

**ASTRONAUTS FOR AMERICA** 

WHEN DUE PROCESS SHRINKS FOR ONE GROUP, IT SHRINKS FOR ALL

Why the 2025 Immigration Crackdown Should Be of Concern to Gun Owners

EXECUTIVE SUMMARY

Constitutional protections are interdependent. When procedural safeguards are weakened in order to reach an unpopular group, the precedent does not stay with that group; it raises the baseline of executive power for whoever holds office next. Practices normalized during the 2025 immigration crackdown could be repurposed by a future administration against lawful firearm owners deemed dangerous to the state. Eroding due process for one group weakens the structural protections that shield everyone.

FOREWORD

We at Astronauts For America are not constitutional scholars, but we know what happens when procedural safeguards are bypassed in the name of urgency. The Challenger disaster was not simply an engineering failure; it was a breach of process, and we learned at terrible cost that shortcuts taken against inconvenient evidence cost missions and lives. Return to Flight included, among many other things, a return to rigorous review processes. Due process is the constitutional equivalent of that disciplined review requirement.

WHAT HAPPENED IN 2025: FACTUAL OVERVIEW

In January 2025, the Department of Justice (DOJ) directed prosecutors to investigate officials who resisted federal immigration enforcement, and the Department of Homeland Security (DHS) rescinded longstanding guidance limiting immigration arrests near schools and churches.¹ Fast-track deportation followed immediately, triggering due process legal challenges.

By March, the White House invoked the Alien Enemies Act of 1798, a wartime statute, to justify rapid deportations, and used a rare 1952 foreign-policy provision to attempt the deportation of a lawful permanent resident based on his political affiliations and speech.² Thousands of federal agents were diverted from their primary duties. About 80 percent of the roughly 2,500 agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), an agency that had played almost no part in immigration enforcement before 2025, were ordered to take on immigration work, serving largely as fugitive hunters. Separately, agents at Homeland Security Investigations were trained in “knock and talk” visits and warrantless arrests.³

The administration heralded these efforts as a success, noting in late April that Border Patrol arrests had dropped to 7,200 in March, down from roughly 250,000 in December 2023. The administration reported 130,000 deportations in the first three months of 2025, and ICE facilities holding more than 40,000 individuals.⁴

The Supreme Court ruled in April that Alien Enemies Act deportations required proper notice and a meaningful opportunity for habeas relief,⁵ and in May it maintained that block, holding that roughly 24 hours’ notice, given without guidance on how to exercise due process rights, was legally insufficient.⁶ That question remains in active litigation. A federal district court separately blocked rapid third-country deportations without an opportunity to show risk of persecution.⁷

WHY THOSE PRECEDENTS MATTER BEYOND IMMIGRATION

The American legal system operates on precedent, but the more durable transfer is practical rather than doctrinal. When the executive branch successfully tests a novel reading of a statute or expands its enforcement parameters, those tools remain in the executive toolbox for future administrations. Enforcement mechanisms, meaning how agencies interpret emergency powers, conduct surveillance and execute arrests, rarely stay confined to their original context.

Rights are most vulnerable when government acts against disfavored groups. When society accepts secret evidence, bypassed notice requirements, or warrantless “knock and talk” raids under cover of a declared emergency, the procedural floor drops for everyone. The subjects of the 2025 crackdown were primarily non-citizens, but the weakening of 4th and 5th Amendment standards structurally alters the balance of power between the state and the individual. A future administration could use that precedent against any group it considers a threat, including gun owners.

This is not hypothetical, and it does not run in only one direction. In 2013 the Department of Justice launched Operation Choke Point, which pressed banks to cut off merchants the government classed as high risk. Guidance from the Federal Deposit Insurance Corporation listed firearms sales and ammunition sales among those categories. Lawful gun dealers lost banking relationships without a charge, a hearing, or any adjudication, because the pressure was applied to third parties rather than to them. A 2014 House Oversight Committee staff report concluded that the program “inappropriately demands that bankers act as the moral arbiters and policemen of the commercial world.” The FDIC withdrew the list that July, and the Justice Department formally ended the program in 2017.⁸ The lesson is in the mechanism rather than the party: process-free administrative pressure built for one purpose remains available to whoever inherits it.

“An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret, and to misapply even the best of laws. He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach to himself.”

Thomas Paine, Dissertation on First Principles of Government, 1795

SPECIFIC IMPLICATIONS FOR GUN OWNERS’ 2ND AMENDMENT RIGHTS

The jurisprudence surrounding the 2nd Amendment has solidified the individual right to keep and bear arms, as seen in landmark cases such as *District of Columbia v. Heller* (2008), *McDonald v. City of Chicago* (2010), and *New York State Rifle & Pistol Association v. Bruen* (2022). In *United States v. Rahimi* (2024), the Court held that an individual found by a court, after a hearing, to pose a credible threat may be temporarily disarmed. The judicial finding and the hearing are what make that disarmament lawful. If the procedural standards surrounding due process erode, the substantive right to bear arms is placed at risk. The 2025 immigration precedents offer several practical examples of how this could occur:

