

# PAUL CLEMENT ON GUNS

## Highlights:

- Paul Clement represented gun lobby groups.
  - Clement argued against a California law holding the gun industry accountable for harm.
    - In February 2024, Clement and the National Shooting Sports Foundation (NSSF) got a preliminary injunction against the law.
  - Clement challenged the constitutionality of Illinois' assault weapons ban on behalf of gun lobby groups.
    - The law banned assault weapons and switches and capped ammunition purchases in Illinois.
    - In May 2023, the Supreme Court declined to hear the case.
  - Clement represented the New York State Rifle and Pistol Association before the Supreme Court.
    - Clement and the plaintiffs argued that a New York state law limiting handgun permits was unconstitutional.
    - In June 2022, the Supreme Court ruled in Clement's favor and decided the New York state law was unconstitutional.
  - Clement was retained by a gun group to fight against a New York liability law.
    - The case challenged a New York law holding gun manufacturers accountable for gun violence.
    - In November 2023, the plaintiffs urged an appeals court to hear objections to the law.
  - Clement was hired by the National Rifle Association to help defend gun manufacturers being sued by Sandy Hook parents.
    - In 2015, Remington was sued by parents of Sandy Hook victims for their sale and marketing of dangerous weapons to the public.
    - Clement worked with the National Rifle Association to write an amicus brief for the case.
    - The lawsuit was settled in 2022 for over \$70 million.
  - Clement represented the National Rifle Association in their lawsuit against the city of Chicago.
    - The lawsuit argued that a Chicago handgun ban was unconstitutional under the Fourteenth Amendment.
    - In June 2010, the Supreme Court ruled in favor of Clement and the NRA, finding the Chicago law unconstitutional.
  - In June 2022, Clement left Kirkland and Ellis after they decided to no longer represent Second Amendment clients.

## Clement Represented Gun Lobby Groups

### CLEMENT ARGUED AGAINST A CALIFORNIA LAW HOLDING THE GUN INDUSTRY ACCOUNTABLE FOR HARM

**The National Shooting Sports Foundation Filed A Lawsuit Deeming A California Gun Safety Law Unconstitutional.** According to Courthouse News Service, “California Governor Gavin Newsom heralded a new state law that's set to go into effect in July as an important tool in preventing more mass shootings and other gun related deaths by holding the gun industry responsible for harm caused by their weapons. But the initiative came under fire Tuesday, when the National Shooting Sports Foundation filed a federal lawsuit that claims the law is unconstitutional. The law, signed in 2022 along with a number of other gun control measures, allows Californians, the state, and local governments to sue gun manufacturers, distributors and dealers that don't follow strict safety and marketing standards — targeting, for instance, those that market their products to people at risk of harming themselves or others, and market weapons to minors.” [Courthouse News Service, [5/23/23](#)]

## Clement Was The Lead Attorney For NSSF.

3:23-cv-00945-AGS-KSC National Shooting Sports Foundation v. Bonta

Andrew G. Schopler, presiding

Karen S. Crawford, referral

Date filed: 05/23/2023

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Foundation v. Bonta, accessed 6/24/24]

## February 2024: Clement And NSSF Got A Preliminary Injunction Against The Law

**February 2024: A District Judge Issued A Preliminary Injunction Against The California Law.** According to NSSF, “NSSF®, The Firearm Industry Trade Association, applauded the decision by U.S. District Judge Andrew Schopler granting an injunction prohibiting the enforcement of California’s law that exposes firearm industry members to lawsuits in California for the lawful commerce in firearms that takes place entirely outside the state of California when those legally made and sold products end up being misused by criminals and others in California. The ruling by Judge Schopler in the U.S. District Court of the Southern District of California enjoined the enforcement of California AB 1594, the so-called ‘Firearm Industry Responsibility Act.’ NSSF sued to challenge the law in June of 2023 and moved for an injunction. In granting the injunction, Judge Schopler found the law is likely unconstitutional because it violates the Commerce Clause.” [NSSF, [2/22/24](#)]

