

# **Tom Haine Blasts the FOID Card Act as “Unconstitutional,” Pledges to Fight Against it in Court as State’s Attorney.**

by Chris Rhodes, Reporter  
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ALTON: “At this moment, several important cases regarding the FOID Card Act and Second Amendment rights are either pending in the Illinois Supreme Court or working their way through the judiciary,” said Tom Haine, Republican candidate for Madison County State’s Attorney. “If elected, I will be the chief law enforcement officer and legal counsel of Madison County. Citizens need to have confidence that I will be proactive in my efforts to uphold their individual liberties. So let me be clear: I believe the FOID Card Act is unconstitutional. And if elected, I will join the fight against it in court.

“The FOID Card Act requires that virtually everyone obtain a license before possessing any firearm, even those commonly-used simply for home defense,” Haine said. “But in 2008 the Supreme Court made clear that restrictions on firearms in ‘common use’ implicate the Second Amendment. And though the Second Amendment—like all other

rights—is not unlimited, I agree with then-Judge (now Justice) Kavanaugh’s interpretation of the law in his famous 2011 D.C. Circuit dissent: the government can only impose Second Amendment restrictions that have been ‘traditional’ or ‘longstanding’ in our nation’s history. The Supreme Court has outlined several examples of such restrictions: ‘longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms

“I believe the FOID Card Act implicates the Second Amendment and is far from traditional or longstanding in American history. In fact, it is highly unusual even today. Only three states—Illinois, Massachusetts, and New York—require a license to own firearms, and New York’s law applies only to handguns. In short, the FOID Card Act is a national outlier and should be struck down. The Constitution protects law-abiding, responsible citizens from being forced to ask permission before they can simply protect their home.

“The Vivian Brown case is a telling example. In 2017, Ms. Brown’s separated husband reported that she had fired a gun in their home. When the police arrived, they found a single-shot, bolt-action 22-caliber rifle besides Ms. Brown’s bed, but no evidence she had fired the rifle in the home. She did not have a FOID card, but the state does not contest that she would have been eligible for one had she applied (in other words, she was a law-abiding, responsible individual).”

“Ms. Brown was charged with the highest class of misdemeanor, Class A, for possession of a firearm without a FOID card. But a Circuit Court concluded that the FOID Card Act as applied to Ms. Brown was unconstitutional. The Illinois Supreme Court could issue its own decision on the case any day.”

“I hope the Supreme Court does the right thing and strikes down the FOID Card Act. People like Ms. Brown should not have to be pre-cleared to exercise the most basic and traditional form of self-defense in America —keeping a rifle in their home and bedroom for protection,” Haine said.

“As State’s Attorney, I will have the duty to represent the citizens of this county and protect their rights. Therefore, if elected, I pledge to join the fight against the FOID Card Act in court by filing an amicus brief on behalf of Madison County residents on the issue. Amicus curiae - or “friend of the court” - briefs can be filed by anyone who ‘has a unique perspective, or information, that can assist the court.’ And I believe courts considering this issue need to hear the serious Constitutional concerns Madison County residents have with the FOID Card Act.”