

**2013 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SCR 4017**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Government and Veterans Affairs Committee Missouri River Room, State Capitol

SCR 4017  
02/15/2013  
Job Number 19038

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A Concurrent resolution relating to the Obama Administration's proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty.

### Minutes:

**Chairman Dever:** Opened the hearing on SCR 4017.

**Senator Sitte, District 35:** Testified as sponsor and to explain the resolution. See Attachment #1A for testimony and #1B for additional information in testimony.

**(6:23) Chairman Dever:** Am I correct that once a treaty is signed, then it has to be ratified by both chambers of Congress or just the Senate?

**Senator Sitte:** Jus the Senate. With the current situation there, I think it is very important that we send a message to both of our North Dakota Senators that we believe in the Second Amendment and will not see it abridged by a UN small arms treaty.

**Chairman Dever:** In my understanding, state law is superseded by the state constitution and both are superseded by federal law which is superseded by the federal constitution. This kind of a treaty subordinates all of that. It violates the sovereignty of United States.

**Senator Sitte:** Absolutely it does.

**(7:45) Glen Baltrusch, North Dakota Resident:** See Attachment # 2 for testimony in support of the bill. This is based on Missouri legislation that they have before them. I believe that instead of trying to reinvent the wheel, if you have a good one, run with it.

**(17:15) Chairman Dever:** I assume you are the source of information for the resolution?

**Glen Baltrusch:** I am.

**Senator Cook:** You mentioned the first law of nature; I refer to it as natural law. When our founding fathers drafted the Declaration of Independence, I believe that America was the first nation to recognize natural law and that our rights are from God. Do believe that to be true?

**Glen Baltrusch:** I do.

**Senator Cook:** Do you know of any other country in the world today that also practices natural law?

**Glen Baltrusch:** I am thinking some of you western civilizations.

**Senator Cook:** I don't know of any either. It is a question I have always had.

**Glen Baltrusch:** One thing we all have to realize is that when this country was born, when the Constitution was adopted, that was probably the greatest governing document in the history of the world. No other country has ever done it.

**Chairman Dever:** And it is the oldest Constitution in the world.

**Senator Cook:** The point of the question is when the founding fathers, those 56 men, signed the Declaration of Independence and made that declaration; they knew that they were immediately guilty of treason as far as the throne of England thought and that they were sentenced to death. They pledged their lives, fortune, and their sacred honor. The revolution, I would argue was fought over the right to declare our rights are from God and not given to us from man. That was the whole purpose of that whole fight and of course we won that fight. I would argue that the Second Amendment was put on there so that we may always continue to win that fight. Do you see this arms treaty as an end around to take those rights away from us?

**Glen Baltrusch:** Yes I do sir.

**Senator Cook:** Do you not think then that if that was ever to happen, those citizens of the United States who believe in natural law are going to use those same guns to defend their right to have that and that we will simply fight this revolution all over again?

**Glen Baltrusch:** I do believe that fact to a certain point, but what happens in my humble opinion is that the American people have come to a point where if they have that remote control in their hand and they are sitting back in that recliner, that is a lot more comfortable than doing that - having to go out and defend yourself; which is unfortunate.

**Chairman Dever:** You did the research on this. You followed the history of this.

**Glen Baltrusch:** After I started really looking at this I realized that it could fill three of the binders you have in front of you.

**(21:20) John Jacobsen, North Dakota Veterans Coordinating Council:** See Attachment # 3 for testimony in support of the resolution.

**(23:35) Brad Manz, North Dakota Resident:** See Attachment #4 in support of the resolution.

**(25:45) Gary Griffin, Veteran and RN, North Dakota Resident:** Testified in support of the resolution. I do not understand why there is a debate among a free people. Someone comes and tells me I have to turn in my firearms - I will do it my way. I will not hand them over except one bullet at a time. We are a free people. You were born free. This is the only nation that has acknowledged that - that a human being has a right to life, liberty, and the pursuit of happiness. They didn't give us the right to bear arm, they guaranteed that nobody would step on that right and yet it has been stepped on repeatedly. I have a concealed carry permit. Why do I have to ask permission from my government to defend myself? Because I have a concealed carry permit, and North Dakota has infringed my

Second Amendment rights, I disarmed myself to come to this meeting. It is against the law in North Dakota to carry a firearm into public buildings. Are we free or are we just waiting for the shackles to be applied?