## **CLEMENT CHALLENGED THE CONSTITUTIONALITY OF ILLINOIS’ ASSAULT WEAPONS BAN ON BEHALF OF GUN LOBBY GROUPS**

### **January 2023: Clement Defended Plaintiffs Challenging The Constitutionality Of Illinois’ Assault Weapons Ban.**

According to the Chicago Sun-Times, “Two Second Amendment lawyers who helped win a landmark U.S. Supreme Court case that struck down a New York concealed carry gun law are now challenging the constitutionality of Illinois’ assault weapons ban — with help from the National Rifle Association. Paul Clement, who successfully argued the New York case, is one of the attorneys for the plaintiffs in the latest federal lawsuit seeking to overturn Illinois’ two-week old ban.” [Chicago Sun-Times, [1/24/23](#)]

### **January 2023: Clement And The Gun Lobby Argued That The Law Violated The Second And Fourteenth**

**Amendments.** According to the Chicago Sun-Times, “The federal suit filed Tuesday argues that the law violates the Second and Fourteenth Amendments. It also argues that the measure is unconstitutional because the types of weapons banned are commonly used by law-abiding citizens.” [Chicago Sun-Times, [1/24/23](#)]

## The Law Banned Assault Weapons And Switches And Capped Ammunition Purchases In Illinois

**The Illinois Law Banned Assault Weapons And Switches While Capping Ammunition Purchases.** According to the Chicago Sun-Times, “Gov. J.B. Pritzker signed the measure into law on Jan. 10, immediately banning the sale of assault weapons in Illinois and capping the purchase of magazines at 10 rounds for long guns and 15 for handguns. It also made rapid-fire devices, known as ‘switches,’ illegal because they turn firearms into fully automatic weapons. Those already owning the banned guns are allowed to keep them but were required to register them with the Illinois State Police by Jan. 1.” [Chicago Sun-Times, [1/24/23](#)]

### **Plaintiffs For The Suit Included Gun Stores, Gun Ranges, Private Citizens, And The National Sports Shooting Foundation**

**Plaintiffs For The Case Included Gun Stores, Gun Ranges, Private Citizens And The National Sports Shooting Foundation.** According to the Chicago Sun-Times, “Plaintiffs in the new federal lawsuit are Sparta resident Caleb Barnett, Marion resident Brian Norman, Benton-based Hood’s Guns & More, Benton-based Pro Gun and Indoor Range and the National Sports Shooting Foundation, Inc. Although the NRA is not listed as a plaintiff, a spokesperson for the organization told the Sun-Times it joined the National Sports Shooting Foundation to bring forth the suit, similar to what it did in the case of New York State Rifle & Pistol Association v. Bruen, which was ultimately taken to the U.S. Supreme Court.” [Chicago Sun-Times, [1/24/23](#)]

*The National Rifle Association Helped Cover The Costs Of The Suit*

**National Rifle Association Helped Cover The Costs Of The Suit.** According to the Chicago Sun Times, “The NRA said it also helped to pay for the suit, along with the National Sports Shooting Foundation, an industry trade association.” [Chicago Sun-Times, [1/24/23](#)]

### **May 2023: The Supreme Court Declined To Block Illinois’ Assault Weapon Ban**

**May 2023: The Supreme Court Declined To Block Illinois’ Assault Weapon Ban.** According to NBC News, “The Supreme Court on Wednesday declined for now to block a new law in Illinois that bans assault-style weapons such as the AR-15 semi-automatic rifle, which has been used in multiple mass shootings.” [NBC News, [5/17/23](#)]

## **CLEMENT REPRESENTED THE NEW YORK STATE RIFLE AND PISTOL ASSOCIATION BEFORE THE SUPREME COURT**

**June 2022: Clement Represented The New York State Rifle And Pistol Association Before The Supreme Court.** According to Reuters, “Kirkland announced the new policy and the pair's departure hours after the U.S. Supreme Court struck down New York state's limits on carrying concealed handguns in public in a 6-3 ruling. Clement, a former solicitor general, argued that case before the nation’s high court in November on behalf of the New York State Rifle & Pistol Association.” [Reuters, [6/23/22](#)]

