Bloomberg Offers to ‘Match Every Donation’ to Fight Gun Violence*, Philanthropy N.Y. (Oct. 5, 2017), <https://philanthropynewyork.org/news/mike-bloomberg-offers-match-every-donation-fight-gun-violence>.

Everytown and its allied NGOs fundraised directly from their FTC “complaints.” They did not even try to hide it.¹⁶



The objective of these groups is to advance their moneymaking efforts by making sensational claims and enlisting the help of the FTC to harm what they see as the opposing interests of NSSF members. Moreover, the groups’ fundraising goals go hand-in-hand with their objective of harming NSSF members by imposing the burdens of litigation.¹⁷ Indeed, these groups have made litigation a central part of their strategy.¹⁸ They have been involved in lawsuits against NSSF members for years (and fundraised from those efforts too).¹⁹

¹⁶ Press Release, Giffords Law Center, Brady, and March For Our Lives File FTC Petition against Gun Industry Advertising Practices (Apr. 7, 2022), <https://giffords.org/press-release/2022/04/giffords-law-center-brady-and-march-for-our-lives-file-ftc-petition/>; Press Release, Everytown Calls on the FTC to Investigate Smith & Wesson’s Dangerous Assault Rifle Marketing Practices (June 2, 2020), <https://everytownlaw.org/case/everytown-calls-on-the-ftc-to-investigate-smith-wessons-dangerous-assault-rifle-marketing-practices/#press>.

¹⁷ See, e.g., Am. Complaint, *Smith & Wesson Brands, Inc. v. Grewal*, No. 2:20-CV-19047 (D.N.J. filed March 10, 2021) ¶¶ 18-39.

¹⁸ Jessica Silver-Greenberg & Ben Protess, *Gun Control Advocates Find a Deep-Pocketed Ally in Big Law* (Dec. 7, 2016), <https://www.nytimes.com/2016/12/07/business/dealbook/gun-control-big-law-firms.html>; Firearms Accountability Counsel Taskforce, <https://firearmsaccountability.org/>.

¹⁹ See Press Release, Smith & Wesson Settlement (Mar. 17, 2000), <https://www.bradyunited.org/legal-case/smith-wesson-settlement>; see also Press Release, Everytown Law Represents Kansas City, Missouri In Suit Against Gun Manufacturer (Jan. 7, 2020), <https://www.everytown.org/press/everytown-law-represents-kansas-city-missouri-in-suit-against-gun-manufacturer-dealers-and-alleged-traffickers-for-contributing-to-local-gun-violence/>.

III. Misleading and Deceptive Claims Regarding Firearm Manufacturers

The NGOs’ “complaints” traffick in unsupported speculation, innuendo, and misrepresentations. Echoing a theme of President Biden’s Executive Order, they rely heavily on a false equivalence between firearms advertising and cigarette advertising.²⁰ While there is no legitimate purpose for a minor using cigarettes (and most states prohibit minors from possessing or using them), there are legitimate reasons for minors, properly supervised by adults, to use firearms. The NGOs criticize ads depicting children *lawfully* learning firearm safety and enjoying the shooting sports under adult supervision, but they fail to identify any evidence whatsoever that such ads ever caused any minor to use a firearm improperly.²¹

In *Junior Sports Magazines v. Bonta*, the Ninth Circuit criticized the State of California for making similar illogical and unsupported arguments in support of anti-firearm legislation.²² Like the NGOs, California argued that certain firearms advertisements “increase[] the overall likelihood that minors will illegally possess and use those products”²³ The court correctly rejected that argument, noting that even if “advertising can theoretically stimulate demand firearm use by minors is not per se unlawful.”²⁴ Regardless of the personal views of the NGOs and certain California lawmakers, there is nothing inherently wrong with firearms advertisements reaching minors or for minors to be drawn to shooting sports or hunting because there is nothing wrong with properly supervised minors using firearms. As the Court aptly put it, “[t]he First Amendment cannot be so easily trampled through inferences and innuendo.”²⁵

Perhaps the most dramatic example of the groups’ misleading claims in their “complaints” was the assertion that advertising firearms as useful for self-defense is unfair and deceptive. As an initial matter, the NGOs’ description of firearm industry advertising as “guns as a safe means of protection” is highly misleading. NSSF members do not claim that firearms are not dangerous. On the contrary, they include prominent safety warnings in their user manuals, which encourage owners to seek training before using their products, precisely *because* firearms can be dangerous. Indeed, that is the

²⁰ See 2022 Brady Letter, *supra* note 2, at 26 & 40, n.103; 2021 Everytown Letter, *supra* note 2, at 4-5.

