No. 112026

IN THE
SUPREME COURT OF ILLINOIS

MATTHEW D. WILSON, TROY EDHLUND, and JOSEPH MESSINEO,	)	
	)	**Appeal from the Appellate Court of Illinois, First Judicial District**
Plaintiffs-Petitioners,	)	
v.	)	**No. 08-1202**
COOK COUNTY, a public body and corporate, *et al*.,	)	
	)	**There heard on Appeal from the Circuit Court of Cook County, Illinois, Chancery Division The Honorable Mary K. Rochford, Judge, Presiding**
Defendants-Respondents.	)	
	)	**No. 07 CH 4848**

BRIEF OF THE ILLINOIS FIREARMS MANUFACTURERS ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS-PETITIONERS

JAMES R. THOMPSON
MATTHEW R. CARTER
REBECCA S. BRADLEY
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

Counsel for Amicus Curiae

POINTS AND AUTHORITIES

INTEREST OF AMICUS CURIAE

The Illinois Firearms Manufacturers Association ("IFMA") submits this Brief *Amicus Curiae* in support of Plaintiffs' position that the Blair Holt Assault Weapons Ban (Cook County Ordinance No. 06-O-50 (Nov. 14, 2006), amending Cook County, Illinois, Code of Ordinances § 54-211 *et seq.* (eff. Jan. 1, 1994) ("Ordinance")) is unconstitutional. The IFMA, headquartered in Naperville, Illinois, is a non-profit coalition of Illinois' leading firearms manufacturers committed to protecting the rights of individuals and businesses to manufacture, privately own, possess, and sell firearms. The IFMA was formed in 2009 to protect, preserve, and promote the jobs, rights, and economic value of Illinois firearms manufacturers, their suppliers, vendors, and employees in the State of Illinois. Specifically, the IFMA promotes the important economic role that Illinois' firearms manufacturers serve in Illinois by providing statistical data on jobs, annual production, and total economic value throughout the State. The IFMA's interest in this case principally derives from the IFMA's stated purpose of keeping Illinois' firearms manufacturers based in Illinois.

Second Amendment jurisprudence requires a two-part analysis to properly determine whether the challenged Ordinance improperly infringes the Second Amendment rights of law-abiding Cook County citizens. Both the trial court, in ruling on the sufficiency of Plaintiffs' First Amended Complaint, and the Appellate Court, with its *de novo* review of the dismissal, shirked their fundamental responsibility to conduct an independent review of historical precedent, current data on firearms ownership, and the major economic implications of laws like the one at issue. The IFMA is well-situated to apprise the Court of the significant economic benefits Illinois firearms manufacturers bring to the State and the potential impact the Ordinance could have on Illinois'

economy, with respect to both lost revenue and lost jobs. This impact, which Plaintiffs were foreclosed from providing to the trial court, is provided now to assist this Court's independent judgment of the facts bearing on this important issue of constitutional law—an issue greatly affecting law-abiding Illinois citizens.

INTRODUCTION

In *District of Columbia v. Heller*, the United States Supreme Court held that the Second Amendment secures an individual right to keep and bear arms.[1] 554 U.S. 570 at 595 (2008). It also found that individual self-defense is "the *central component*" of the Second Amendment right. *Id.* at 600. Soon after *Heller*, the Court extended that right, holding that the Second Amendment applies to the States and subsidiary local governments through the Due Process Clause of the Fourteenth Amendment. *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010). The *McDonald* court explained that "*Heller* makes it clear that this [Second Amendment] right is deeply rooted in this Nation's history and tradition." *Id.* at 3036. Importantly, the court explicitly rejected the notion "that the Second Amendment should be singled out for special—and specially unfavorable—treatment." *Id*. at 3043. Unfortunately, "specially unfavorable" treatment is exactly what the Ordinance has accomplished in the present case.

