



Written by [James Heiser](#) on March 1, 2013

Court of Appeals: Illinois Law Must Allow Concealed Carry of Firearm

While Vice President Biden and left-wing members of Congress continue to press for restrictive gun control legislation, the judges of the U.S. Seventh Circuit Court of Appeals are demanding that the state of Illinois adopt legislation by June that will allow for legal concealed carry of a firearm — or else.

The response of Democrat leaders in the Illinois House in Springfield has been a round of the type of political shenanigans that have often raised the ire of citizens of the state toward “Chicago-style” politics. For example, House Majority Leader Michael Madigan (shown on right), a Democrat from Chicago, imposed a piecemeal process on the legislature, requiring representatives to consider dozens of appeals one at a time to construct a bill that would contain both new gun control measures and, presumably, a legal means for implementing concealed carry. Even the [Chicago Tribune](#) described this process as “unusual,” and observed that Republican legislators recognize Madigan’s move is a “stunt”:



Democrats said the hourslong action on the House floor was a way to test support for the various elements of a bill that lawmakers are expected to pass this spring to comply with a federal appeals court ruling against Illinois — the only state that hasn’t legalized some form of concealed carry for citizens.

Republicans accused the Chicago-led majority of forcing GOP lawmakers to take controversial positions that could be used against them in their next campaign.

“This is a political stunt,” said Rep. Dennis Reboletti, R-Elmhurst, a former prosecutor. “It demeans this process.”...

House Speaker Michael Madigan, D-Chicago, set aside a special order of business to allow debate and votes on more than a dozen concealed carry proposals. Madigan’s action forced up-or-down votes on the long lineup of amendments to a Democratic bill rather than the typical approach of weeding them out in committee or behind closed doors, then tacking on a few changes in the full House.

The legislation that carries all the amendments was not called for a vote, leaving potential conflicts between the proposals that lawmakers may seek to reconcile before any House vote to send the bill



to the Senate.

[As reported by *The New American*](#) in mid December, the December 11 decision by the Court of Appeals virtually guarantees that — at least in some measure — Illinois will come into line with the rest of the United States and will legally recognize a right to concealed carry of a firearm. Although President Obama’s campaign for gun control has been allowed to seize the focus of the national news media in the aftermath of the December 14 tragedy in Newtown, Connecticut, the court-imposed 180-day countdown toward concealed carry in Illinois was reaffirmed when the Court of Appeals rejected State Attorney General Lisa (shown on left) Madigan’s request for a reconsideration of its ruling. (Attorney General Madigan is the daughter of the Democrat House Speaker.)

On February 22, a 5-4 majority of the 10-member Court of Appeals upheld the December 11 decision, which had been rendered by a three-member panel. [As the Associated Press reported](#), the attorney general now faces the difficult decision of whether or not to risk an appeal to the U.S. Supreme Court — a move that could bring a decisive defeat to opponents of the right to keep and bear arms:

In a 5-4 decision, with one judge not participating, the court denied Madigan’s request.

The majority did not expand on the opinion written by Judge Richard Posner in December, which said there is “no suggestion that some unique characteristic of criminal activity in Illinois justifies the state’s taking a different approach from the other 49 states.”

Richard Pearson, the executive director of the Illinois State Rifle Association, said the ruling makes clear that courts believe the prohibition violates Second Amendment rights. If Madigan opts to appeal and the U.S. Supreme Court agrees to hear the case it’s possible the justices could strike down not only Illinois’ ban on concealed carry, but also gun restrictions in other states, such as New York and Maryland.

“If she does (appeal), I would be happy,” Pearson said. “There’s a very good chance they’ll rule in our favor.”

Madigan does have 90 days to decide whether or not to appeal to the Supreme Court, which allows time for her father to see how far the legislature is prepared to go in conformity to the court’s ruling. The process involved in shaping and adopting [House Bill 1155](#) is sufficiently complicated that even after a decisive vote in favor of an amendment by Rep. Brandon Phelps (D-118th District) adopting concealed carry, it is still uncertain whether or not the Illinois House has approved concealed carry; in the assessment of the Associated Press: “The 67-48 vote in favor of Rep. Brandon Phelps’s amendment doesn’t mean concealed-carry got House approval. The Harrisburg Democrat’s plan was one of a dozen amendments added to a bill allowing concealed gun carrying a federal court says Illinois must adopt by June.”



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