No. 24-1234

In the Supreme Court of the United States

UNITED STATES OF AMERICA,
Petitioner,

v.

ALI DANIAL HEMANI,
Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF OF THE CATO INSTITUTE AND THE REASON FOUNDATION AS *AMICI CURIAE* IN SUPPORT OF RESPONDENT

Matthew P. Cavedon
Counsel of Record
Samuel Rutzick
CATO INSTITUTE
1000 Massachusetts Ave. NW
Washington, D.C. 20001
(706) 309-2859
mcavedon@cato.org
Counsel for Amici Curiae

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QUESTION PRESENTED

Whether 18 U.S.C. § 922(g)(3), the federal statute that prohibits the possession of firearms by a person who "is an unlawful user of or addicted to any controlled substance," violates the Second Amendment as applied to respondent.

TABLE OF CONTENTS

TABLES OF AUTHORITIES

Cases

Statutes & Legislative Materials

Other Authorities

Regulations

INTEREST OF *AMICI CURIAE*[1]

The Cato Institute is a nonpartisan public-policy research foundation established in 1977 and dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Project on Criminal Justice was founded in 1999 and focuses in particular on the scope of substantive criminal liability, the proper and effective role of police in their communities, the protection of constitutional and statutory safeguards for criminal suspects and defendants, citizen participation in the criminal justice system, and accountability for law enforcement officers.

Reason Foundation (Reason) is a nonpartisan and nonprofit public policy think tank, founded in 1978. Reason's mission is to promote free markets, individual liberty, equality of rights, and the rule of law. Reason advances its mission by publishing the critically acclaimed Reason magazine, as well as commentary and research on its websites, www.reason.com and www.reason.org. To further Reason's commitment to "Free Minds and Free Markets," Reason has participated as *amicus curiae* in numerous cases raising significant legal and constitutional issues, including cases regarding banned substances and regarding Second Amendment rights.

This case interests *amici* because the right to keep and bear arms for self-defense is fundamental, and an individual does not forfeit this right by engaging in the responsible use of cannabis.

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[1] Rule 37 statement: No party's counsel authored this brief in any part and no person or entity other than *amici* funded its preparation or submission.

INTRODUCTION AND SUMMARY OF ARGUMENT

18 U.S.C. § 922(g)(3) criminalizes the exercise of Second Amendment rights by any American who "is an unlawful user of or addicted to any controlled substance." This ban violates the Constitution because it is ahistorical, vague, and far too broad: The Government's attempts to analogize § 922(g)(3) to the historical treatment of alcoholics and early surety laws are flawed. The meaning of the statute's operative term "unlawful user" is unclear. And vitiating the rights of half of the adult population is incompatible with preserving the Bill of Rights.

ARGUMENT

I. SECTION 922(g)(3) FAILS THE *BRUEN* TEST.

The Second Amendment reflects the basic right to defend one's life and those of others, and it ratifies entitlements that belonged to British subjects at common law. *McDonald v. City of Chicago*, 561 U.S. 742, 767–68 (2010); *see also id.* at 842 (Thomas, J., concurring in part and concurring in the judgment) ("[E]ven though the Bill of Rights technically applied only to the Federal Government, many believed that it declared rights that no legitimate government could abridge."). It "presumptively protects" the right to keep and bear arms guaranteed by its "plain text," and a limit on that right cannot be justified simply because it "promotes an important interest." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17 (2022); *District of Columbia v. Heller*, 554 U.S. 570, 636 (2008) ("[T]he enshrinement of constitutional rights necessarily takes certain policy choices off the table."). After all, the Second

Amendment "is the very *product* of an interest balancing by the people." *Heller*, 554 U.S. at 635. Its protections persist even though they—like other provisions in the Bill of Rights—bear "disputed public safety implications." *McDonald*, 561 U.S. at 783 (plurality op.); *see also Bruen*, 597 U.S. at 70 ("The constitutional right to bear arms in public for self-defense is not 'a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.'") (quoting *id.* at 780); *United States v. Rahimi,* 602 U.S. 680, 709 (2024) (Gorsuch, J., concurring) ("When the people ratified the Second Amendment, they surely understood an arms-bearing citizenry posed some risks. But just as surely they believed that the right protected by the Second Amendment was itself vital to the preservation of life and liberty."). Ratification as a constitutional right "takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is *really worth* insisting upon": "A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all." *Heller*, 554 U.S. at 634.