Courts guided by *Heller* and *McDonald* have used a two-part approach to review laws alleged to infringe Second Amendment rights. *See, e.g., Ezell v. City of Chicago*, No. 10-5135, 2011 WL 2623511, at *12-13 (7th Cir. July 6, 2011); *United States v. Marzzarella*, 614 F.3d 85, 89 (3d Cir. 2010) ("As we read *Heller*, it suggests a two-pronged approach to Second Amendment challenges. First, we ask whether the challenged law imposes a burden on conduct falling within the scope of the Second

Amendment's guarantee. . . . If it does not, our inquiry is complete. If it does, we evaluate the law under some form of means-end scrutiny."); *United States v. Chester*, 628 F.3d 673, 680 (4th Cir. 2010) (a "two-part approach to Second Amendment claims seems appropriate under *Heller* . . ."); *United States v. Reese*, 627 F.3d 792, 800-01 (10th Cir. 2010) (same).

The threshold inquiry is whether the challenged law imposes a burden on conduct falling within the scope of the Second Amendment's guarantee. Answering this initial question necessitates a textual and historical inquiry into original meaning. *Heller*, 554 U.S. at 634-35 ("Constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad."); *McDonald*, 130 S. Ct. at 3047 ("[T]he scope of the Second Amendment right" is determined by textual and historical inquiry, not interest-balancing.). If the government can establish that the challenged firearms law regulates activity falling outside the scope of the Second Amendment right as it was understood at the relevant historical moment, the analysis ends, the regulated activity is categorically unprotected, and the law is not subject to further Second Amendment review.

If the government cannot establish this—if the historical evidence is inconclusive or suggests that the regulated activity is not categorically unprotected—the Court must engage in a second inquiry into the strength of the government's justification for restricting or regulating the exercise of Second Amendment rights. *Ezell*, 2011 WL 2623511, at *13. Deciding whether the government has transgressed the limits imposed

[1] The Second Amendment provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. CONST. amend. II.

by the Second Amendment—that is, whether it has "infringed" the right to keep and bear arms—requires an evaluation of the regulatory means the government has chosen and the public-benefits end it seeks to achieve. *Id.* As with the first inquiry, the burden of justifying the constitutional validity of the law rests with the government.

The rigor of the judicial review used to evaluate whether the government has met its dual burdens depends on how close the law comes to the core of the Second Amendment right as well as the severity of the law's burden on that right. *Id.* at *13, 15-17 (citations omitted). In *Heller*, the Supreme Court explicitly found that deferential rational-basis review is simply not sufficient. *Heller*, 554 U.S. at 628 n.27 (rational basis test can "not be used to evaluate the extent to which a legislature may regulate a specific, enumerated right, be it the freedom of speech, the guarantee against double jeopardy, the right to counsel, or the right to keep and bear arms.") (citing *United States v. Carolene Prods. Co.*, 304 U.S. 144, 152 n.4 (1938)); *see also McDonald*, 130 S. Ct. at 3046 (rejecting the power "to allow state and local governments any gun control law that they deem reasonable"). Instead, the Court recognized that only a heightened standard of judicial review is appropriate. *Id.*

Complying with the Supreme Court's mandate necessitates an evaluation of the Ordinance under the strictest scrutiny. And, if not strict scrutiny, that evaluation requires, at the very least, an analysis under intermediate scrutiny. Pursuant to either standard, an evaluation of the important constitutional issue involved here requires the exercise of a court's independent judgment as well as a careful consideration of the significant economic benefits that Illinois' firearms manufacturers bring to the State and the potential impact the Ordinance has on Illinois' economy.

