

Historians' Amicus Brief in *United States v. Hemani*

A group of 7 history and law professors, represented by Mayer Brown LLP, filed a brief defending the constitutionality of a federal statute prohibiting users of illegal drugs from possessing firearms.



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Published **January 5, 2026**

The Courts

This case arises from a constitutional challenge to a federal statute prohibiting any individual who “is an unlawful user of or addicted to any controlled substance” from possessing a firearm.

In August 2022, Ali Daniel Hemani was indicted for violating the statute. The U.S. District Court for

the Eastern District of Texas dismissed the indictment on the ground that the statute violated the Second Amendment as applied to Hemani, and the U.S. Court of Appeals for the Fifth Circuit upheld that dismissal. The federal government appealed the Fifth Circuit’s ruling, and the Supreme Court granted certiorari.

A group of 7 history and law professors with expertise in the history of firearm regulation and founding era constitutionalism filed an amicus brief defending the constitutionality of the federal statute. The brief argues that the statute is consistent with a long national history and tradition of restricting firearms access for people who threaten public safety,

including laws prohibiting firearm possession for alcohol users, people with mental illnesses, minors, and those perceived as a threat to others. In addition, the brief explains that while drug use was not common in early America, legislatures began to restrict firearms sales to drug addicts as drug use increased after the Civil War.