In measuring the Second Amendment's reach, the courts do not look to policy implications, but to history. *See id.* at 634–35 ("Constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad."). To prevail against a Second Amendment challenge, the government must "affirmatively prove" that a modern restriction on the right to keep and bear arms "is consistent with this Nation's historical tradition" of firearm regulation. *Bruen*, 597 U.S. at 17, 19. A regulation is constitutional only if it is "analogous

enough" to some historical restriction. *Rahimi,* 602 U.S. at 692 (majority op.) (quoting *Bruen*, 597 U.S. at 30). Courts may not create exceptions to a right by "glean[ing] from historic exceptions overarching 'policies,' 'purposes,' or 'values' to guide them in future cases." *Id.* at 710 (Gorsuch, J., concurring)) (quoting *Giles*, 554 U.S. at 374–75 (opinion of Scalia, J.)). Courts should take care "not to read a principle at such a high level of generality that it waters down the right." *Id*. at 740 (Barrett, J., concurring).

An analogy has to hold as to both "why" and "how" a regulation burdens Second Amendment rights. *Bruen*, 597 U.S. at 29. That means a modern regulation is constitutional only when it "is comparably justified" to a historical restriction and "impose[s] a comparable burden." *Id.* While perfect correspondence is not a requirement under these prongs, courts should not be satisfied by just anything that "remotely resembles a historical analogue," as this would provide too little constitutional protection. *Id.* at 30 (citation omitted).

Section 922(g)(3) does not satisfy either part of the *Bruen* analysis.

A. The "Why" Behind § 922(g)(3) Differs from the Historical Disarmament of Habitual Alcoholics.

The Government argues that § 922(g)(3) is sufficiently analogous to the historical disarmament of habitual alcoholics. Cert. Pet. at 10–14. This comparison is unavailing in terms of both "why" and "how." First, as to the underlying rationale for the restrictions: routine abusers of alcohol are dangerous to a greater degree, and in different ways, than are cannabis users.

Cf. Rahimi, 602 U.S. at 698–99 (noting that disarmaments pursuant to restraining orders target people who have been judicially determined to endanger others). Alcohol and marijuana affect users differently. Of immediate relevance to firearms safety, consuming alcohol tends to increase aggression, whereas cannabis use may decrease it.[2] "While cannabis users appear to be susceptible to psychosis-related disorder, cognitive impairment, and traffic accidents, the risks involved seem to be lower than the corresponding risks from alcohol and tobacco use."[3] And marijuana use tends to reduce impaired drivers' speed, tendency to closely follow other vehicles, and likelihood to engage in other risky driving behaviors—effects opposite to those observed in drivers under the influence of alcohol.[4] The historical disarmament of habitual alcoholics reflected dangers that are absent from the marijuana context.

Cannabis use has not traditionally been thought to authorize disarmament in the way habitual alcoholism did. Cannabis was not commonly consumed in the Founding Era, but after becoming more widely introduced in the 19th century, it "was widely utilized as a

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[2] *See generally* E. B. De Sousa Fernandes Perna et al., *Subjective Aggression During Alcohol and Cannabis Intoxication Before and After Aggression Exposure*, 233 PSYCHOPHARMACOLOGY 3331 (2016).

[3] *See generally* Petter Grahl Johnstad, *Comparative Harms Assessments for Cannabis, Alcohol, and Tobacco: Risk for Psychosis, Cognitive Impairment, and Traffic Accident*, 8 DRUG SCI. POL'Y. & L., at *7 (2022), https://doi.org/10.1177/20503245221095228.

[4] R. Compton, *Marijuana-Impaired Driving: A Report to Congress*, NHTSA 12 (2017), https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812440-marijuana-impaired-driving-report-to-congress.pdf.

patent medicine."[5] Prohibitions on cannabis consumption did not proliferate until the early twentieth century. Even when it was illegal to drink alcohol in Pennsylvania, Illinois, and North Dakota, marijuana use remained permissible.[6] The first example of laws disarming people due to drug use date to the 1920s, and § 922(g)(3) originated only in 1968. Cert. Pet. at 15 & n.7; Br. of Pet'r at 5, 29.

The eventual criminalization of marijuana had the hallmarks of a moral panic rather than a rational public safety judgment: "a grassroots movement in the Southwestern United States . . . successfully labeled marijuana in the public mind as 'Mexican Opium,' a drug that turned Mexican field hands violent and high school students insane."[7] Legislatures long understood cannabis to differ from alcohol, slowly changing their assessments based on cultural hostility to marijuana rather than a scientifically valid appreciation of its effects. The modern disarmament of marijuana users did not arise from the same impetus as historical limits imposed on alcohol abusers.