As more fully described below, Illinois' firearms manufacturers account for the employment of almost 3,000 Illinois residents in skilled jobs directly related to the construction of firearms (not to mention another 3,000 jobs in supporting industries). The proud Illinois companies these individuals serve directly generate over $250 million in revenue related almost exclusively to their production of the type of firearms potentially covered by this Ordinance.[2] Illinois' firearms manufacturers support communities from one end of this State to the other and the firearms they produce are used every day by law-abiding citizens for traditionally lawful purposes, such as self defense within the home. *Heller*, 554 U.S. at 576, 635. In direct contravention of Supreme Court precedent, Plaintiffs were never given an opportunity to present these facts. To remedy this error, as well as the others discussed by Plaintiffs and other *amici*, this Court must reverse.

ARGUMENT

I. The Ordinance's Ban on "Any Assault Weapon or Large Capacity Magazine" Imposes a Burden on Conduct Falling Within the Scope of the Second Amendment's Guarantee.

The "central component" of the Second Amendment is the right to keep and bear arms for the defense of self, family, and home. *Heller*, 554 U.S. at 599; *McDonald*, 130 S. Ct. at 3048. The Ordinance sets forth its own vague and apparently broad definitions of "assault weapon" and "large capacity magazine" and makes it a crime for any person who "shall manufacture, sell, offer or display for sale, given, lend, transfer ownership of, acquire or possess any assault weapon or large capacity magazine." Cook County, Illinois, Code of Ordinances § 54-211 & 54-212 (amended Nov. 14, 2006).

[2] It should also be noted that, as described by other *amici*, Illinois' firearms and ammunitions industry as a whole—considered without specific reference to this Ordinance—generates as much as $798 million in

Viewed in its historical context, the Second Amendment protects a personal right to keep and bear arms commonly possessed by law-abiding citizens for lawful purposes, including the types of rifles, long-barreled shotguns, and handguns banned by the Ordinance. *Heller*, 554 U.S. at 625 ("We therefore read *Miller* to say only that the Second Amendment does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes, such as short-barreled shotguns.") (referring to *United States v. Miller*, 307 U.S. 178 (1939)); Michael P. O'Shea, "The Right to Defensive Arms after *District of Columbia v. Heller*," 111 W. Va. L. Rev. 349, 388 (Winter 2009) (the type of assault weapons targeted by the Ordinance are "widely owned by private citizens today for legitimate purposes," including "for self-defense, hunting, and target shooting"). As set forth in Plaintiffs' brief and the anticipated *amicus curiae* brief of the National Shooting Sports Foundation, the Ordinance is not a time, manner, and place regulation; it is a blanket prohibition against a broad class of firearms commonly owned and used by law-abiding citizens for the defense of self, family, and home. Such a complete prohibition clearly burdens conduct within the scope of the Second Amendment's guarantee.

For example, civilian firearms such as the Colt AR-15, banned by the Ordinance, "is the civilian version of the military's M-16 rifle, and is, unless modified, a semiautomatic weapon" that "traditionally [has] been widely accepted as [a] lawful possession[]." *See Staples v. United States*, 511 U.S. 600, 603 (1994). Illinois manufacturers are very prominent in the AR-15 market. The AR-15 traces its roots back

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total economic activity in Illinois. Furthermore, the industry and its employees pay over $55 million in state taxes each year.

to the 1960s, is the namesake of Illinois' very own ArmaLite Corp., and is made by at least four Illinois Manufacturers—Rock River Arms, ArmaLite, R-Guns and DSA Inc.

The County's Ordinance ostensibly suggests that the rights and types of firearms protected under the Second Amendment is frozen in time back to the Eighteenth Century. This is neither practical nor supported by the plain language of *Heller*:

> Some have made the argument, bordering on the frivolous, that only those arms in existence in the 18th century are protected by the Second Amendment. We do not interpret constitutional rights that way. Just as the First Amendment protects modern forms of communications, and the Fourth Amendment applies to modern forms of search, the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.

Heller, 554 U.S. at 582.

