



Written by [Alex Newman](#) on August 3, 2010

Chicago's New Gun-control Regime Challenged in Court

Just four days after the Supreme Court essentially struck down the City of Chicago's draconian handgun ban as unconstitutional, the City Council unanimously approved a tough new gun-control regime — the strictest in the nation, actually. The new rules went into effect on July 12. But they are already being challenged in court.

The "Responsible Gun Ownership Ordinance," introduced by Chicago Mayor Richard Daley, purports to require city-issued "permits," registration, and special training for residents who wish to own guns. It will also limit the number of handguns eligible residents may purchase to one per month.



Under the new rules, only one operable weapon per household is allowed. Handguns are forbidden outside of the home (including in garages, back yards, or on porches) and must be transported broken down and in a case. They cannot be sold within city limits, and only a list of "safe" guns drawn up by the police superintendent will be permitted.

Aldermen (city councilors) generally agreed with the Mayor's anti-gun crusade, as evidenced by the 45-0 vote in favor of the new set of rules. Many Aldermen quoted in media reports expressed outrage that the High Court struck down the city's ban in the recent 5-4 *McDonald v. City of Chicago* ruling.

Those favoring strict control measures like Chicago's claim that gun ownership leads to increases in crime. Empirical evidence suggests the opposite is true. After the Supreme Court struck down Washington, D.C.'s draconian gun rules in 2008, the city experienced a 30-percent decrease in murder rates, explained John Lott, Jr., author of *More Guns, Less Crime* and one of the world's foremost experts on the relationship between guns, gun control, and crime.

Because of the new restrictive rules, "I assume that relatively few people are going to register handguns in Chicago and as such I think that the change in the law will have a relatively small impact on crime rates," Lott told *The New American*. "The regulations go as far towards banning guns as Chicago thinks that they can go," he said, adding that the rules will disarm the poorest citizens, "who are most likely to be victims of crime."

But at least two major lawsuits against the city's new ordinance are already in progress, and more are anticipated in the near future. Joe Franzese, for example, owner of Second Amendment Arms in nearby Lake Villa, filed suit because he wants to open as many as five gun shops in Chicago. But the ordinance prohibits it. "I want to sell a legal product and you can't outlaw a legal product," he told the *Libertyville Review*.

In the lawsuit, Franzese attacks the new law from multiple angles: "By banning gun shops and the sale [of] handguns, Chicago and Mayor Daley currently maintain and actively enforce a set of laws, customs,



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practices and policies under color of state law which deprive individuals, including the plaintiffs, of their right to keep and bear arms, and engage in commerce by selling them, lawful products, in violation of the Second and 14th Amendments to the United States Constitution.”

Another lawsuit challenging the new rules was filed by four Chicago residents who want to bear arms, and the non-profit Illinois Association of Firearms Retailers, which says some of its members want to operate gun stores and shooting ranges in the city. The plaintiffs, backed by the National Rifle Association, hope to have the restrictive regulations struck down because they violate constitutionally protected rights.

Attorney Stephen Holbrook, who serves as outside counsel to the NRA and worked on the McDonald case, said the city was basically flaunting the Supreme Court’s decision. “But if the courts take the Second Amendment seriously, the chances are good” that Chicago’s new ordinance will be struck down, he told *The New American*.

Gun Owners of America, widely regarded as the nation’s fiercest and most principled defender of gun rights, also attacked the ordinance. “Obviously these policies are a failure; they don’t protect the people,” Executive Director Larry Pratt told *The New American*, pointing to gun-crime statistics and highlighting the fact that Aldermen are allowed to carry weapons. “Crime will remain high in Chicago because many law-abiding people are going to be daunted by the new law,” he said, predicting that the restrictions could end up back at the Supreme Court.

Potential outcomes from legal challenges remain very much uncertain, since the Supreme Court ruled that “reasonable restrictions” were still permissible under the Second Amendment. Just what exactly “reasonable” means is hard to know, but it will likely determine whether Chicago’s new ordinance is upheld.

“The right to keep and bear arms is not ‘a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose,’” claimed Supreme Court Justice Samuel Alito in the majority opinion rejecting Chicago’s outright ban.

How that wording will be interpreted by the courts remains to be seen, but it will surely have serious implications for state and local gun laws across the country, many of which are already coming under fire after the court’s ruling.

— Photo of Mayor Richard Daley: AP Images

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