



**GUN OWNERS
OF AMERICA**
★
**VIRGINIA CITIZENS
DEFENSE LEAGUE**
JOINT OPEN LETTER



June 2, 2026

To: All Virginia Law Enforcement Officials and Officers

Re: Open Letter to All Law Enforcement Officers and Prosecuting Officials
Within the Commonwealth of Virginia Regarding
Unlawful and Unconstitutional Enforcement of Universal Background Checks

Dear Sirs:

We write to you on behalf of Gun Owners of America, Inc. (“GOA”) and the Virginia Citizens Defense League (“VCDL”), who together represent tens of thousands of gun owners across the Commonwealth of Virginia.

The purpose of this Open Letter is to serve as a notice to all public servants within the Commonwealth of Virginia regarding the consequences of any attempt to enforce Virginia Code § 18.2-308.2:5, which purports to require what are known as “universal background checks” on the private and noncommercial intrastate transfer of firearms within the Commonwealth.

On October 29, 2025, these statutory provisions were **declared unconstitutional**, and their enforcement **permanently enjoined** statewide, by the Circuit Court for the City of Lynchburg. Specifically, that court explicitly ordered that:

The Virginia Department of State Police, and **all law enforcement divisions, agencies, and officers within the Commonwealth**, to include their successors or replacements in office, **are hereby permanently enjoined and prohibited from administering, enforcing**, or otherwise imposing upon any person the requirements of, the Act (**Va. Code § 18.2-308.2:5**). [*Wilson v. Hanley*, 116 Va. Cir. 425, 436 (Lynchburg 2025) (emphases added).]

A copy of that order is attached to this letter. The Court’s order is clear – **Va. Code § 18.2-308.2:5 cannot and shall not be enforced**. That order – and the Court’s permanent injunction enjoining enforcement across the Commonwealth – took effect on October 29, 2025. It was not appealed, it is a final order, **and it is still in effect today**.

Even so, on May 4, 2026, the new Attorney General of the Commonwealth of Virginia began playing a new and dangerous game – one that shows a blatant disregard of the authority of state courts, and which demonstrates extreme disrespect for the constitutional separation of powers and the rule of law.

In a court filing in the Lynchburg case referenced above, the Attorney General claimed recent legislation enacted by the General Assembly has “superseded” the Lynchburg Court’s permanent injunction, allowing the Virginia State Police to again begin enforcing universal background checks on private sales *despite what the Court said*. Then, on May 27, 2026, acting at the Attorney General’s instruction, the Virginia State Police publicly reported that it would again begin administering and enforcing Va. Code § 18.2-308.2:5, the universal background check statute.

These decisions place the Virginia State Police in direct violation (and in contempt) of the Lynchburg Court’s permanent injunction which, to date, has not been dissolved. Indeed, Virginia Code § 8.01-625 makes clear that only the Lynchburg Court that issued the injunction (or a higher court) has the power to dissolve its injunction – not the General Assembly by statute, and certainly not the Attorney General by fiat.

In other words, by demanding that Virginia’s law enforcement personnel enforce an unconstitutional and currently enjoined statute, **the Attorney General is unfairly pitting you against law-abiding gun owners** – the very people you protect and serve – and urging you to violate a lawful court order.

Although the Attorney General has created this awkward position for law enforcement officers, the path forward is clear – and simple. Each of you swore an oath to uphold and support the Constitution of Virginia, which enshrines not only the right of Virginians to keep and bear arms, but also the authority of judges to enjoin enforcement of unconstitutional laws.

Your loyalty to this supreme law – and the pre-existing constitutional rights of your friends, neighbors, and communities – trumps any loyalty you might owe to the lawless edict of the new Attorney General and the Superintendent of the Virginia State Police.

We trust that you, as sworn law enforcement officers, deputies, troopers, sheriffs, chiefs, commonwealth’s attorneys, and prosecuting attorneys, will uphold your oath to Virginians’ constitutional rights, and also abide by your duty to obey lawful court orders.

That said, it is also important for you to know that any action taken in furtherance of the Attorney General’s unconstitutional edict, to enforce or administer the universal background check statute, is a trap that could strip you of qualified immunity, should your actions be challenged. This could expose you to **personal financial liability** for civil rights violations under 42 U.S.C. § 1983, should you enforce the statute in violation of the Lynchburg Court’s order.

Qualified immunity shields government officials from civil damages only insofar as officials' conduct does not violate "clearly established statutory or constitutional rights of which a reasonable person would have known." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). As the Fourth Circuit emphasized, qualified immunity is intended to protect "law enforcement officers from bad guesses in gray areas and ensures that they are liable only for transgressing bright lines." *Willingham v. Crooke*, 412 F.3d 553, 558 (4th Cir. 2005).

But there is no gray area here. Rather, the Lynchburg Court order, which applies statewide, spells it out in black and white. Thus, qualified immunity may be completely unavailable to any official who chooses to enforce Va. Code § 18.2-308.2:5 in violation of the Lynchburg Court's order.