**(28:35) Virginia McClure, North Dakota Resident:** Testified in support of the bill. My husband and I moved here three years ago and we started a manufacturing facility in Hazelton, North Dakota. I would like to remind the members of the committee that we are citizens of the United States of America. We already have a law of the land and that is our Constitution. We are governed by that law. We should not as US citizens fall under the rules and regulations of other countries and other organizations. We have our natural rights, our God given rights to protect ourselves and our persons. It is the government's job to protect those rights. Not erode those rights.

**(29:29) Chairman Dever:** Did you send the e-mail to the whole committee that you sent to me?

**Virginia McClure:** I did.

**Chairman Dever:** The Tenth Amendment to the Constitution is about state's rights and the federal government passes laws. We sometimes argue whether or not it is a violation of the Tenth Amendment but they generally stand on the commerce clause that if it is a matter of commerce between states that they have the authority to take jurisdiction over some of those issues. So I am curious, what would you see as a threat from a citizen in North Dakota on an international basis that would justify a treaty?

**Virginia McClure:** I think the Constitution is our supreme law of the land and any other regulation that another country bears upon us comes underneath the Constitution.

**Chairman Dever:** But individual citizens don't pose a threat to another country do we?

**Virginia McClure:** Only if they come into our country.

**(30:50) Duane Stahl, North Dakota Resident:** Testified in Support of the Resolution.

(Personal story about a trip to Missouri and the weapon laws there) It is the right to carry a gun that matters. The treaty, when it was deliberated in July, the United States was the only obstacle preventing the global arms control regulations from being imposed on the world. Right after the election, all of the sudden, Obama became for it. Then it was mentioned already that 51 Senators sent a letter to President Obama and Secretary of State, Hillary Clinton, encouraging them not only to uphold our countries constitutional protections of civilian firearms ownership, but to ensure that the treaty will explicitly recognize the legitimacy of lawful activities associated with firearms included, but not limited to, the right of self-defense and that has never been acted upon. The treaty talks about illicit firearms of all kinds. The illicit ones, the illegal ones are those that are not in many cases held by the people but they are legal if they are held by the government. There are sure a lot of governments around the world, like Syria, where the gun control took care of their guns but they are fighting the government. They did the same thing in Rwanda. Their gun control worked so well over there that machetes is all they needed anymore. It is also interesting that the human rights violator Iran is one of the original chairman of the UN ATT convention. I am sure we know what side of the fence they are on. In many places in the world, like Sudan, small arms were the only thing they had to fight back. I do urge a unanimous do pass on this resolution. I don't believe our founding fathers wanted this.

**(34:30) Chairman Dever:** I believe you e-mailed the committee as well?

**Duane Stahl:** I think my wife sent it out.

**Chairman Dever:** Have you communicated your concerns to our congressional delegation?

**Duane Stahl:** Yes.

**Chairman Dever:** I think all three members of our congressional delegation have expressed concern in support of the Second Amendment and private ownership of guns.

**(35:45) John Ertelt, North Dakota Resident:** Testified in support of the bill. What Senator Cook said about our natural rights is really the basis for this whole issue today. The UN itself is really the problem here. The UN was founded in 1945, and the acting Secretary General of that founding meeting held in San Francisco in October of that year was none other than Alger Hiss who was later identified as a Soviet agent. That organization was founded by a communist and it has been promoting communist aims ever since. Some of the secretaries since and the undersecretaries for military and security affairs have been communists. Because of that, they have an international goal to enslave the whole human race and ruled by a dictatorship; most likely communist. That means every person in every country. Therefore the agenda coming out of them is not surprising. I ask that you vote a do pass on this resolution.

**(38:15) Susan Beehler, North Dakota Resident:** Testified in a neutral position on the bill. See Attachment # 5 for testimony.

