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NFA After the Tax

1 message

The Libertarian Party <info@lp.org>

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Director Steven Nekhaila**

Caryn Ann,

The year is **1934**.

America was still reeling from the violence of the Prohibition era. Just five years earlier, the **St. Valentine's Day Massacre** shocked the nation when seven members of Chicago's North Side Gang were executed by Al Capone's organization in one of the most infamous episodes of organized crime in American history. Rather than aggressively target the criminals themselves, Congress turned its attention toward restricting the tools they used.

In response, legislators chose to usurp Americans' God-given and Constitutionally protected Second Amendment rights by imposing a **\$200 tax stamp** on the transfer and manufacture of machine guns, an amount deliberately set so high that it was roughly equivalent to the price of a brand new

Thompson submachine gun itself. In today's dollars, that is approximately **\$4,700–\$4,800**, an intentionally prohibitive tax to discourage ownership altogether.

Rolled into the National Firearms Act was a de facto ban on short-barreled rifles, short-barreled shotguns, and suppressors, unless Americans first obtained government permission, registered themselves in a federal database, and paid the now-infamous \$200 tax.

Congress originally defined a rifle as requiring a minimum **18-inch barrel**. That proved inconvenient when the federal government later sold hundreds of thousands of surplus M1 Carbines and other rifles with **16-inch barrels**. Rather than transform law-abiding Americans into felons overnight, Congress amended the law in 1960 to reduce the minimum rifle barrel length to **16 inches**, while leaving shotguns at 18 inches. The arbitrary nature of these measurements became even more apparent.

Nearly a century later, thanks largely to inflation and the policies of the Federal Reserve, that once-prohibitive \$200 tax had become comparatively insignificant. NFA ownership exploded in popularity.

Millions of Americans began filing Form 1s and Form 4s to legally acquire short-barreled rifles, short-barreled shotguns, suppressors, and other NFA firearms. By mid-2026 alone, more than **6.4 million suppressors** had been registered with the ATF.

Then, in **2025**, Congress passed the omnibus bill which contained changes to the NFA, reducing the transfer and making tax on suppressors, SBRs, SBSs, and AOWs to **\$0**, effective January 1, 2026. Americans could now obtain these items without paying the tax, though they still had to endure the paperwork, registration, waiting period, and government permission slip to exercise a right the Constitution plainly protects.

That immediately raised an obvious constitutional question:

If Congress justified the National Firearms Act as an exercise of its **taxing power**, can it continue enforcing the law once the tax no longer exists?

That question has now reached the federal courts.

On **August 5, 2026**, U.S. District Judge **James Hendrix** ruled that, because Congress eliminated the tax, the challenged portions of the National Firearms Act can no longer be justified under Congress's taxing authority. His ruling declared that the federal government may not continue enforcing the NFA's registration requirements for suppressors, short-barreled rifles, short-barreled shotguns, and AOWs on that basis. The decision has been stayed pending appeal, and the case is widely expected to proceed through the Fifth Circuit and potentially to the United States Supreme Court.

If that reasoning ultimately prevails, this could become one of the most significant firearms cases in US history.

This has the potential to be the largest shake-up of the National Firearms Act since its inception.

It is long past time that we reclaim our firearms freedoms from the clutches of the ATF and the federal government.

There is no principled reason a suppressor should be regulated any more than the material that precedes its manufacture.

There is no reason Americans should face felony prosecution because their rifle barrel is 15.9 inches instead of 16 inches, a distinction whose consequences were made tragically clear at Ruby Ridge.

It is time the American people stand unapologetically for **all** firearms freedom, all the time, regardless of barrel length, country of origin, choice of accessories, or rate of fire.

The era of half-measures, gun-grabbing, and compromise is over. The right of a free people to keep and bear arms is a right that precedes even the Constitution itself. It is an inherent natural right, born of every human being's authority to defend his life, his liberty, his family, and his property as he sees fit. That core tenet of both libertarianism and human liberty itself will endure every attempt to usurp it.

The Libertarian Party affirms the individual right recognized by the Second Amendment to keep and bear arms, and we oppose the prosecution of individuals for exercising their rights of self-defense and we oppose all laws at any level of government restricting, registering, or monitoring the ownership, manufacture, or transfer of firearms, ammunition, or firearm accessories.

Sincerely,

Steven Nekhaila,
At-Large Director, LNC

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