Considered in context, the Supreme Court's pronouncement makes perfect sense. Like the AR-15, Illinois' firearms manufacturers make the 1911 pistol, a semi-automatic handgun designed by famed Illinois gunsmith and designer John Mosses Browning. While some see the 1911 as a modern handgun, this year it celebrates its centennial birthday. Another one of John Browning's designs, the Browning Hi-Power pistol, 1935, is unlawful under the ordinance because it is designed to hold 13 rounds of ammunition.

If this Court were inclined to adopt Defendants' reasoning, the First Amendment would only protect the printing press and spoken word—television, radio, and the Internet would be left behind. *Heller* completely and unequivocally rejects such a notion. Modern forms of communication are protected by our fundamental First Amendment rights, and so too must modern firearms be protected by the Second Amendment.[3] It is

[3] At bottom, Defendants argue that constitutional rights should disappear as more effective and user-friendly ways to exercise them emerge. Many of the firearms banned by the Ordinance are simply modern designs of centuries-old firearms that have gained popularity not because they are especially dangerous but

inconceivable to think that decades-old firearms designs like the AR-15 and the Browning handguns would receive less Constitutional protection under the Second Amendment than the internet does under the First. Holding otherwise is exactly the type of "specially unfavorable" treatment that the Supreme Court has rejected. *McDonald*, 130 S. Ct. at 3043. In its threshold inquiry, this Court should thus conclude that the Ordinance imposes a severe burden on conduct clearly falling within the scope of the Second Amendment's guarantee.

II. The Ordinance Imposes a Severe Burden on the Core Second Amendment Right of Armed Self-Defense and Therefore Requires an Extremely Strong Public-Interest Justification and Close Fit Between the Government's Means and Its End.

A law that imposes a severe burden on the core Second Amendment right of armed self-defense (like the Ordinance at issue here) must be reviewed with strict scrutiny: that is, the law must be narrowly tailored to serve a compelling government interest. *See Republican Party of Minnesota v. White*, 536 U.S. 765, 774-75 (2002); *Ezell*, 2011 WL 2623511, at *17 ("a severe burden on the core Second Amendment right of armed-self-defense will require an extremely strong public-interest justification and a close fit between the government's means and its end."). And even if strict scrutiny is not appropriate here, the Ordinance still must be evaluated under a heightened standard. Indeed, courts have found that even laws limiting activity lying at the margins of the Second Amendment right, such as laws that merely impose modest burdens or regulate rather than restrict, must be justified under a heightened standard. *Ezell*, 2011 WL 2623511, at *17.

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because they are so adaptable and user-friendly. At the end of the day, however, the Constitution does not disappear because new innovations and technology have emerged.

For example, the Seventh Circuit has applied intermediate scrutiny to laws that prohibited possession of firearms by felons, persons convicted of a domestic-violence misdemeanor, or controlled substance addicts. *United States v. Williams*, 616 F.3d 685 (7th Cir. 2010) (felons); *United States v. Skoien*, 614 F.3d 638 (7th Cir. 2010) (persons convicted of a domestic-violence misdemeanor); *United States v. Yancey*, 621 F.3d 681 (7th Cir. 2010) (controlled substance addicts). Intermediate scrutiny was considered appropriate in one case, *United States v. Skoien*, because the claim was not made by a "law-abiding, responsible citizen" as in *Heller*, 554 U.S. at 635; nor did the case involve the central self-defense component of the right. *Skoien*, 614 F.3d at 645.

But the Plaintiffs in this case *are* the "law-abiding, responsible citizens" whose Second Amendment rights are entitled to full solicitude under *Heller*, and their claim implicates the core of the Second Amendment right. The Ordinance is not merely regulatory; it *prohibits* the "law-abiding, responsible citizens" of Chicago from making, selling, or possessing any "assault weapon" or "large capacity magazine"—terms which the Ordinance only vaguely defines and which appear to cover a broad swath of commonly owned semiautomatic firearms. These include various firearms owned by the law-abiding named Plaintiffs, who use those firearms for self-protection, protection of the family, protection of the home, as part of a collection, for target shooting, hunting, and even for World War II reenactments with reenactment clubs. *See* Pls.' First Am. Compl. ¶¶ 5, 10, 15.

