

Thompson and Carter Quoted Regarding Illinois' Freedom of Information and FOID Acts

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Gov. James Thompson was quoted in several media outlets, including the *Associated Press*, *Northwest Herald* and *Chicago Daily Bulletin*, regarding Illinois' Freedom of Information Act and Firearm Owners Identification Card (FOID) Act.

Gov. James Thompson and associate Matthew Carter have been appointed Special Assistant Attorneys General by the Office of the Illinois Attorney General to represent the Department of State Police of the State of Illinois in litigation pending in Peoria County regarding the interpretation of Illinois' Freedom of Information Act and the FOID Act. Thompson is representing the Illinois State Police, arguing that Madigan's office was wrong, and they should not release the names and information of people with a FOID.

This case arose when the *Associated Press* (AP) sought to obtain the names and other information of FOID cardholders from the Illinois State Police through the Freedom of Information Act. Although Attorney General Lisa Madigan's office would normally handle the case, the opinion of the Attorney General's office differs from the Illinois State Police's office allowing the Illinois State Police to request Gov. Thompson and Mr. Carter to represent them.

Gov. Thompson has been quoted saying that releasing FOID cardholder information "would impose a chilling effect on the exercise of the Second Amendment right," adding that citizens will not want to use their right to bear arms if they knew their identities would be revealed.

Carter told the *Ottawa Daily Times* that he and Thompson were confident that following a full and fair adjudication of this issue the courts will vindicate the state police position.

Lawmakers have also introduced a bill that would make the names and information of people who have applied for or received FOID cards exempt from inspection or copying. The bill is still awaiting final vote in the Senate.

Update: On August 24, 2011, Circuit Judge Michael Brandt dismissed the AP from the lawsuit after the AP withdrew their request for the names. This leaves the Illinois State Police, represented by Gov. Thompson, as the only defendants left in the case. According to Gov. Thompson, "you now have a plaintiff and defendant who substantially agree." The only argument that remains concerns the court costs accrued by each side.

Update: On July 2, 2011, Gov. Patrick J. Quinn signed a law that exempts FOID information from FOIA. Carter stated that the statute does not specifically speak to Firearms Transfer Inquiry Program (FTIP), but believes that FTIP information would be covered. He continued by explaining that the state police receive FOID and FTIP information requests regularly and that were several requests in addition to the AP's. Carter referred to the situation as "a live controversy."

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