²¹ See 2020 Everytown Letter, *supra* note 2, at 20-23 (showing several images of adults teaching children use firearms safely, including with captions such as, “Start thinking about safety before you pull your firearm out of the bag.”); Statement of Commissioner Mary L. Azcuenaga, *R.J. Reynolds Tobacco Co.*, No. 9285 (F.T.C. 1994) (discussing the issue of causation and noting, “The dispositive issue here . . . was whether the record showed a link between the Joe Camel advertising campaign and increased smoking among children”).

²² *Junior Sports Mags. Inc. v. Bonta*, 80 F.4th 1109, 1119 (9th Cir. 2023).

²³ *Id.* at 1117-18.

²⁴ *Id.* at 1118-19.

²⁵ *Id.* at 1119.

fundamental reason that firearms are useful for self-defense and the exercise of Second Amendment rights. If firearms were not capable of being dangerous, they would be as useless as a match that cannot burn or a saw that cannot cut.

In countless cases, Americans have used firearms because they were the tool uniquely capable of helping them save their lives or the lives of their family members.²⁶ The NGOs seek to take that right away because they have an infantilizing view of American citizens. They argue that it is the role of the FTC to deprive individuals of the right to protect themselves with firearms because those dangerous tools might hurt them.²⁷

The Constitution, however, shows that the Founders made the opposite policy decision. It entrusts Americans with the right to keep and bear arms for self-defense, despite the innate potential dangers of firearms. As the Supreme Court has explained, “self-defense is a central component of the Second Amendment.”²⁸ Advocating self-defense, therefore, cannot constitutionally be subject to government regulation because the Second Amendment itself reflects a judgment by the American people that the benefits of owning firearms for self-defense outweigh the costs.²⁹ That debate was settled at the Founding.³⁰

IV. Implementing President Trump’s Executive Order

President Trump’s Executive Order is a critical step toward remedying the harms done during the last administration. It cannot be fully effective, however, unless the Commission supports the Executive Order’s implementation by investigating and subjecting to public light any role that the Biden-era FTC may have played in the anti-Second Amendment agenda. At this critical moment, we respectfully urge the Commission to support the implementation of the Executive Order by taking the following actions:

- Issue a statement publicly reaffirming the Commission’s commitment to protecting Second Amendment rights, consistent with the Executive Order;
- Review actions during the last administration to determine the full nature and extent of the pressure exerted by the Biden White House on former commissioners and staff to infringe the Second Amendment;

²⁶ *Defensive Gun Uses in the U.S.*, Heratige Foundation (Updated June 21, 2022), *accord* Heller, 554 U.S. at 628 (“the inherent right of self-defense has been central to the Second Amendment right. The handgun ban amounts to a prohibition of an entire class of ‘arms’ that is overwhelmingly chosen by American society for that lawful purpose.”).

²⁷ See 2022 Brady Letter, *supra* note 2, at 16-25.

²⁸ *Bruen*, 2022 WL 2251305, at *13 (internal quotation marks omitted).

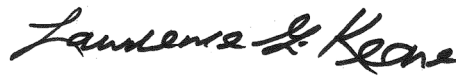
²⁹ See *Heller*, 554 U.S. at 611.

³⁰ *Id.* at 595 & 636.

- Review actions during the last administration by former commissioners and staff to determine whether they improperly aligned themselves with anti-Second Amendment NGOs, utilized Commission resources to aid those groups, or otherwise engaged in conduct that infringed Second Amendment rights;
- Refer any relevant findings to the Attorney General; and
- Promote full public transparency of the foregoing by making public the results of the Commission's inquiry.

As President Trump recognized, the Second Amendment is “foundational to maintaining all other rights held by Americans.” It 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.” I hope that the Commission will take this historic opportunity to contribute to the defense and preservation of American liberty.

Respectfully submitted,

A handwritten signature in black ink, reading "Lawrence G. Keane". The signature is written in a cursive, flowing style.

Lawrence G. Keane

CC:
Daniel Guarnera
Director
Bureau of Competition