### **Clement And The Plaintiffs Argued That A New York Law Limiting Concealed Handgun Permits Was Unconstitutional**

**Plaintiffs In New York State Rifle And Pistol Association v. Bruen Argued That New York State’s Law Limiting Concealed Handgun Permits Was Unconstitutional.** According to CNN, “The case, New York State Rifle & Pistol Association v. Bruen, concerned a New York law governing licenses to carry concealed handguns in public for self-defense. It required a resident to obtain a license to carry a concealed pistol or revolver and demonstrate that ‘proper cause’ exists for the permit. Residents must show that they have a great need for the license and that they face a ‘special or unique danger to their life.’ The law requires applicants who want to carry a handgun in public without restriction to show an ‘actual and articulable’ self-defense need, as opposed to one that is ‘speculative or specious.’” [CNN, [6/23/22](#)]

### **June 2022: The Supreme Court Ruled In Clement’s Favor And Decided The New York State Law Was Unconstitutional**

## **June 2022: Clement Won The Case And The Law Was Determined Unconstitutional By The Supreme Court.**

According to CNBC, “The Supreme Court on Thursday struck down a New York state law requiring applicants for a license to carry a gun outside of their homes to have a ‘proper cause’ to do so, saying it violated the Second Amendment of the U.S. Constitution.” [CNBC, [6/23/22](#)]

## **CLEMENT WAS RETAINED BY A GUN GROUP TO FIGHT AGAINST A NEW YORK LIABILITY LAW**

**July 2022: Clement Was Hired By The Firearm Industry Trade Association To Represent Them In Their Appeal To The Second Circuit.** According to NSSF, “The Firearm Industry Trade Association, is announcing it has retained Paul Clement and Erin Murphy of Clement & Murphy, PLLC, to represent NSSF in its appeal to the U.S. Court of Appeals for the Second Circuit in its lawsuit, NSSF et al v. James.” [NSSF, [7/6/22](#)]

### **The Case Challenged A New York Law Holding Gun Manufacturers Accountable For Gun Violence**

**The Case Challenged A New York Law That Allowed People Harmed By Gun Violence To Sue The Gun Industry.** According to Courthouse News Service, “Attorneys for the gun industry group National Shooting Sports Foundation urged a federal appeals panel on Friday morning to breathe new life into a constitutional objection to a New York law that opens up gun companies to civil suits over third-party acts of violence.” [Courthouse News Service, [11/3/23](#)]

### **November 2023: Plaintiffs Urged An Appeals Court To Hear Objections To The Law**

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## **CLEMENT WAS HIRED BY THE NATIONAL RIFLE ASSOCIATION TO HELP DEFEND GUN MANUFACTURERS BEING SUED BY SANDY HOOK PARENTS**

### **2015: Remington Was Sued By The Parents Of Sandy Hook Victims For Their Sale And Marketing Of Dangerous Weapons To The Public**

**2015: Families Of Sandy Hook Victims Sued Remington For Their Marketing And Sales Of A Dangerous Weapon To The Public.** According to the Associated Press, “The families and a survivor of the shooting sued Remington in 2015, saying the company should have never sold such a dangerous weapon to the public. They said their focus was on preventing future mass shootings by forcing gun companies to be more responsible with their products and how they market them.” [Associated Press, [2/15/22](#)]

### **Clement Worked With The National Rifle Association To Write An Amicus Brief For The Case**

**Clement Worked With The National Rifle Association To Write An Amicus Brief On Behalf Of The Gun Manufacturers Being Sued.** According to Law.com. “Paul D. Clement, a former U.S. solicitor general and one of the country’s foremost litigators, is working once again with the National Rifle Association in an effort to get the largest gun lobby to write an amicus brief in the lawsuit filed by Sandy Hook families.” [Law.com, [6/7/17](#)]

