

# Public 'threatened' by private-firearms ownership

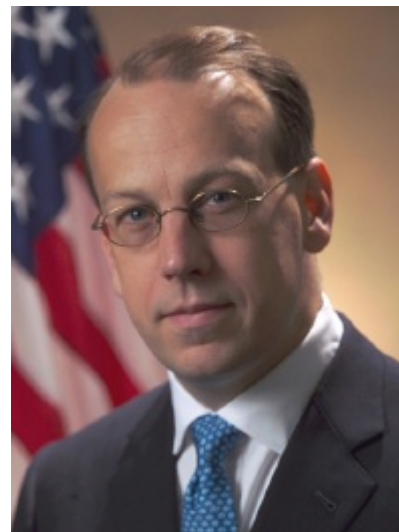
Government argues gun restrictions 'permitted by the 2nd Amendment'

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Since **"unrestricted' private ownership of guns clearly threatens the public safety, the 2nd Amendment can be interpreted to allow a variety of gun restrictions, according to the Bush administration.** The argument was delivered by **U.S. Solicitor General Paul D. Clement** in a brief filed with the **U.S. Supreme Court in the ongoing arguments over the legality of a District of Columbia ban on handguns in homes,** according to a report from the Los Angeles Times.

Clement suggested that **gun rights are limited and subject to "reasonable regulation" and said all federal limits on guns should be upheld.** "Given the **unquestionable threat to public safety that unrestricted private firearm possession would entail,** various categories of firearm-related regulation are permitted by the 2nd Amendment," he wrote in the brief, the Times reported. He noted especially the federal ban on machine guns and those many other "particularly dangerous types of firearms," and endorsed restrictions on gun ownership by felons, those subject to restraining orders, drug users and "mental defectives." His arguments came in the closely watched Washington, D.C., ban that would prevent residents from keeping handguns in their homes for self-defense.



Paul Clement

Paul Helmke, of the pro-gun control Brady Campaign to Prevent Handgun Violence, told the Times he salutes the administration for its position. But Alan Gura, who is heading up the challenge to the handgun ban, told the newspaper he was troubled Clement suggested more hearings on the case. "We are very disappointed the administration is hostile to individual rights," he told the paper. "This is definitely hostile to our position." Because of the specifics of **the D.C. case,** the ultimate **ruling is expected to address directly whether the 2nd Amendment includes a right for individuals to have a gun, or whether local governments can approve whatever laws or ordinances they desire to restrict firearms.**

The amendment reads, "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." Clement is the Bush administration's chief lawyer before the court, and submitted the arguments in the case that is to determine whether the D.C. limit is constitutional. He said the 2nd Amendment, "protects an individual right to possess firearms, including for private purposes unrelated to militia operations," and noted the D.C. ban probably goes too far. But the newspaper said most of **Clement's new brief urges the Supreme Court to decided most current restrictions on guns and gun owners cannot be overturned by citing the 2nd Amendment.** He said the failing in the D.C. law is that it totally bans handguns in the homes of private citizens. But he urged the court to recognize, **"Nothing in the 2nd Amendment properly understood ... calls for invalidation of the numerous federal laws regulating firearms."** The Justice Department long had endorsed gun controls until Attorney General John Ashcroft in 2001 switched the department's position to support individual gun rights, the Times said. The court's hearing on the case has not yet been held.

Clement clerked for Associate Justice Antonin Scalia and worked as chief counsel to the U.S. Senate Subcommittee on the Constitution, Federalism and Property Rights. He joined the Department of Justice in 2001 and moved into his current position in 2005.