- **Warrantless Searches and “Knock and Talk” Tactics:** In 2025 the agency that regulates firearms was reassigned in bulk to immigration fugitive work, while other federal agents were trained in warrantless arrests and aggressive “knock and talk” procedures. If a future administration declares a public health emergency over gun violence, an ATF already accustomed to operating outside its statutory lane, inside an executive branch where those tactics have been normalized, could be turned on lawful gun owners. “Knock and talks” could be used to press owners into consenting to searches of their safes, and expanded stop-and-frisk precedents could be aimed at individuals lawfully carrying concealed weapons.
- **Administrative Blacklists and Viewpoint Targeting:** The 2025 attempt to deport a lawful permanent resident using a 1952 foreign-policy provision, allegedly based on his political protests, demonstrates the danger of administrative blacklists. If the executive branch can bypass the judiciary to penalize individuals for their associations, future anti-gun administrations could leverage similar administrative categorizations. For example, individuals who associate with certain 2nd Amendment advocacy groups or attend specific rallies could be placed on administrative watchlists, thereby delaying or denying their firearms permits without a formal criminal conviction or standard judicial review.
- **Emergency Declarations and Fast-Track Procedures:** The invocation of the 1798 Alien Enemies Act during peacetime relied on a broad interpretation of executive emergency powers to bypass standard deportation hearings. If 24-hour notice and fast-track procedures become an accepted norm for depriving a person of liberty, a future administration could invoke similar emergency powers to bypass the historical traditions required by *Bruen*. Fast-track “red flag” confiscations with highly constrained notice and limited opportunity for habeas relief could become standard, fundamentally undermining the due process protections upheld in *Rahimi*.

COUNTERARGUMENTS AND RESPONSES

The counterargument. Immigration law operates under the “plenary power doctrine”: the executive and legislative branches have exceptionally broad authority over non-citizens. Critics therefore argue that eroding due process for undocumented immigrants cannot legally translate into erosion of 2nd Amendment rights for citizens.

Our response. The doctrinal objection has force, and we do not dismiss it: plenary power does limit how far immigration holdings travel as binding precedent. Our concern is not primarily doctrinal. The 4th and 5th Amendments apply to “persons” within the United States, not merely to citizens. The redeployment of ATF and other agents, the normalization of warrantless searches, the threatening of local officials who refuse to cooperate, and the aggressive use of emergency declarations are expansions of operational capacity and bureaucratic culture. Once law enforcement agencies are trained and accustomed to operating against long-held norms with minimal judicial friction, that institutional muscle memory persists. A legal framework that permits rapid, low-due-process enforcement in one sector creates a template that creative federal lawyers will inevitably attempt to adapt for other regulatory priorities, including gun control.

CONCLUSION

The constitutional architecture of the United States is designed to constrain state power, whoever the target may be. The 2025 immigration crackdown made aggressive use of emergency statutes, bypassed due process, and repurposed federal agents, and in doing so, established precedents that expand the boundaries of executive authority. American gun owners should view these developments with concern: the procedural shortcuts tolerated today against one group become the legal weapons used tomorrow against another. The 2nd Amendment cannot be preserved in isolation from changing norms.

RECOMMENDATIONS

The following measures would protect all persons, including lawful firearm owners, from the downstream effects of expanded executive power:

- **Strict Adherence to Procedural Due Process:** Congress should codify stringent notice and hearing requirements for any federal action that deprives an individual of liberty or property, explicitly limiting the use of fast-track procedures.
- **Restricting the Redirection of Specialized Agencies:** Congress should establish guardrails to prevent mass diversion of specialized agencies into generalized domestic law enforcement operations without explicit congressional authorization.
- **Revising Emergency Powers:** Congress should reform the National Emergencies Act and the Alien Enemies Act to require prompt and recurring judicial and congressional review, so that emergency declarations cannot be used to bypass constitutional process.
- **Universal Protection of the 4th Amendment:** Congress and the courts should reject the normalization of warrantless “knock and talk” strategies and expanded stop-and-frisk practices, which are inherently dangerous to the privacy and security of all persons the Constitution protects, including gun owners.

FOOTNOTES

1. U.S. Department of Justice memorandum on investigating officials who obstruct immigration enforcement, and U.S. Department of Homeland Security rescission of protected-areas guidance, both January 21, 2025; reported in Reuters, January 22, 2025.
2. Presidential Proclamation invoking the Alien Enemies Act, March 15, 2025; Congressional Research Service, “The Alien Enemy Act: History and Potential Use to Remove Members of International Criminal Cartels,” LSB11269.
3. Reuters, “Thousands of agents diverted to Trump immigration crackdown,” March 22, 2025.
4. Administration enforcement figures as reported in Reuters, “Trump touts immigration crackdown despite concerns about due process,” April 28, 2025; independent reporting has questioned how these totals compare with prior years.
5. *Trump v. J.G.G.*, No. 24A931 (U.S. April 7, 2025) (per curiam).
6. *A.A.R.P. v. Trump*, 145 S. Ct. 1364 (U.S. May 16, 2025) (per curiam). The U.S. Court of Appeals for the Fifth Circuit granted rehearing en banc on September 30, 2025, and heard argument on January 22, 2026.
7. *D.V.D. v. U.S. Department of Homeland Security* (D. Mass. April 18, 2025).

8. U.S. House Committee on Oversight and Government Reform, Staff Report, “The Department of Justice’s Operation Choke Point,” May 29, 2014; Federal Deposit Insurance Corporation withdrawal of the high-risk merchant list, July 2014; U.S. Department of Justice letter formally ending the program, August 17, 2017.
9. Cato Institute, “The Supreme Court Spurns a Presidential Power Grab”; Ilya Somin, “Our Fifth Circuit Alien Enemies Act Amicus Brief,” *The Volokh Conspiracy*, June 2, 2025.