Astonishingly, the firearms identified in the Ordinance as "assault weapons" and those falling within the overbroad and vague descriptions contained therein—for which possession alone constitutes a criminal offense—are treated in the same manner as hand-grenades, narcotics, and counterfeit money, as if the item itself is repugnant to the

County. All this despite a statement from the United States Supreme Court that according to common experience:

> Guns in general are not deleterious devices or products or obnoxious waste materials . . . that put their owners on notice that they stand in responsible relation to a public danger. . . .that an item is "dangerous" in some general sense, does not necessarily suggest, as the Government seems to assume, that it is not also entirely innocent. Even dangerous items can, in some cases, be so commonplace and generally available that we would not consider them to alert individuals to the likelihood of strict regulation.

Staples, 511 U.S. at 610-11.

Accordingly, and as explained by Plaintiffs' brief and the National Shooting Sports Foundation, the Ordinance constitutes a serious encroachment on the core right to possess firearms for self-defense. In respect of the individual rights at issue in this case, the IFMA urges this Court to require the County to establish that its Ordinance is narrowly tailored and has a strong public-interest justification for its blanket prohibition on assault weapons and large-capacity magazines. Cook County should have to establish—through actual, reliable evidence—a close fit between the Ordinance and the actual public interests it serves, and also that the public's interests are strong enough to justify so substantial an encumbrance on individual Second Amendment rights.[4] Because this requirement was never imposed, nor were Plaintiffs even given an opportunity to present evidence of their own, reversal is necessary to fully comply with Supreme Court precedent and the application of the heightened scrutiny required by *McDonald* and *Heller.*

[4] In fact, no other county in the State has approved a ban on the type of firearms covered by the Cook County Ordinance, which seriously calls into question Defendants' stated strong public-interest justification.

III. At the Very Least, This Court Should Apply Intermediate Scrutiny to Determine Whether the Ordinance is Substantially Related to an Important Governmental Interest.

In light of *McDonald*, and upon remand from this Court, the Appellate Court in this case reversed course from its initial opinion and held that Second Amendment rights *are* "fundamental." *Wilson v. Cook County*, 407 Ill. App. 3d 759, 766 (2011). The Appellate Court then adopted the District of Columbia District Court's overview provided in *Heller v. District of Columbia*, 698 F. Supp. 2d 179, 188 (D.D.C. 2010). There, the court held that if a regulation implicates the core Second Amendment right, intermediate scrutiny should be applied to determine whether the measure is substantially related to an important governmental interest. *Wilson*, 407 Ill. App. 3d at 768. Other Illinois courts have undergone a similar analysis and concluded that intermediate scrutiny applies to State or local government action that implicates Second Amendment rights. *See People v. Ross*, No. 1-09-1463, 2011 WL 904294, at *5-6 (1st Dist. Mar. 11, 2011) (surveying "various federal courts of appeal [including the Seventh Circuit, that] have adopted intermediate scrutiny as the proper standard of review to apply to second amendment challenges."); *People v. Aguilar*, No. 1-09-0840, 2011 WL 693241, at *8 (1st Dist. Feb. 23, 2011) (finding "intermediate scrutiny to be the appropriate standard" in Second Amendment cases.).

Under intermediate scrutiny, "'[t]he State must assert a substantial interest to be achieved by restrictions' on the constitutional right, and 'the regulatory technique must be in proportion to that interest.'" *People v. Davis*, No. 1-09-1973, 2011 WL 1227833, at *1 (1st Dist. Mar. 31, 2011) (quoting *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n*, 447 U.S. 557, 564 (1980)). This standard requires "a fit that is not necessarily perfect, but reasonable; that represents not necessarily the single best disposition but one

whose scope is in proportion to the interest served . . . ." *Id*. (quoting *Bd. of Trustees of the State Univ. of New York v. Fox*, 492 U.S. 469, 480 (1989)). "To pass constitutional muster under intermediate scrutiny, the government has the burden of demonstrating that its objective is an important one and that its objective is advanced by means substantially related to that objective." *United States v. Williams*, 616 F.3d 685, 692 (7th Cir. 2010).