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[5] Mary Barna Bridgerman & Daniel T. Abazia, *Medicinal Cannabis: History, Pharmacology, and Implications for the Acute Care Setting,* 42 PHARMACY & THERAPEUTICS 180, 180 (2017).

[6] Kimani Paul-Emile, *Making Sense of Drug Regulation: A Theory of Law for Drug Control Policy,* 19 CORNELL J.L. & PUB. POL'Y 691, 713 (2010).

[7] *Id.*; *see also id.* at 713 n.89 (noting that the sensationalistic 1936 movie *Reefer Madness* "depicted a killing, suicide, rape, and subsequent descent into insanity among high school students lured into smoking marijuana").

B. The "How" Behind § 922(g)(3) Differs from the Historical Disarmament of Habitual Alcoholics and Other Dangerous People.

Besides lacking the same animating rationale, § 922(g)(3) differs from the historical disarmament of habitual alcoholics and other dangerous people in how it works. "From before the enactment of the Second Amendment through the early nineteenth century, legislatures did not limit the individual right to keep *or* bear arms merely because one sometimes used an intoxicant."[8] *See United States v. Cooper*, 127 F.4th 1092, 1097 (8th Cir. 2025) ("[I]ntoxication has been prevalent throughout our nation's history, but earlier generations addressed that societal problem by restricting when and how firearms could be used, not by taking them away.") (internal quotation marks, brackets, and citation omitted), *cert. den'd* Oct. 20, 2025. Only a handful of colonies even had relevant statutes. Virginia passed a law in 1655 preventing the firing of guns—but not their possession—while intoxicated. The punishment was only a fine, not disarmament.[9] Besides, the rationale was to preserve gunpowder and avoid wrongly signaling that Indians were attacking.[10] Similarly, New Jersey and New York passed laws between 1761 and 1775 that restricted firing weapons while intoxicated—but only at New Year's and May Day celebrations.[11]

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[8] F. Lee Francis, *Armed and Under the Influence: The Second Amendment and the Intoxicant Rule after* Bruen, 107 MARQ. L. REV. 803, 806 (2024).

[9] *Id.* & n.17.

[10] *United States v. Connelly*, 117 F.4th 269, 280 (5th Cir. 2024).

[11] *Id.*; *Francis*, *supra*, at 807 & n.21.

Section 922(g)(3) is a much broader restriction. Someone who has tested positive for marijuana even just once "within the past year" can be a "habitual" user as defined by the statute's implementing regulations. 27 C.F.R. § 478.11. Neither at the time of the Founding nor today would such minimal alcohol use justify forcible disarmament. *Connelly*, 117 F.4th at 282 ("[U]nder the government's reasoning, Congress could (if it wanted to) ban gun possession by anyone who has multiple alcoholic drinks a week from possessing guns based on the intoxicated carry laws. The analogical reasoning *Bruen* and *Rahimi* . . . prescribed cannot stretch that far."); *United States v. Harris*, 144 F.4th 154, 177 n.3 (3d Cir. 2025) (Ambro, J., concurring in part and dissenting in part) ("In the majority's view, if you drink, then you can be disarmed. That was certainly not the historical tradition at the Founding.").

The Government further contends that because habitual drunkards could be "confined in jails, workhouses, or asylums" under some historical laws, any lesser restriction on their Second Amendment rights is constitutional. Br. of Pet'r at 25. Only a minority of jurisdictions "locked up anyone found drunk in public." *Harris*, 144 F.4th at 159 (majority op.) (identifying just two early-nineteenth-century American laws authorizing this); *see also Bruen*, 597 U.S. at 67 (holding that "the bare existence" of a few historical "localized restrictions" does not determine the Second Amendment's scope). This limited precedent fails to demonstrate "that the *particular* (and distinct) punishment at issue here . . . is rooted in our Nation's history and tradition." *Range v. Att'y Gen. of U.S.*, 124 F.4th 218, 231 (3d Cir. 2024) (en banc) (rejecting a purported analogy between the capital nature of felonies in early

