

# PAUL CLEMENT ON LGBTQ RIGHTS

## Highlights:

- Paul Clement repeatedly targeted the LGBTQ through lawsuits.
  - Clement was hired by House Republicans to preserve the Defense of Marriage Act (DOMA).
    - In April 2011, Clement resigned from his law firm after they decided to no longer defend DOMA.
    - In January 2013, Clement argued that gay couples' inability to have an unplanned pregnancy denied them their right to a marriage.
    - In June 2013, the Supreme Court struck down a portion of DOMA.
  - Clement represented an Indiana school district that attempted to ban transgender students from using bathrooms that matched their gender identity.
    - In January 2024, the Supreme Court denied the school district's case.

## Clement Repeatedly Targeted The LGBTQ+ Community Through Lawsuits

### **CLEMENT WAS HIRED BY HOUSE REPUBLICANS TO PRESERVE THE DEFENSE OF MARRIAGE ACT**

**April 2011: Clement Was Hired By House Republicans To Represent The House Of Representatives In Their Attempt To Preserve The Defense Of Marriage Act.** According to Law.com, "House Republicans have hired former U.S. solicitor general Paul Clement to lead their defense of the ban on federal recognition of same-sex marriage, giving lawmakers the benefit of one of the nation's best-recognized appellate lawyers." [Law.com, [4/18/11](#)]

**The Defense Of Marriage Act Defined Marriage As Between A Man And A Woman.** According to ABC News, "Paul Clement, a partner at the law firm King & Spalding, was appointed by House Speaker John Boehner last week to step in for Justice Department lawyers who withdrew from several pending cases involving DOMA in February. The law defines marriage as between a man and a woman." [ABC News, [4/25/11](#)]

### **April 2011: Clement Resigned From His Law Firm After They Decided To No Longer Defend The Defense Of Marriage Act**

**April 2011: Clement Resigned From His Law Firm After The Firm's Decision To No Longer Defend The House Of Representatives In Their Preservation Of The Defense Marriage Act.** According to Politico, "Former Solicitor General Paul Clement resigned Monday from the law firm King & Spalding over the its abrupt and belated decision to stop defending the Defense of Marriage Act on behalf of the House of Representatives." [Politico, [4/25/11](#)]

**April 2011: Clement Said There Was "No Other Honorable Course For Him Other" Than To Complete His Work On The Defense Of Marriage Act.** According to Politico, "'I resign out of the firmly held belief that a representation should not be abandoned because the client's legal position is extremely unpopular in certain quarters. Defending unpopular clients is what lawyers do,' Clement wrote to King & Spalding Chairman Robert Hays. 'I recognized from the outset that this statute implicates very sensitive issues that prompt strong views on both sides. But having undertaken the representation, I believe there is no honorable course for me but to complete it.'" [Politico, [4/25/11](#)]

### **January 2013: Clement Argued That Gay Couples' Inability To Have An Unplanned Pregnancy Denied Them Their Right To A Marriage**

**January 2013: Clement Argued That Gay Marriage Should Be Illegal Because Gay Couples Cannot Have Unplanned Pregnancies.** According to New York Magazine, "Marriage should be limited to unions of a man and a woman because they alone can 'produce unplanned and unintended offspring' opponents of gay marriage have told the Supreme Court. By contrast, when same-sex couples decide to have children, 'substantial advance planning is required,' said Paul D. Clement, a lawyer for House Republicans." [New York Magazine, [1/29/13](#)]

### **June 2013: The Supreme Court Struck Down A Portion Of DOMA**

**June 2013: The Supreme Court Struck Down A Portion of DOMA.** According to CNN, “In a dramatic slap at congressional authority, a divided Supreme Court has struck down a key part of a law that denies to legally married same-sex couples the same federal benefits provided to heterosexual spouses. The Defense of Marriage Act defines marriage as only between a man and a woman. The vote Wednesday was 5-4.” [CNN, [6/26/13](#)]

## **CLEMENT REPRESENTED AN INDIANA SCHOOL DISTRICT’S ATTEMPT TO BAN TRANSGENDER STUDENTS FROM USING BATHROOMS THAT MATCHED THEIR GENDER IDENTITY**

**The Metropolitan School District Of Martinsville Indiana Sought To Have The Supreme Court Deny Transgender Students Access To The Bathrooms Of Their Choosing.** According to NBC News, “The Supreme Court on Tuesday declined for now to weigh in on the contentious issue of bathroom access for transgender students by rejecting an Indiana school district's appeal. [...] The Metropolitan School District of Martinsville had wanted the justices to conclude that it is not required to allow transgender students to use the bathrooms of their choosing.” [NBC News, [1/16/24](#)]

**Clement Represented The School District.** According to WFYI, “Martinsville’s lawyer, Paul Clement, might increase the odds that the court takes the case. Clement was the U.S solicitor general under George W. Bush and has argued high-profile cases in front of the Supreme Court before.” [WFYI, [11/22/23](#)]

### **January 2024: The Supreme Court Declined To Hear The Case**

**January 2024: The Supreme Court Declined To Hear The Case, Rejecting The District’s Appeal.** According to NBC News, “The Supreme Court on Tuesday declined for now to weigh in on the contentious issue of bathroom access for transgender students by rejecting an Indiana school district's appeal.” [NBC News, [1/16/24](#)]