



Gun Owners of America

The Only No-Compromise Gun Lobby in Washington

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August 12, 2026
via e-Mail

Hon. Todd Blanche
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Hon. Robert Cekada
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave NE
Washington, DC 20226

Re: Notice of Intent to Transfer Items Previously Regulated by the National Firearms Act, Pursuant to Judicial Injunction in *Silencer Shop Foundation v. ATF*

Dear Attorney General Blanche and Director Cekada,

We wish to respectfully provide you notice that, at midnight on August 13, 2026, the undersigned parties intend to engage in the commercial transfer of firearm silencers, without complying with the currently enjoined requirements of the National Firearms Act ("NFA").

In undertaking these planned transfers, we intend to fully comply with state and federal law, including the Gun Control Act and associated ATF regulations, along with the terms of the permanent injunction entered by Judge James Wesley Hendrix of the United States District Court for the Northern District of Texas in *Silencer Shop Found. v. BATFE*, 6:25-CV-056-H, 2026 U.S. Dist. LEXIS 174125 (N.D. Tex. Aug. 5, 2026).

The *Silencer Shop* litigation involves a challenge to the NFA's registration requirements for certain NFA "firearms." In last year's One Big Beautiful Bill, Congress eliminated the making and transfer taxes for silencers, short-barreled firearms, and "any other weapons." A coalition of plaintiffs, including Gun Owners of America, Inc., then brought suit in federal court, challenging the continuing constitutionality of a purported "tax" that is no longer a tax because it raises no revenue. And last week, the Texas federal district court issued its final judgment, finding that the "challenged NFA provisions rise and fall on the taxing power." *Id.* at *77. Thus, since "Congress invoked the Taxing Clause—not its power to

regulate interstate commerce,” the “challenged NFA provisions ... exceed Congress’s enumerated powers.” *Id.* at *78. The Court “permanently enjoin[ed]” the ATF, the Department of Justice, Todd Blanche, Robert Cekada and all others acting in concert with them, from enforcing “the challenged provisions of the National Firearms Act as to untaxed firearms against the plaintiffs....” *Id.* at *92.

Although Judge Hendrix stayed the effectiveness of his order for seven calendar days, the Department of Justice has not appealed that ruling. Thus, it is scheduled to become effective at midnight Central Time, on August 13, 2026.

At that time, Silencer Shop – a Federal Firearms Licensee – intends to transfer a firearm silencer to Brandon Herrera, and a second silencer to Wes Virdell, in transactions to occur within the State of Texas.¹ No party intends to complete an ATF Form 4, or to seek ATF approval of the transfer. Likewise, no party intends to register either silencer transfer with ATF in the National Firearms Registration and Transfer Record.

Both Mr. Herrera and Mr. Virdell are law-abiding American citizens and Texas residents, fully eligible to own and possess firearms under state and federal law. Mr. Virdell holds a current Texas License to Carry. Both are members of Gun Owners of America, Inc. And during the transaction, they will be Silencer Shop customers. Thus, they will be covered twice over by the *Silencer Shop* injunction. *See Silencer Shop Found. v. BATFE*, No. 6:25-CV-056-H, 2026 U.S. Dist. LEXIS 174125, at *92 (N.D. Tex. Aug. 5, 2026) (extending relief to “members, and customers – both current and future.”).

These planned transfers will take place on the business premises of [REDACTED] in full compliance with both state and federal law (as enjoined).

This communication serves as notice of our intent to perform these actions. To date, neither ATF nor DOJ has provided any formal guidance with respect to the Texas injunction. Nor has ATF or DOJ publicly announced any intent to appeal, or to comply with, the *Silencer Shop* injunction. To that end, we intend to take full advantage of our Second Amendment rights, exercising them in compliance with the court’s order.

¹ Mr. Herrera is currently the Republican candidate for United States House of Representatives in Texas 23. Mr. Virdell is the Texas State Representative for State House District 53. Both are endorsed by President Trump.

However, if either DOJ or ATF maintains the position that the above transfer would be unlawful, or that DOJ and ATF will continue to enforce the National Firearms Act's regulatory provisions against silencers, short-barreled rifles, short-barreled shotguns, and any other weapons despite the court's injunction, **please** inform us no later than 5:00 PM Eastern Time on August 12, 2026.

Otherwise, the very first lawful commercial transfer of a silencer since June 26, 1934 – without complying with the NFA's terms – will take place at midnight on August 13, 2026.

Sincerely yours,



Brandon Herrera (Aug 11, 2026 22:20:21 CDT)

Brandon Herrera



wesley virdell (Aug 11, 2026 22:07:06 CDT)

Wes Virdell



David Matheny (Aug 11, 2026 22:26:32 CDT)

Dave Matheny
CEO, Silencer Shop