



Written by [Joe Wolverton, II, J.D.](#) on March 26, 2025

The Second Amendment Is Not Subject to Judicial Repeal: A Response to the Supreme Court's Betrayal

Today, the Supreme Court of the United States has once again demonstrated that black robes are no defense against yellow spines. In a stunning 7-2 decision, [the Court upheld](#) the Biden administration's authoritarian attempt to regulate so-called ghost guns, surrendering yet another critical inch of the Constitution to the ever-hungry Leviathan in Washington.

Justice Neil Gorsuch, whom many mistakenly believed to be a friend of the Constitution, authored the opinion, breezily dismissing objections to the ATF's extralegal edict as unworthy of serious consideration. Gorsuch wrote that the Court had "no trouble rejecting" arguments made by the plaintiffs — arguments rooted in the plain text of the Constitution and the historical understanding of the right to keep and bear arms.

If the Founders had been so cavalier with tyranny, there never would have been a Lexington Green or a Concord Bridge.

Power Play

Make no mistake: This ruling is not about "kits" or "untraceable weapons." This is about raw federal power — a bureaucratic agency, the ATF, with no legislative authority, inventing regulations that infringe on a right the Constitution declares "shall not be infringed." And now, that usurpation has been sanctified by the very branch of government that was intended to be the Constitution's final guardian.

Let's be clear: The Second Amendment is not subject to judicial repeal.

It is not up for reinterpretation by unelected judges, nor is it subordinate to the fears of bureaucrats or the fantasies of tyrants in three-letter agencies. It is a natural right — pre-existing government, pre-existing the Constitution, and not granted by any man. That right was recognized and protected by the Founders because they understood that disarmed citizens are the surest sign of despotic rule.

As George Mason noted during the Virginia Ratifying Convention, "To disarm the people is the best and most effectual way to enslave them."

And as Thomas Jefferson warned, "No free man shall ever be debarred the use of arms."

But today, in 2025, the Supreme Court has decided that liberty may be managed by fiat, that rights may be regulated by regulation, and that so-called ghost guns are somehow more dangerous than the ghosts of tyranny that now haunt the chambers of our government.



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Redefining Firearms

The ATF's rule redefines weapon parts as firearms themselves — an act of linguistic legerdemain that would make Orwell shudder. By such logic, a block of aluminum could soon be declared a firearm if it might one day be machined into a lower receiver. And now, seven justices have given their blessing to this brazen act of bureaucratic sorcery.

This is not just an attack on the Second Amendment — it is an attack on the very concept of limited government.

When unelected bureaucrats can redefine words in a statute to expand their own power, and when the Court shrugs and says “we have no trouble with this,” we have left the Constitution behind. We have entered the realm of regulatory despotism, where rights are granted at the whim of the ruling class and withdrawn just as easily.

Our Founders didn't fight and die to protect regulated rights — they fought to preserve unalienable ones. They knew that a government that controls the arms of the people controls the people themselves. That is why the Second Amendment was written in the imperative: “shall not be infringed.”

The question is not whether ghost-gun kits require tools or expertise. The question is whether the federal government has any constitutional authority whatsoever to restrict a citizen's right to make, own, or carry a weapon. The answer, as the Founders would have made clear with flintlock in hand, is absolutely not.

Patrick Henry declared, “The great object is that every man be armed.... Everyone who is able may have a gun.” Today's Court has spit on that legacy.

Stand Against Judicial Overreach

Let this be a clarion call to patriots across these united (but fading) states: We cannot depend on the courts to defend our rights. It is time for the states to reassert their sovereignty, nullify unconstitutional federal overreach, and interpose on behalf of the people whose liberties are under constant assault.

To those who would still cling to the illusion that the courts are guardians of our freedom, I say: The Constitution is not self-enforcing. It lives only in the hearts of those willing to defend it — by education, by legislation, and when necessary, by nullification.

The federal beast will not stop itself. We must stop it.



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