



Written by [James Heiser](#) on December 13, 2012

## Concealed Carry Coming to Illinois

In a decision that portends the end of decades of defiance of the basic tenets of the Second Amendment, the U.S. Seventh Circuit Court of Appeals has struck down those statutes in the state of Illinois that interfered with the basic rights of Americans to keep and bear arms. The Democrat Illinois attorney general and the mayor of Chicago are weighing various strategies to combat the enactment of the court ruling, but the Seventh Court has decreed that the legislature has 180 days to reform the state's gun laws.



The court bases its decision to overturn Illinois' restrictions on the open and concealed carry of firearms on a clear understanding of the intent of the Second Amendment, and the interpretation of that amendment which was offered by the U.S. Supreme Court in rulings in 2008 and 2010. [In the words of Judge Posner's opinion:](#)

One doesn't have to be a historian to realize that a right to keep and bear arms for personal self-defense in the eighteenth century could not rationally have been limited to the home. Suppose one lived in what was then the wild west — the Ohio Valley for example (for until the Louisiana Purchase the Mississippi River was the western boundary of the United States), where there were hostile Indians. One would need from time to time to leave one's home to obtain supplies from the nearest trading post, and en route one would be as much (probably more) at risk if unarmed as one would be in one's home unarmed....

Twenty-first century Illinois has no hostile Indians. But a Chicagoan is a good deal more likely to be attacked on a sidewalk in a rough neighborhood than in his apartment on the 35th floor of the Park Tower. A woman who is being stalked or has obtained a protective order against a violent ex-husband is more vulnerable to being attacked while walking to or from her home than when inside. She has a stronger self-defense claim to be allowed to carry a gun in public than the resident of a fancy apartment building (complete with doorman) has a claim to sleep with a loaded gun under her mattress. But Illinois wants to deny the former claim, while compelled by McDonald to honor the latter. That creates an arbitrary difference. To confine the right to be armed to the home is to divorce the Second Amendment from the right of self-defense described in *Heller* and *McDonald*.

The panel of three judges heard arguments in the case last June, but the 47-page ruling which was published on December 11 seems to have taken all parties by surprise. For example, [the Chicago Tribune reported](#) that the house majority leader reacted strongly to the court's action:

House Majority Leader Barbara Flynn Currie, a longtime gun control advocate, said she hoped the state would appeal the ruling.... Currie, D-Chicago, said that "justices surely do not mean that we would have to have wide-open" laws in Illinois. She said Illinois must now look at what other states are doing, such as disallowing guns in day-care centers and other locations.

"If we need to change the law, let us at least craft a law that is very severely constrained and



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narrowly tailored so that we don't invite guns out of control on each of our city's streets," Currie said. "I don't want people out of control wandering the streets with guns that are out of control."

Even after the crushing defeat dealt out to Attorney General Madigan — a defeat based on 2008 ruling of the Supreme Court in the case of *District of Columbia v. Heller* — the *Tribune* says she "is taking time to examine the ruling before deciding whether to appeal to the U.S. Supreme Court." Currie's express intention to minimize the effect of the court ruling on the state's draconian and unconstitutional restriction on the right of self-defense was anticipated by those individuals and organizations that have been fighting to restore such rights to the citizens of Illinois. The Illinois State Rifle Association, for example, [said in a press release](#):

Although the announcement of this court ruling would appear to be good news for self-defense advocates, it is really nothing more than the first volley in what will be a heated battle to preserve and protect our gun rights. The gun control movement, headed by Illinois Attorney General Lisa Madigan, will be introducing a concealed carry bill of their own for the sole purpose of satisfying the court order. Madigan's bill is sure to be a sham that will be so restrictive and impractical that only very few Illinois citizens would even qualify for a carry permit — most citizens would remain unprotected from criminals. Information obtained from within the Madigan organization indicates that the anti-gunners will piggyback an "assault weapons" ban and other onerous gun control legislation on the concealed carry bill. In order to prevent Madigan from hijacking concealed carry, Illinois gun owners need to step up and let their voices be heard on this issue.

The [recent arrest of State Sen. Donne Trotter](#) (D-17th District) on federal charges related to allegedly carrying a firearm into the restricted area of the Chicago-O'Hare airport has probably silenced the voice of one of the state's most vocal critics of the Second Amendment. Trotter has fought a protracted battle against other legislators over various aspects of Illinois' gun laws — including concealed carry. His arrest on December 5 is seen as one more example of political hypocrisy: The senator's purported status as a security guard afforded him a privilege not enjoyed by the overwhelming majority of citizens in his own district: the ability to travel to and from his workplace carrying a firearm.

Congressman [Joe Walsh \(R-8th District\)](#) [noted](#) that the ruling would be a significant step toward bringing Illinois to a position on the right of self-defense which is closer to that which is expressed in the federal Constitution:

This ruling is a victory for Illinois residents and will give them the constitutional right to defend themselves, as has been established in every other state in the country. Illinois has some of the most restrictive gun laws in the country and yet crime rates have soared, including a 49% jump in shootings in Chicago this past November. The right to possess and carry weapons is enshrined in our Constitution, and I am glad that this has been recognized by the Federal Courts."

Following the passage of legislation that legalized concealed carry in Wisconsin in 2011, [an article for The New American](#) in June of that year anticipated the reality that time was not on the side of anti-gun activists:

When every criminal in the "Windy City" is already carrying a gun and is more than willing to demonstrate a willingness to use those firearms against their prey, it is logically incoherent to maintain that law-abiding citizens who pass extensive background checks will suddenly transmogrify into Al Capone simply by exercise of the discreet carry of a concealed firearm. The consistent experience in states that have adopted legalized concealed carry has been a drop in



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violent crime....

As Wisconsin prepares to join the rest of the union in recognizing at least a measure of freedom to those citizens who would assert their right of self-defense, the time has come for Governor Pat Quinn and other anti-gun ideologues to stop holding the people of Illinois hostage to an agenda that has worn out its welcome in this country.

If the ruling of the Seventh Circuit Court of Appeals stands, it would appear that day will soon come to Illinois.



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