**(49:05) Chairman Dever:** It sounds to me like even if we re-wrote it with different language, that you would be in opposition to it.

**Susan Beehler:** I find it extremely offensive saying that you feel it is ok to take up arms against the federal government. Especially over something that is not passed. It is a threat. To me, I don't like that. That is not the North Dakota way.

**Chairman Dever:** Where does it say that?

**Susan Beehler:** Page 3, line 25. If you feel that the small arms in the treaty, there is one line that says small arms and weapons, if that is a part you object to, then take that out.

The rest of the people in our state and in our country don't have access to tanks and the different things that are listed in the treaty. We are saying that our state is willing to take up arms against the federal government if they don't do what we say. I think that is repulsive.

**(50:52) Kirstin Cochran, Resident of North Dakota:** Testified in neutral position on the bill. I do not think that it is bad to take a lead from another state. That would be saying that no one else has good ideas. If North Dakota had a good idea and another state did not follow because it came from us seems foolish. I think that I would be very honored that my state would protect her citizens against any threat, whether it would be right in our nation or foreign. Taking a stance on this would do that. I think it would be a preemptive action against UN or federal mandates encroaching on the Second Amendment and I think that whether or not you believe that the treaty can override our constitution, that it is never a bad idea to say preemptively that you can't. That this is our constitution, and say no you can't just in case you forget.

**(52:25)Chairman Dever:** Closed the hearing on SCR 4017.

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SCR 4017  
02/21/2013  
Job Number 19365

Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman Dever:** Opened SCR 4017 for committee discussion.

**Senator Cook:** Moved to amend by removing the 3<sup>rd</sup> resolve, lines 23-29 on page 3.

**Senator Nelson:** Seconded.

**Vice Chairman Berry:** Could Senator Cook explain why he would like those removed?

**Senator Cook:** I think if you read the "be it further resolved" right above it that is sufficient.

I think the next one is like sticking a stick in eye and I don't think it is necessary as we communicate with the President of the United States. It is not how you get your point across.

**Senator Nelson:** You are going to have to cut down a couple of trees to send this to everyone you are going to have to send it to. Each states legislature, each member of the Senate, etc. It seems to me you don't have to send it to everyone under the sun.

**Senator Cook:** The more you send it to, the better the chance it will get read.

**A Roll Call Vote Was Taken: 6 yeas, 1 nay, 0 absent.**

**Senator Cook:** Moved a Do Pass As Amended.

**Senator Schaible:** Seconded.

**A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.**

**Senator Schaible:** Carrier.

13.8266.01001  
Title.02000

Adopted by the Government and Veterans  
Affairs Committee  
February 21, 2013

2/22/13  
TV

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4017

Page 2, line 10, after the semicolon insert "and"

Page 3, remove lines 23 through 29

Renumber accordingly

Date: 2/21  
 Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES

BILL/RESOLUTION NO. 4017

Senate Government and Veterans Affairs Committee lines 23-29 pg 3

Check here for Conference Committee

*Remove the third resolve*

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Cook Seconded By Senator Nelson

| Senators                    | Yes | No | Senator                    | Yes | No |
|-----------------------------|-----|----|----------------------------|-----|----|
| Chairman Dick Dever         | ✓   |    | Senator Carolyn Nelson     | ✓   |    |
| Vice Chairman Spencer Berry |     | ✓  | Senator Richard Marcellais | ✓   |    |
| Senator Dwight Cook         | ✓   |    |                            |     |    |
| Senator Donald Schaible     | ✓   |    |                            |     |    |
| Senator Nicole Poolman      | ✓   |    |                            |     |    |
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Total (Yes) 4 No 1

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2/21  
 Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES

BILL/RESOLUTION NO. 4017

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8266.01001 02000

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Cook Seconded By Senator Schaible

| Senators                    | Yes | No | Senator                    | Yes | No |
|-----------------------------|-----|----|----------------------------|-----|----|
| Chairman Dick Dever         | ✓   |    | Senator Carolyn Nelson     |     | ✓  |
| Vice Chairman Spencer Berry | ✓   |    | Senator Richard Marcellais |     | ✓  |
| Senator Dwight Cook         | ✓   |    |                            |     |    |
| Senator Donald Schaible     | ✓   |    |                            |     |    |
| Senator Nicole Poolman      | ✓   |    |                            |     |    |
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Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Schaible

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SCR 4017: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4017 was placed on the Sixth order on the calendar.

