Written by **Bob Adelmann** on March 13, 2024

Pro-gun Group Asks SCOTUS to Review Illinois "Assault Weapons" Ban

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Gun Owners of America (GOA) and its foundation asked the U.S. Supreme Court on Monday to review a lower court's decision that upheld Illinois' near total ban on so-called "assault rifles" and their accessories. The language in the law covers nearly 200 types of firearms, provides penalties for their mere possession, but allowed a "grace period" for owners of said firearms to register them with the state.

When that grace period ended on December 31, 2023, more than 94 percent of gun owners in Illinois had ignored the command to register.

The request from GOA is an opportunity for the high court, which refused to review that lower court's decision late last year, not only to consider the constitutionality of the ruling but to slap down other rogue lower courts that have been ignoring the Supreme Court's ruling in *Bruen (New York State Rifle & Pistol Association, Inc. v. Bruen*).

The high court ruled in Bruen that "the government must … justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation. Only then may a court conclude that [an] individual's conduct falls outside the Second Amendment's 'unqualified command.'"

Using the Highland Park shooting on July 4, 2022 as an excuse, anti-gun legislators in Illinois vented their wrath not on how the shooter obtained his firearms through a failure of the background-check system to assault and murder innocents, but instead on law-abiding gun owners who had nothing to do with the massacre.

Almost immediately after the bill was signed into law, pro-Second Amendment groups, including GOA, filed suit, and found satisfaction in a lower court's proper reading of *Bruen*: that there is no historical "analogue" to such a ban and so the law was found to be unconstitutional.

But an appeal by the state to the predictably liberal 7th Circuit Court led to a panel reversing that lower court's decision. It managed the feat by inventing a distinction between "military grade" and "common use" firearms and finding that distinction somehow in the language of the Second Amendment.

The panel held that the Second Amendment's guarantee of the God-given right "extends only to weapons of common use for a lawful purpose" and not to semiautomatic weapons that "are much more like machine guns and military-grade weaponry than they are like the many different types of firearms that are used for individual self-defense."

When that woeful ruling was appealed to the Supreme Court in December, the high court demurred, leaving the atrocious infringement in place.

Said Erich Pratt, senior VP of GOA, "We urge the Justices to hear the pleas of millions of Americans in

Illinois and several other states nationwide who cannot purchase many of the commonly owned semiautomatic firearms available today because of the unconstitutional laws passed by anti-gun politicians."

The request — a "writ of certiorari" — noted that Illinois anti-gun politicians "set about to undermine [*Bruen*], making it a crime merely to 'keep' … a large portion of the 'commonly used arms' that *Bruen* explained are protected [by the Second Amendment]."

GOA and its foundation summed up its argument:

> So that the Second Amendment is not again relegated to "second class" status, it is vital that this Court not to allow the nation to return to the type of lower-court defiance that followed *Heller*.
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> As Justices Alito and Thomas made clear just last month in a different context, erroneous reasoning by lower courts "is a virus that may spread if not promptly eliminated."
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> The Seventh Circuit has decided an important federal question in a way that conflicts with multiple relevant decisions of this Court.
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> Similar deeply flawed decisions are beginning to sprout up in other circuits as well. This case presents an ideal vehicle to stop the problem from spreading further, and prevent this Court's *Bruen* decision from being treated with the same disrespect as was shown for over a decade to this Court's decision in *Heller*.

Although not mentioned in the writ, recent history is on the side of GOA and its foundation should the high court move to review the 7th Circuit's ruling. On October 19 last year, U.S. District Court Judge Roger Benitez ruled that California's similar ban on "assault weapons" could find no historical precedent in early American history and therefore he ruled that ban unconstitutional.

Wrote Benitez, "Every law-abiding responsible citizen has a constitutionally protected right to keep and bear arms commonly owned and kept for lawful purposes."

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