



Written by [Bob Adelman](#) on November 11, 2024

Illinois Assault Weapons Ban Overturned by Trump Judge

A Trump-nominated judge [issued a permanent ban](#) last week on enforcing Illinois' odious assault weapons ownership and registration scheme implemented in January 2023. The excuse for the ban was the Highland Park parade shooting on July 4, 2022. Its real purpose was defiance of the Supreme Court's ruling in *New York State Rifle & Pistol Association, Inc. v. Bruen*, aka *Bruen*.

That ruling radically changed the legal landscape by requiring states like Illinois to justify any infringement of the Second Amendment with historical analogues. Several lawsuits were filed immediately contesting the scheme, ironically titled the "Protect Illinois Communities Act," or PICA. In March 2023, Judge Stephen McGlynn, nominated to his present position as district judge of the U.S. District Court for the Southern District of Illinois in September 2020 by then-President Donald Trump, ruled in [Barnett v. Raoul](#) that the scheme is unconstitutional.

And, for a few days, Illinoisans were free to keep and bear the so-called "assault" weapons that were the target of the scheme. But a three-judge panel of the 7th Circuit Court of Appeals reversed McGlynn's ruling, and the Supreme Court refused to hear an appeal.

In September, following instructions from the high court, a week-long trial commenced on the issue and the result was McGlynn's 168-page ruling.

AR-15: "The Rorschach Test"

Wrote McGlynn:

The AR-15 is the Rorschach test of America's gun debate. In listening to the political debate and in reading various judicial interpretations of what the AR-15 represents, it is obvious that many are seeing very different creatures.

Many see one, but not the other.... Are they seeing a dragon to be slayed or a horse to pull a carriage? Often, the different perspectives are defined by whom they picture using the weapon – either a menacing criminal or a law-abiding citizen involved in a dangerous confrontation.

He concluded that rights guaranteed in the U.S. Constitution overcome the anti-gun law, which he



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called “disturbing”:

What is particularly disturbing is that the prohibition of weapons that are commonly owned and used by citizens are now banned, depriving citizens of a principal means to defend themselves and their property in situations where a handgun or shotgun alone would not be the citizen’s preferred arm.

“Therefore,” he wrote, “the Court must take action as justice demands. PICA is an unconstitutional affront to the Second Amendment and must be enjoined. The government may not deprive law-abiding citizens of their guaranteed right to self-defense.”

His ruling covered not only the ban on “assault” weapons, but also the registration scheme included in the law.

This ruling contrasts with the opinion rendered by a Clinton-appointed judge that joined in ruling that PICA was constitutional. As explained by [The Reload](#) on Friday, that opinion held that “semiautomatic AR-15s and the magazines that come standard with them are not ‘arms’ under the Second Amendment because they are ‘indistinguishable’ from their fully-automatic counterparts.”

Wrote Clinton Judge Diane Wood [in her opinion](#):

We are not persuaded that the AR-15 is materially different from the M16 ... and therefore [it] may be regulated or banned. Because it is indistinguishable from that machinegun [the M16], the AR-15 may be treated in the same manner without offending the Second Amendment.

Consequential Decision

Illinois Governor J.B. Pritzker has already asked his attorney general to appeal McGlynn’s ruling to the Supreme Court. Happily, Supreme Court Justice Clarence Thomas is there waiting for him.

Thomas called the 7th Circuit’s ruling in favor of PICA “contrived” and “unmoored from both text and history. Even on its own terms, the Seventh Circuit’s application of its definition is nonsensical.”

[He added](#):

It is difficult to see how the Seventh Circuit could have concluded that the most widely owned semiautomatic rifles are not “Arms” protected by the Second Amendment.

[I]f the Seventh Circuit ultimately allows Illinois to ban America’s most common civilian rifle, we can — and should — review that decision once the cases reach a final judgment. The Court must not permit “the Seventh Circuit [to] relegat[e] the Second Amendment to a second-class right.”

Now that McGlynn has completed his extensive, exhaustive, and persuasive “final judgment” requested by the Supreme Court, the high court will likely readily and willingly accept the appeal that is coming from the State of Illinois. That appeal, if accepted, will allow the Supreme Court to rule, finally and completely, on the issue of whether the commonly owned and popular AR-15 type semiautomatic weapon is included in the “arms” of the Second Amendment language.



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If Trump’s victory in last Tuesday’s election means anything, it means that the Second Amendment will continue to be vindicated as the anchor holding the Constitution from drifting (or being pushed) into merely a suggestion — instead of a right granted by God to His people.

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