Page 2, line 10, after the semicolon insert "and"

Page 3, remove lines 23 through 29

Renumber accordingly

**2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SCR 4017**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

SCR 4017  
March 21, 2013  
20333

Conference Committee

Committee Clerk Signature

## Explanation or reason for introduction of bill/resolution:

Concurrent resolution relating to the Obama administration's proposal that the Senate of the US consider adoption of a United Nations Arms Trade Treaty.

## Minutes:

Attachments 1-3

**Chairman Jim Kasper** opened the hearing on SCR 4017.

**Senator Sitte** appeared as a sponsor of this resolution and went over it. It is aimed at preserving this state's and country's second amendment rights. It addresses the United Nations Arms Trade Treaty. She briefly went over the resolution. She handed out **Attachment 1. (News articles)** She read the bracketed sections of the news articles. (2:53-4:28)

**Rep. Gail Mooney** Could you give me the cliff notes and tell me what is the purpose?

**Senator Sitte** It is going to regulate the sale of all small arms. Many people are feeling that it is going to actually take away our right to keep and bear arms as private citizens. We are going to urge the President and Secretary of State, Ambassador to the United Nations, and all members of the United States Senate to soundly reject the current form of the UN Arms Trade Treaty or any and/or any other treaty which would endanger the individual or collective right to keep and bear arms. The North Dakota Secretary of State is going to forward this to all those different people. It was stronger when it was originally introduced. I wish it was stronger, but it is fine the way it was modified in the Senate.

**Rep. Bill Amerman** There is no mention of the United States House.

**Senator Sitte** Only the Senate ratifies treaties.

**Glen Baltrusch, Harvey resident**, appeared in support. **Attachment 2** (6:28-13:13)

**Chairman Jim Kasper** had to turn the meeting over to Vice Chair Randy Boehning because he had to attend a meeting.

**Glenn Baltrusch** (Continued 13:41-17:10)

**Rep. Steven Zaiser** Is it your opinion that the second amendment does not supersede anything that is done here? Do you think we are not protected now based on the second amendment?

**Glenn Baltrusch** No, we are not. If the Senate ratifies treaties, the treaties actually become superior to the constitution of the United States, and we are bound under those treaties.

**Rep. Bill Amerman** The second amendment or any amendment would have to pass both houses of Congress and then 37-38 states have to ratify it. You are saying that a treaty signed for arm disarmament would take away all those rights?

**Glenn Baltrush** The only ones that ratify any treaty within the United States is the United States Senate. The House of Representatives has nothing to do with it. If the United States Senate was to ratify this, it not only makes it end run around the constitution, but what they would have done would have allowed for international law to be held into our federal and state courts as well. Basically, we would at that point be referred to as a member state under the treaty.

**Rep. Bill Amerman** By law to get rid of the second amendment, both houses would have to pass something and then 37 or 38 states would have to ratify what they passed.

**Glenn Baltrush** If you were looking at a constitutional amendment, that would be correct.

**Rep. Bill Amerman** You are saying that any treaty can end run our constitution?

**Glenn Baltrush** That is correct.

**Garald Maddock, Secretary for the NDVCC**, appeared in support. **Attachment 3.**  
(20:25-21:02)

The hearing was closed.

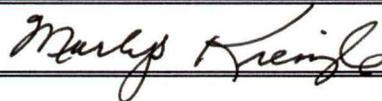
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

SCR 4017  
March 29, 2013  
Job #20694

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Concurrent resolution relating to the Obama Administration's proposal that the Senate of the US consider adoption of a United Nations Arms Trade Treaty.

## Minutes:

"Attached testimony." #1

Chairman Jim Kasper opened the session on SCR 4017. Attachment 1 had been handed out by Rep. Zaiser.