American law and lifetime felon disarmament); *see also Bruen*, 597 U.S. at 26 (explaining that "if earlier generations addressed the societal problem" targeted by a modern restriction "but did so through materially different means," that could be evidence of a Second Amendment violation). Besides, in other jurisdictions, not all habitual alcoholics were detained, but rather those "who were dangerous." *Cooper*, 127 F.4th at 1095; *see Harris*, 144 F.4th at 159 (discussing jurisdictions that had this practice or simply imposed good-behavior security requirements); *id.* at 172–73 (Ambro, J., concurring in part and dissenting in part). It is one thing to compare the confinement of dangerous abusers of alcohol to the disarmament of "someone whose regular use of PCP induces violence." *Cooper*, 127 F.4th at 1095 (internal quotation marks, brackets, punctuation, and citation omitted). But the analogy does not hold for a "frail and elderly grandmother who uses marijuana for a chronic medical condition." *Id.* (internal quotation marks and citation omitted). For her—and the great majority of other marijuana users—"threatening violence or causing terror is exceedingly unlikely, so the justification for disarmament is not comparable." *Id.* at 1096 (internal quotation marks and citation omitted).

Lastly, the Government points to surety laws as a historical analog for § 922(g)(3). Cert. Pet. at 12–13. *Rahimi* held that Founding Era surety laws can justify modern firearm restrictions based on restraining orders—but only so long as these orders are backed by a judicial finding "that an individual poses a credible threat to the physical safety of an intimate partner." *Rahimi,* 602 U.S. at 690; *see also id.* at 696–97. Section 922(g)(3) lacks any similar due process. The Government argues that § 922(g)(3) in fact affords the accused

"a full-dress criminal trial." Br. of Pet'r at 26. But that trial concerns only past conduct, whereas the restraining-order laws upheld in *Rahimi* and the historical surety laws both restricted firearm rights *ex ante*. *See Cooper*, 127 F.4th at 1096–97.

In sum, § 922(g)(3) fails both prongs of the *Bruen* test. It is not justified by the same rationales as historical alcoholic-disarmament laws, nor does it work in the same way as did laws authorizing the disarmament of dangerous people.

II. SECTION 922(g)(3) IS UNCONSTITUTIONALLY VAGUE.

Section 922(g)(3) bans any person "who is an unlawful user of or addicted to any controlled substance" from exercising Second Amendment rights. The term "unlawful user" is unconstitutionally vague. *See Sackett v. EPA*, 598 U.S. 651, 680 (2023) ("Due process requires Congress to define penal statutes with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.") (citations and internal quotation marks omitted); *Connelly*, 117 F.4th at 282 ("The statutory term 'unlawful user' captures regular marijuana users, but the temporal nexus is most generously described as vague—it does not specify how recently an individual must 'use' drugs to qualify for the prohibition."). Section 922(g)(3) says that both "unlawful user of" and "addicted to" track the definitions found in the Controlled Substances Act. 18 U.S.C. § 922(g)(3). In turn, the Act defines "addict" as "any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the

power of self-control with reference to his addiction." 21 U.S.C. § 802(1).

Presumably, "unlawful user" and "addicted to" carry different meanings. *See, e.g.*, *Loughrin v. United States*, 573 U.S. 351, 357 (2014) ("To read the next clause, following the word 'or,' as somehow repeating [the preceding] requirement, even while using different words, is to disregard what 'or' customarily means."). Read narrowly enough, "unlawful user" could include anyone who has ever used a controlled substance. *United States v. Mitchell*, 160 F.4th 169, 2025 U.S. App. LEXIS 30668, at *51–52 (5th Cir. Nov. 21, 2025) (rejecting an interpretation of § 922(g)(3) that would have treated a defendant as "*always* intoxicated from age nineteen onward" and justified his disarmament "at *any* point during that period"). Or, since the law says the person must currently be (e.g., "is") an unlawful user, perhaps it applies only to someone actively using a drug while possessing a firearm. *See Connelly*, 117 F.4th at 282; *see also United States v. Daniels*, 124 F.4th 967, 975 (5th Cir. 2025) (rejecting as unconstitutional an interpretation that could have applied § 922(g)(3) to a defendant who "had not used marihuana for several weeks").

Government regulations defining § 922(g)(3)'s terms do not supply any useful limitation, providing instead that even a single use of a drug within a calendar year can make one an "unlawful user." 27 C.F.R. § 478.11; *see also Connelly*, 117 F.4th at 282 (describing this as a "[s]tunningly" broad definition).