### **2022: The Lawsuit Was Settled For Over \$70 Million**

**2022: Nine Families Settled With Remington For Over \$70 Million Dollars.** According to the Associated Press, “The families of nine victims of the Sandy Hook Elementary School shooting announced Tuesday they have agreed to a \$73 million settlement of a lawsuit against the maker of the rifle used to kill 20 first graders and six educators in 2012. [...] The families and a survivor of the shooting sued Remington in 2015, saying the company should have never sold such a dangerous weapon to the public.” [Associated Press, [2/15/22](#)]

## **CLEMENT REPRESENTED THE NATIONAL RIFLE ASSOCIATION IN THEIR LAWSUIT AGAINST THE CITY OF CHICAGO**

**2010: Clement Was Hired By The National Rifle Association To Help With Their Lawsuit Against The City Of Chicago.** According to the Cato Institute, “Yesterday the Supreme Court granted the NRA’s motion for divided argument in McDonald v. Chicago. What this means is that Alan Gura’s 30 minutes of argument time on behalf of Chicagoland gun owners just became 20, with 10 going to former Solicitor General Paul Clement, whom the NRA hired at the last minute to pursue this motion and argument.” [Cato Institute, [1/26/10](#)]

### **The Lawsuit Argued That A Chicago Handgun Ban Was Unconstitutional Under The Fourteenth Amendment**

**The Lawsuit Asserted That Chicago’s Handgun Ban Violated America’s Second Amendment Rights Through The Due Process Clause Of The Fourteenth Amendment.** According to Ballotpedia, “McDonald v. Chicago is a case decided on June 28, 2010, by the United States Supreme Court holding 5-4 that municipal laws in Chicago, Illinois, and Oak Park, Illinois, seeking to prohibit citizens from possessing handguns violated the Second Amendment, incorporated against the states through the Due Process Clause of the Fourteenth Amendment.” [Ballotpedia, Accessed [6/20/24](#)]

### **June 2010: The Supreme Court Ruled In Clement And The National Rifle Association’s Favor Calling The Chicago Handgun Ban Unconstitutional**

**June 2010: The Supreme Court Ruled The Chicago Handgun Ban Unconstitutional.** According to CNN, “In another dramatic victory for firearm owners, the Supreme Court has ruled unconstitutional Chicago, Illinois’, 28-year-old strict ban on handgun ownership, a potentially far-reaching case over the ability of state and local governments to enforce limits on weapons. A 5-4 conservative majority of justices on Monday reiterated its 2-year-old conclusion that the Constitution gives individuals equal or greater power than states on the issue of possession of certain firearms for self-protection.” [CNN, [6/28/10](#)]

## **JUNE 2022: CLEMENT LEFT KIRKLAND AND ELLIS AFTER THEY DECIDED TO NO LONGER REPRESENT SECOND AMENDMENT CLIENTS**

**June 2022: Clement Left Kirkland & Ellis After The Firm Decided To No Longer Represent Clients Involved In The Interpretation Of The Second Amendment.** According to CNN, “After the Supreme Court ruled, Clement’s now-former law firm, Kirkland & Ellis, announced in a news release that it will ‘no longer represent clients with respect to matters involving the interpretation of the Second Amendment.’ Clement and Erin Murphy, a top litigator in her own right, responded by leaving.” [CNN, [6/23/22](#)]

**June 2022: Clement On His Decision To Leave Kirkland: “There Was Only One Choice: We Couldn’t Abandon Our Clients Simply Because Their Positions Are Unpopular In Some Circles.”** According to Clement’s op-ed in the Wall Street Journal, “This time around, we received a very different message from our law firm. Having just secured a landmark decision vindicating our clients’ constitutional Second Amendment rights in New York State Rifle & Pistol Association v. Bruen, we were presented with a stark choice—withdraw from representing them or withdraw from the firm. There was only one choice: We couldn’t abandon our clients simply because their positions are unpopular in some circles.” [Wall Street Journal, Op-Ed - Paul Clements & Erin Murphy, [6/23/22](#)]