Rep. Jason Dockter It is a Resolution to protect our second amendment rights and to encourage the Treaty.

Rep. Scott Louser: As her understood, the week before the Senate voted 53-46 against ratifying the Treaty. On March 28 was the deadline Syria, North Korea and Iran blocked ratification. Now it is getting extended, so it is still alive.

Rep. Steven Zaiser: If it were to pass in the Senate in the United States and pass the UN it would not supersede the powers of the Constitution. It does not do anything.

Rep. Ben Koppelman: I would move for a Do pass in this measure, so we can send the message as whether or not we could technically supersede.

Re. Rohr: Seconded the motion

Rep. Marie Strinden: I read through the treaty and know that it can change but it said that as the treaty is right now it can't replace the laws in the Constitution of an individual country. I will be voting no because it is not a necessary resolution.

Rep. Scott Louser: One of the things the Treaty would do is stall or block Trade Agreements of the Country, including guns. So this is not just our ability to bear arms, it is our ability to trade with other countries.

Rep. Steven Zaiser: It has brought to his attention that North Dakota is one of the major exporters of assault rifles.

House Government and Veterans Affairs Committee

March 29, 2013

Job # 20694

Page 2

DO PASS Yes 10 No 4 absent 0 Carrier Rep Dockter

Meeting closed.

Date: 3-29-13  
 Roll Call Vote #: \_\_\_\_\_

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 4017**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Koppelman Seconded By Rohr

| Representatives              | Yes                                 | No | Representatives     | Yes | No                                  |
|------------------------------|-------------------------------------|----|---------------------|-----|-------------------------------------|
| Chairman Jim Kasper          | <input checked="" type="checkbox"/> |    | Rep. Bill Amerman   |     | <input checked="" type="checkbox"/> |
| Vice Chairman Randy Boehning | <input checked="" type="checkbox"/> |    | Rep. Gail Mooney    |     | <input checked="" type="checkbox"/> |
| Rep. Jason Dockter           | <input checked="" type="checkbox"/> |    | Rep. Marie Strinden |     | <input checked="" type="checkbox"/> |
| Rep. Karen Karls             | <input checked="" type="checkbox"/> |    | Rep. Steven Zaiser  |     | <input checked="" type="checkbox"/> |
| Rep. Ben Koppelman           | <input checked="" type="checkbox"/> |    |                     |     |                                     |
| Rep. Vernon Laning           | <input checked="" type="checkbox"/> |    |                     |     |                                     |
| Rep. Scott Louser            | <input checked="" type="checkbox"/> |    |                     |     |                                     |
| Rep. Gary Paur               | <input checked="" type="checkbox"/> |    |                     |     |                                     |
| Rep. Karen Rohr              | <input checked="" type="checkbox"/> |    |                     |     |                                     |
| Rep. Vicky Steiner           | <input checked="" type="checkbox"/> |    |                     |     |                                     |
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Total (Yes) 10 No 4

Absent 0

Floor Assignment Dockter

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SCR 4017, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4017 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**SCR 4017**

SB 4017

Testimony notes of Senator Margaret Sitte, Feb. 15, 2013

Concerns about balancing the federal budget are laudable. With this debt, we are spending ourselves and our children into economic slavery.

This call for a Constitutional Convention, however, is a bad idea for .

1. Process of calling for a convention and ratifying the outcome will take years we don't have
2. No uniform way to select delegates. Article V provides no guidelines. The process is left for Congress to decide. The current Congress could control the entire delegate selection. Under the rules that Congress could set, States may not even be represented. If the states are allowed to choose delegates, then what would be the method? Will the governor or the state legislature appoint delegates? Or could it be a bicameral panel or blue ribbon commission? Special election? Appointment by Legislative Management? A vote of the people? If so, then who would be eligible to vote? Would it be all eligible voters? Or taxpayers only? Or would we possibly, in the interest of "enfranchisement," allow all citizens, and potentially foreign nationals (illegal immigrants) to vote for this "special election?" There are no guidelines and anything is possible.

