

US Judge Rules Prohibiting Marijuana Users from Owning Guns is Unconstitutional



A federal judge in Oklahoma City, Patrick Wyrick, has concluded that the federal law prohibiting marijuana users from possessing firearms is unconstitutional. The judge based his conclusion on the U.S. Supreme Court's ruling last year, significantly expanding gun rights. On Friday, Judge Wyrick dismissed an indictment against Jared Harrison, a man charged with violating the ban in August. The judge said that the ban infringed on Harrison's right to bear arms as protected by the Second Amendment of the U.S. Constitution.

In his ruling, Judge Wyrick stated that while the government can protect the public from dangerous individuals possessing firearms, it cannot argue that a person's "mere status as a user of marijuana" justifies stripping them of their fundamental right to possess a firearm. He said that using marijuana is not in and of itself a violent, forceful, or threatening act. He noted that Oklahoma is one of several states where the drug can be legally bought for medical use. The judge also wrote that the mere use of marijuana carries none of the characteristics that support the nation's history and tradition of firearms regulation.

Laura Deskin, a public defender representing Harrison, called the ruling a "step in the right direction" for many Americans who deserve the right to bear arms and protect their homes like any other American. Deskin referred to marijuana as the most commonly used drug that is illegal at the federal level.

The U.S. Department of Justice has not responded to the request for comment, but it will likely appeal the decision. The decision is the latest instance of a court declaring a gun regulation unconstitutional, following the U.S. Supreme Court's conservative majority ruling in June that the Second Amendment protects a person's right to carry a handgun publicly for self-defense.

The Supreme Court's ruling, *New York State Rifle & Pistol Association v. Bruen*, established a new test for assessing firearms laws, stating that restrictions must be consistent with the nation's historical tradition of firearm regulation. On Thursday, the 5th U.S. Circuit Court of Appeals in New Orleans cited the Supreme Court's decision in declaring unconstitutional a federal law prohibiting people under domestic violence restraining orders from owning firearms.

The federal judge's ruling in Oklahoma City marks a significant development in the ongoing debate over gun rights and drug laws in the U.S. The decision may have far-reaching implications for individuals who use marijuana and wish to exercise their Second Amendment rights to possess firearms. The U.S. Department of Justice is expected to appeal the decision, which could lead to further legal battles and clarifications of the interplay between gun rights and drug laws.

REFERENCES:

Ban on marijuana users owning guns is unconstitutional, U.S. judge rules