As the U.S. Supreme Court explains, "[q]ualified immunity attaches when an official's conduct 'does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.'" *White v. Pauly*, 580 U.S. 73, 78-79 (2017) (citation omitted). Given (i) the highly publicized Lynchburg Court order,¹ (ii) the Virginia Court of Appeals' rejection of Jay Jones's misguided attempt to appeal that order prior to his actually taking office,² (iii) the Lynchburg plaintiffs' public filing of a motion for contempt against the VSP Superintendent,³ and now (iv) this Open Letter, it seems evident that any reasonable law enforcement official or prosecutor in Virginia would have actual or constructive knowledge of the Lynchburg Court's order.

Those who might choose to violate their oath of office and shirk their duty to obey lawful court orders should know that GOA and VCDL stand ready to assist Virginians in defense of their constitutional rights, if necessary. Of course, this is a situation we hope to avoid. We believe that you, Virginia's law enforcement officials, are overwhelmingly loyal to your fellow citizens and the Constitution you swore to uphold. We thank you for your service to Virginia, and look forward to standing side-by-side with you to protect our enumerated constitutional rights from this lawless administration.

Sincerely yours,



Philip Van Cleave
President
Virginia Citizens Defense League



Erich M. Pratt
Senior Vice President
Gun Owners of America

¹ See, e.g., A. Stanbridge, "[Attorney General-elect Jay Jones seeks extension in Virginia gun law appeal](#)," *WSET.com* (Dec. 9, 2025); M. Schmidt, "[ODU shooting case renews debate over Virginia's inactive background check law](#)," *Virginia Mercury* (Mar. 23, 2026); F. Bull, "[GOA and GOF Successful in Overturning Virginia's Universal Background Check Law; Judge Halts Enforcement](#)," *Gun Owners of America* (Oct. 30, 2025).

² *In re Attorney General-Elect Jay Jones*, Cir. Ct. No. CL20-582 (Va. Ct. App. Dec. 22, 2025), <https://foundation.gunowners.org/wp-content/uploads/122225-Order-motion-denied-in-re-jay-jones-1.pdf>.

³ L. McCoy, "[Gun Owners of America Moves to Hold Virginia State Police Chief in Contempt After Agency Restarts Banned Background Checks](#)," *USACarry.com* (May 29, 2026).

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

RAUL WILSON,

WYATT LOWMAN,

VIRGINIA CITIZENS DEFENSE LEAGUE,

GUN OWNERS OF AMERICA, INC.,

and

GUN OWNERS FOUNDATION,

Plaintiffs,

v.

Case No. CL20-582

COLONEL MATTHEW D. HANLEY
(In his Official Capacity as
Superintendent of the Virginia State Police)

Defendant.

FINAL ORDER

This matter came before the Court for trial on February 21, 2024. Following trial, the Court issued a letter opinion on December 17, 2024 in which it held that Va. Code § 18.2-308.2:5 (the “Act”) was unconstitutional as applied to persons 18 to 20 years of age under Article I, § 13 of the Constitution of Virginia, and directed further briefing and argument from the parties regarding the impact of this finding on the Act as a whole.

The parties appeared before the Court on June 4, 2025, and the Court heard argument on the question of whether the Act should be invalidated and enjoined in its entirety based upon its findings as to adults under the age of 21. Having considered the briefs and arguments of the parties, and for the reasons set forth in the Court’s letter opinions dated December 17, 2024 and October 16, 2025, it is hereby **ORDERED** that:

1. The Court declares that the Act (Va. Code § 18.2-308.2:5) is unconstitutional as applied to adults 18 to 20 years of age, and strikes the Act in its entirety for the reasons stated in its October 16, 2025 letter opinion.

2. The Virginia Department of State Police, and all law enforcement divisions, agencies, and officers within the Commonwealth, to include their successors or replacements in office, are hereby permanently enjoined and prohibited from administering, enforcing, or otherwise imposing upon any person the requirements of, the Act (Va. Code § 18.2-308.2:5).

3. All orders granting temporary injunctive relief in this matter are hereby dissolved, and replaced with the permanent injunctive relief set forth in the preceding paragraph.

4. Plaintiffs' request for a writ of mandamus is denied.

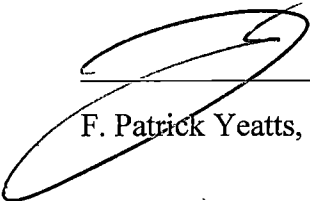
5. No injunction bond shall be required pursuant to Va. Code § 8.01-631.

6. The Court notes the objections of the Defendant as set forth in the record in this case.

7. The Court waives endorsement of counsel pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia.

There being nothing further to be done, this order is intended to be a final order in accordance with Rule 1:1, and this cause is ended.

Entered: 10 / 29 / 25



F. Patrick Yeatts, Judge