

Trump Administration Prepares to Give Gun Rights Back to Some Convicts

After Justice Department officials sought to allow Mel Gibson to own a gun again, the administration is proposing a path for some people to have their firearms access restored.



By Devlin Barrett

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The Justice Department plans to create a path for people with criminal convictions to own guns again, an issue that became contentious at the agency when officials there sought to restore that right to the actor Mel Gibson, a prominent supporter of President Trump's.

The move would hand a victory to gun rights supporters less than a year after the Supreme Court ruled that the government could restrict firearms access to people facing restraining orders for domestic violence. Shortly after Attorney General Pam Bondi was confirmed in February, Mr. Trump ordered a review of the federal government's gun policies.

The department still supports laws ensuring “violent and dangerous people” cannot lawfully acquire firearms, as long as there is “an appropriate avenue” to restore rights to people who have earned the chance to own guns again, according to an interim rule set to be published on Thursday in The Federal Register.

Determining whose gun rights should be restored depends on a number of factors, the notice says, including “a combination of the nature of their past criminal activity and their subsequent and current law-abiding behavior.”

Under a decades-old law, the Bureau of Alcohol, Tobacco, Firearms and Explosives can return gun rights to specific people. But starting in 1992, congressional spending bills barred the A.T.F. from doing so.

The interim rule would effectively give that authority to the attorney general, who would then delegate it to another Justice Department official or office.

Gun Owners of America, a lobbying group, called the decision “outstanding progress.”

Kris Brown, the president of Brady, a gun control advocacy group, said that the change was “a blatant and dangerous power grab by the Trump administration, and a gift to his donors in the gun industry.”

The issue has been fiercely debated inside the Justice Department in recent weeks. Elizabeth G. Oyer, the department’s former pardon attorney, was fired earlier this month after she refused to recommend that Mr. Gibson be added to a small group of people getting their gun rights restored.

Not long after she refused for a second time to make such a recommendation, she was fired, joining a handful of senior lawyers at the department who were dismissed the same day. Senior department officials insisted that Ms. Oyer’s firing had nothing to do with gun rights or Mr. Gibson.

Ms. Oyer said in an interview this month that she resisted because of Mr. Gibson’s 2011 conviction on a misdemeanor charge for domestic violence, after he pleaded no contest to battery against a former girlfriend.

“This isn’t political,” she said. “This is a safety issue.”

As the Trump administration prepared to reverse some limits on gun ownership, Justice Department officials debated who should be eligible. They quickly ruled out murderers and armed robbers. But they considered whether domestic abusers should get their rights back, and how many years should elapse before gun rights are restored.

Ms. Oyer said that she was deeply opposed to one proposal, which would make the restoration of gun rights automated, so that a computer program, not employees at the department, would review individual cases.

Devlin Barrett covers the Justice Department and the F.B.I. for The Times. More about Devlin Barrett