

# **State Rep. Dan Caulkins' Files Petition To U.S. Supreme Court To Review The Illinois High Court Decision On The Assault Weapons Ban**

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DECATUR, Ill. - State Representative Dan Caulkins (R-Decatur) has petitioned the Supreme Court of the United States to review the Illinois Supreme Court's decision on Illinois' weapons ban law on due process, equal protection, and Second Amendment grounds.

At issue is the denial of due process under the 14<sup>th</sup> Amendment arising from Justices Elizabeth Rochford and Mary Kay O'Brien participating in the case despite overwhelming reasons they should have recused themselves. Both justices received disproportionate contributions from the leaders of the co-equal branches of government in the aggregate sum of more than \$2.5 million calling into question their impartiality and independence. Both Justices reportedly committed to the outcome for an assault weapon ban during their respective campaigns joined by the Defendants which contributes to the denial of due process right to a fair hearing.

Specifically, both justices received the endorsement of G-PAC, which states: "Each endorsed candidate supports our #1 legislative priority when the General Assembly is called into session: banning assault weapons and large-capacity magazines.

"Both Justice Rochford and O'Brien received disproportionate campaign contributions, and both made a commitment to support the legislative policy of banning assault weapons," Caulkins said. "Additionally, the donations to these justices came from Gov. JB Pritzker and House Speaker Chris Welch which calls into question the independence of the judiciary and the separation of powers. Given the size of the campaign contributions and who gave the contributions, there not only is a question of fairness and impartiality, there also is a question of the independence of the Justices which calls into question the validity of the state court decision."

Caulkins said the due process under the 14<sup>th</sup> Amendment argument calls into question the fairness of the proceedings at the Illinois Supreme Court, but the petition also asks for a review of the substance of the case which centers on the three readings requirement in the Illinois Constitution, the Second Amendment, and the Equal Protection clause of the 14<sup>th</sup> Amendment.

The weapons ban law was not read three times which is required for all legislation to become a law. The law also violates the Second Amendment and the Equal Protection clause. The Second Amendment applies to all "arms commonly possessed for lawful purposes." This law declares that assault weapons shall remain arms commonly possessed by the grandfathered for lawful purposes. The law cannot subject the prohibited to criminal sanction for possessing arms for lawful purposes without violating the Second Amendment or denying equal protection of the laws. Both the "prohibited" and the "grandfathered" are FOID holders which means no historic tradition of gun regulation prohibits them as dangerous people.

The petition states: "There exists no rational basis to criminalize one person indistinguishable in any manner based on conduct from another immunized from the criminal liability or to speculate that the prohibited present a greater risk for mass shootings than the grandfathered based on the date an assault weapon was acquired. The

grandfathered who are immunized from criminal liability for possession have no greater training than the prohibited merely because the grandfathered already possess an assault weapon. Or, if the grandfathered are presumed to be safe (lawful) to possess assault weapons by mere possession, then the prohibited would satisfy the same safety presumption if allowed to acquire and possess. The fortuity of time of acquisition bears no connection to safety or danger. The resulting arbitrary classification on the face of the Assault Weapons Partial Ban fails all levels of scrutiny test and should be invalidated on this additional basis.”

“This petition is about the thousands of plaintiffs who joined my lawsuit and were denied a fair proceeding at the Illinois State Supreme Court,” Caulkins said. “The Illinois Supreme Court does not have an objective standard for recusals. The Court relies on individual justices to determine if there is a conflict. The end result is an unfair process that leads to biased outcomes. We are asking the U.S. Supreme to review this case based on the lack of fairness as well as the merits of our arguments against the weapons ban law.”