Under this heightened standard, just as under the strict scrutiny standard, Cook County failed to meet its burden to show that the Ordinance's ban on the ownership of modern sporting rifles serves its stated interest of protecting the public's welfare. The error of finding otherwise was only compounded by the trial court's failure to afford Plaintiffs an opportunity to develop the record with their own evidence. Both the trial and appellate courts erroneously assumed that certain legislative findings were irrefutable and immune from judicial scrutiny based on evidence adduced in an adversarial proceeding. These findings cannot stand, and Cook County must be required to meet its burden of establishing—through actual, reliable evidence—that the Ordinance serves an important interest and is, at the very least, substantially related to serving that interest.

IV. The Economic Impact the Ordinance Has Had and Will Continue to Have on Illinois' Economy Should Factor Into an Independent Judgment of the Facts Bearing on This Important Issue of Constitutional Law Affecting Law-Abiding Illinois Citizens.

Plaintiffs' lawsuit was dismissed on the pleadings, where Defendants merely relied on legislative findings announced in the prefatory clauses to the Ordinance, including negative comments about firearms in general and two specific allegations about "assault weapons." *Wilson*, 407 Ill. App. 3d at 772-73. The trial court denied Plaintiffs any meaningful opportunity to challenge the legislative findings and failed to require the presentation of evidence demonstrating, under a heightened level of scrutiny, that Cook

County's ban on the ownership of modern sporting rifles is either narrowly tailored to serve an important governmental interest or has a substantial relationship to that interest. *See Ezell*, at *19 (burden belonged to the City to justify its infringement of the core Second Amendment right). A proper undertaking of this important constitutional analysis requires an independent judicial evaluation of the facts at issue as well as a thorough consideration of the significant economic impact that the Ordinance has had and will continue to have on Illinois' economy. *See Sable Commc'ns of Cal., Inc. v. FCC*, 492 U.S. 115, 129 (1989) (deference to legislative finding cannot limit judicial inquiry when fundamental constitutional rights are at stake).

Approximately 1,600 Illinois citizens are directly employed by Illinois' firearms manufacturers. Another 1,000 Illinois citizens are subcontractors directly involved in the manufacture of firearms by Illinois manufacturers. Considering those Illinois citizens who provide ancillary support for Illinois' firearms manufacturing industry adds another 3,000 individuals to the mix. In total, approximately 6,000 people in this state are thus employed because of Illinois companies that manufacture, distribute, and sell firearms, as well as ammunition and hunting equipment, including modern sporting rifles. All told, these employees, and the industry they support, generate over $250 million in annual in-State revenue based upon their production of the type of firearms potentially covered by this Ordinance.

Apart from the broader economic support provided to Illinois by its firearms manufacturers, these manufacturers also provide economic stability to several Illinois regions overlooked by other business investors. In fact, in certain areas, local firearms manufacturers are among the largest employers, providing livelihood and job security to citizens and communities throughout the State. For example, consider:

- Springfield Armory, a firearms manufacturer and importer based in Geneseo, Illinois, and founded in 1974, is one of the largest firearms manufacturers in the United States. Springfield Armory has approximately 170 employees in the Geneseo/Rock River Valley area, and it is a four-time recipient of the National Rifle Association Gun of the Year Award.

- ArmaLite, also operated out of Geneseo, has a broad customer base that includes not only private gun owners but also police agencies such as the Illinois State Police and federal agencies that support the Anti-Terror Assistance Program. ArmaLite employs a staff of approximately 75 and has annual revenue of approximately $20 million.