Before this Court, the Government argues that § 922(g)(3) is "a limited, inherently temporary restriction—one that the individual can remove at any time simply by ceasing his unlawful drug use." Cert.

Pet. at 2; *see also* Br. of Pet'r at 25. Confusingly, though, it goes on to say that a person stops violating § 922(g)(3) when he "stops habitually using illegal drugs." *Id.* at 9. The Government alternately defines "unlawful user'" as one who "engages in the habitual or regular use of a controlled substance" and has "a habit of using drugs unlawfully." Br. of Pet'r at 23–24. The Government's varying definitions lack precision because the statute is imprecise. Besides conflicting with common sense, the Government's proposed readings make "addict" duplicative.

Section 922(g)(3)'s vagueness should not be overlooked out of deference to the political branches. In *Rahimi*, this Court unanimously rejected the government's expansive contention that the Second Amendment permitted disarming everyone except "law-abiding, responsible citizens." 602 U.S. at 773 (Thomas, J., dissenting) (quoting Br. for United States 6, 11–12); *see also id.* at 701 (majority op.). "'Responsible' is a vague term," the Court noted, and "[i]t is unclear what such a rule would entail." *Id.* at 701 (majority op.). For multiple justices, the vagueness of the word "responsible" in that context implicated concerns about excessive legislative deference. "Not a single Member of the Court adopts the Government's theory," Justice Thomas noted, not just because it "lacks any basis in our precedents," but also because it "would eviscerate the Second Amendment altogether." *Id.* at 773 (Thomas, J., dissenting). On the government's view in *Rahimi*, Congress could "dictate what 'unfit' means and who qualifies. The historical understanding of the Second Amendment right would be irrelevant." *Id.* at 775 (internal citation omitted). It follows that "whether a person could keep, bear, or even possess firearms would be Congress's policy choice." *Id.* Justice

Thomas applauded the majority's rejection of that suggestion and cautioned courts to "remain wary of any theory in the future that would exchange the Second Amendment's boundary line . . . for vague (and dubious) principles with contours defined by whoever happens to be in power." *Id.* at 777. Justice Gorsuch agreed: "we [do not] purport to approve in advance other laws denying firearms on a categorical basis to any group of persons a legislature happens to deem, as the government puts it, 'not "responsible[.]"'" *Id.* at 713 (Gorsuch, J., concurring). Modern legislatures cannot chip away at a constitutional provision's historical extent.

"Unlawful user" in § 922(g)(3) is so vague as to be meaningless, and so unconstitutional.

III. SECTION 922(g)(3) THREATENS TO DENY CONSTITUTONAL RIGHTS TO FAR TOO MANY AMERICANS.

The Government's horror stories about dangerous drug users plaguing the country with crime and combating law enforcement do not reflect the reality of Americans' marijuana use, nor even the Government's own policies. *Harris*, 144 F.4th at 177 (Ambro, J., concurring in part and dissenting in part) ("Many, if not most, . . . know someone who uses marijuana—maybe a sick friend who uses it to treat pain, an insomniac relative who uses it to sleep at night, a veteran who uses it to manage his post-traumatic stress disorder, or hunters in a duck blind."). As of 2023, more than one out of every five Americans, some 61.8 million people, used marijuana at least once within the previous year—meaning they qualified as an "unlawful user"

under 27 C.F.R. § 478.11.[12] Fifteen percent of the public, or 43.6 million people, used marijuana within the previous month.[13] Over half of Americans have used marijuana at some point in their lives.[14] Under the Government's interpretation of § 922(g)(3), one out of every five Americans presently has no right to keep and bear arms, and one out of every two should have been stripped of their Second Amendment rights at some point in their lives.

It is an unfair and empirically insupportable stereotype to tar the 62 million people who use cannabis annually as routinely "commit[ting] crime in order to obtain money to buy drugs" and so posing exceptional threats with firearms. Cert. Pet. at 17; *see United States v. Doucet*, No. 24-30656, 2025 U.S. App. LEXIS 32012, at *12 (5th Cir. Dec. 8, 2025) (per curiam) (holding that attempted marijuana cultivation "does not necessarily signify involvement in the drug trade: individuals often cultivate marijuana for personal use, not illicit profit"). Nor can it be shown that members of that demographic are likely to "have hostile run-ins with law enforcement officers." Cert. Pet. at 18; *see also United States v. Harrison*, 153 F.4th 998, 1037 (10th Cir. 2025) (Kelly, J., concurring in part and

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[12] *Key Substance Use and Mental Health Indicators in the United States: Results from the 2023 National Survey on Drug Use and Health*, SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN. 12–13 (2024), https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health/national-releases/2023.