- Lewis Machine & Tool, founded in 1980, has been doing business in Milan, Illinois, for over 30 years. Lewis Machine & Tool has been recognized on several levels for their adherence to quality engineering and excellence in business, including the Illinois Quad City Small Business Government Procurement Award for Excellence in State and Federal Government Procurement.

- Rock River Arms, Inc., based in Colona, Illinois, was established in 1994, has an annual revenue of between $5 and $10 million, and employs a staff of over 50 people.

- R-Guns in Carpentersville, Illinois, employs 7 people, has been in business for 21 years, and has annual sales of between $8-18 million. R-Guns is a recent

addition to the IFMA, and its success is due, in a large part, to the increased demand for modern semi-automatic rifles based upon the AR-15 platform.

Despite the thousands of jobs and hundreds of millions of dollars in revenue that Illinois' firearms manufacturers provide to the State, Ordinances such as the one at issue threaten the very existence of the industry in Illinois. In the last several years, many members of the IFMA have been enticed by neighboring states, including Missouri and Iowa, to cross state lines and set up business elsewhere. Les Baer Custom, formerly a Hillsdale-based gun manufacturer, has already relocated its business to Iowa. Should the constitutionality of the Cook County ban on a category of firearms that are commonly used by law-abiding citizens for lawful and constitutionally protected purposes be upheld without even the presentation of any evidence, the risk that other Illinois firearms manufacturers will flee the State will only increase, and the tangible benefits to Illinois' economy will be forever lost.

The above-described facts provide only a small portion of the information that Plaintiffs could have, and should have, been able to present in support of their Complaint. It was error to preclude Plaintiffs the opportunity to present these and many other facts. That error requires reversal to fully ensure that a court exercises independent judgment in considering such an important constitutional issue.

CONCLUSION

The Ordinance at issue unconstitutionally infringes upon the core Second Amendment right of law-abiding citizens to keep and bear arms. The lower courts shirked their responsibility to thoroughly engage in the two-part inquiry set forth by the Supreme Court, which necessitates a thorough review of laws alleged to infringe Second

Amendment rights. The IFMA respectfully urges this Court to require an independent and comprehensive review of historical precedent, current data on firearms ownership, and the important economic implications that this Ordinance will have on the law-abiding citizens of this State. Because the Ordinance does not pass constitutional muster under any heightened standard of judicial review, nor was a proper consideration of its constitutionality even undertaken, this Court should reverse.

Dated: August 1, 2011

Respectfully submitted,

The Illinois Firearms
Manufacturers Association

By: _____
One of Its Attorneys

JAMES R. THOMPSON
MATTHEW R. CARTER
REBECCA S. BRADLEY
Winston & Strawn LLP
35 W. Wacker Dr.
Chicago, IL 60601

Counsel for Amicus Curiae

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 16 pages.

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JAMES R. THOMPSON
MATTHEW R. CARTER
REBECCA S. BRADLEY
Winston & Strawn LLP
35 W. Wacker Dr.
Chicago, IL 60601

Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

The undersigned attorney hereby states that he caused three copies of the foregoing BRIEF OF THE ILLINOIS FIREARMS MANUFACTURERS ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS-PETITIONERS, to be served via Federal Express on August 1, 2011, upon:

Victor D. Quilici
P.O. Box 428
River Grove, IL 60171

Edward Ronkowski
2821 Briarwood Ln.
Mokena, IL 60448

Stephen P. Halbrook
3925 Chain Bridge Rd.
Fairfax, VA 22030

Anita Alvarez
Patrick T. Driscoll, Jr.
Paul A. Castiglione
Marilyn Fusca Schlesinger
Office of the Cook County State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-5440

_____

JAMES R. THOMPSON
MATTHEW R. CARTER
REBECCA S. BRADLEY
Winston & Strawn LLP
35 W. Wacker Dr.
Chicago, IL 60601

Counsel for Amicus Curiae