[13] *Id.* at 11.

[14] Taylor Orth, *Half of Americans Have Tried Marijuana and Most Say Their Experiences Were Positive*, YOUGOV (Apr. 7, 2022), https://today.yougov.com/society/articles/42033-half-of-americans-have-tried-marijuana.

dissenting in part) ("The district court aptly observed that '[t]here are likely nearly 400,000 Oklahomans who use marijuana under state-law authorization.' [The defendant] himself even told the officer who pulled him over that he was on his way to work at a medical marijuana dispensary. I do not read *Bruen* to endorse analogical reasoning which effectively writes Congress a 'blank check' to disarm so many Americans, many of whom may be under the assumption that marijuana laws have been reformed.") (internal citations omitted).

These people do not pose extraordinary danger: they are ordinary Americans. *See Connelly*, 117 F.4th at 277 ("[O]ur history and tradition of disarming 'dangerous' persons does not include non-violent marijuana users . . . ."). Consider Florida business owner and widow Vera Cooper, a septuagenarian who uses prescribed cannabis to treat her chronic pain and insomnia.[15] Vera felt that she needed to buy a handgun for self-defense after an ex-employee "stormed out of the office, threatening vengeance."[16] Vera is not a menace to society: she is the everyday American seeking to exercise the right to self-defense, which this Court has called the Second Amendment's "core lawful purpose." *Heller*, 554 U.S. at 630. The same is true of Catherine Lewis, a licensed caregiver and medical-marijuana user.[17] Because of § 922(g)(3), she is limited to carrying a stun gun and wasp spray as she delivers cannabis to

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[15] Serge F. Kovaleski, *Federal Law Requires a Choice: Marijuana or a Gun?,* THE N.Y. TIMES (Nov. 29, 2023), https://tinyurl.com/y4yrheyd.

[16] *Id.*

[17] *Id.*

patients in rural Maine.[18] Other caregivers approached her last October after a mass-shooter killed eighteen people in a nearby town, asking whether they can lawfully protect themselves.[19] These are the regular Americans who would be left vulnerable were the Government to prevail in this case.

Notably, in contexts other than this litigation, the federal government acknowledges that marijuana use and responsible citizenship can be compatible. During the pendency of this case, the President ordered that the Attorney General "shall take all necessary steps" to reclassify marijuana from Schedule I to Schedule III, accepting that marijuana has acceptable medical uses. *Contrast* Increasing Medical Marijuana and Cannabidiol Research, 90 Fed. Reg. 60541 (Dec. 23, 2025) *with* Br. of Pet'r at 23 (relying on marijuana's classification as a Schedule I drug). The President noted that medical marijuana helps veterans and senior citizens dealing with chronic pain. The policy of the United States, it appears, is that cannabis may be useful medicine for some patriotic Americans—while also being the spark that twists ordinary people into maniacs who are primed to attack the police. The former perspective is scientifically reasonable; the latter reeks of century-old *Reefer Madness* hysteria. *Cf. Fla. Comm'r of Ag. v. Atty. Gen. of U.S.*, 148 F.4th 1307, 1320 (11th Cir. 2025) (rejecting an inference that medical-marijuana users are inherently dangerous and so can be categorically disarmed).

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[18] *Id.*

[19] *Id.*

CONCLUSION

Section 922(g)(3) is ahistorical, vague, and astonishingly broad. The consequence of the Government's interpretation of "unlawful user" would be that "countless American adults" can be disarmed. *Harris*, 144 F.4th at 177 (Ambro, J., concurring in part and dissenting in part). "If [judicial] reasoning authorizes legislatures to suspend the constitutional rights of so many for such common behavior," something has gone awry. *Id.* (quoting *Rahimi*, 602 U.S. at 740 (Barrett, J., concurring)). The Second Amendment's command is timeless and clear: people have a fundamental right to keep and bear arms that does not yield to empirically baseless fabulism or extravagant historical analogues.

Respectfully submitted,

Matthew P. Cavedon
Counsel of Record
Samuel Rutzick
CATO INSTITUTE
1000 Massachusetts Ave. NW
Washington, D.C. 20001
(706) 309-2859
mcavedon@cato.org

Counsel for Amici Curiae

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