And what would be the qualifications to be a delegate? Would it be exclusively lawyers? A mix of professionals? So-called "proportional representation" of all special interest groups – NGO's? Will some be excluded because of "extreme" convictions? Of course, according to the Federal Department of Homeland Security, "extreme convictions" includes those who want to protect the Constitution.

3. The caliber of people today is not what it was 220 years ago after a seven-year war for Independence had refined their characters and clarified their understanding of freedom. Delegates to a Constitutional Convention will never run for re-election, so they would be as free from accountability to the voters as the life-tenured federal judges.

4. If it's such a great idea, why hasn't it been done in 220 years?

5. American greats from James Madison to Chief Justice Warren Burger have warned against it. Supreme Court Justice Warren Burger to Phyllis Schlafly, President of Eagle Forum. In the letter Burger writes, "...there is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or to one issue, but there is no way to assure that the convention would obey. After a convention is convened, it will be too late to stop the

convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the confederated Congress..."

6. In one motion, the convention could suspend the rules and do what it wanted. And there is more legal documentation proving that Congress or the states can control the agenda of a Convention. *Corpus Juris Secundum* is a compilation of State Supreme Court findings. The following is the collection of findings regarding the unlimited power of the delegates attending a Constitutional Convention. (From *Corpus Juris Secundum* 16 C.J.S. 9) "The members of a Constitutional Convention are the direct representatives of the people (1) and, as such, they may exercise all sovereign powers that are vesting in the people of the state. (2) They derive their powers, not from the legislature, but from the people: (3) And, hence, their power may not in any respect be limited or restrained by the legislature. Under this view, it is a Legislative Body of the Highest Order (4) and may not only frame, but may also enact and promulgate, Constitution. (5)" The footnote numbers after the citation quoted reference the particular cases from which the citations were made. (1) Mississippi (1892) *Sproule v Fredericks* (11 So. 472); (2) Iowa (1883) *Koehler v Hill* (14N.W. 738); (3) West Virginia (1873) *Loomis v Jackson* (6 W. Va. 613); (4) Oklahoma (1907) *Frantz v Autry* (91 p. 193); (5) Texas (1912) *Cox v Robison* (150 S.W. 1149).

Clearly, the position put forth by CSG and ALEC, that state legislatures can pass a resolution dictating the rules of the Convention is simply wrong. Once it is set in motion, there is no directing it or stopping it.

7. Any action by Congress must pass two Houses. Since a Constitutional Convention would not have two Houses, the big-population states would control the Convention and the small-population states would be irrelevant.

Congress must muster a two-thirds majority in both the House and the Senate in order to propose any constitutional change. No one knows whether or not a Convention would have a two-thirds (or simple majority) rule, and we can't know until the Convention is actually convened and adopts its own rules of procedure.

8. The Constitution and Bill of Rights constitute the very basis of our freedom—they could be fundamentally changed. Delegates to a Constitutional Convention do not have to swear to uphold and defend the U.S. Constitution, and would therefore be free (like the 1787 Convention Delegates) to throw out our existing Constitution and start from scratch with a completely new document. Congress, on the other hand, is bound by Article VI of our present Constitution, which requires every Member to take an oath to support our present Constitution.

9. The many questions and procedures that would arrive from an Art. V Convention would have to be settled by the Supreme Court, concentrating great power in the hands of these nine men and women.

We know for sure that any constitutional change voted out by Congress will not become part of the U.S. Constitution unless it is ratified by 38 of the 50 states. No one knows for sure whether or not this requirement would be true for actions taken by a Constitutional Convention. If a Con Con can change other portions of the Constitution, what is to prevent it from reducing the Article V requirement that ratification requires three-fourths of the states (just as the 1787 Convention reduced the ratification requirement from 100% to 75%)?

Instead of the proposals being ratified by state legislatures, the Convention could direct that the proposals be ratified by state conventions presenting some of the same lack of accountability as the federal convention.

10. Other states have alternately called for and rescinded their call for a Constitutional Convention. In the current political climate in Washington, DC, North Dakota should definitely rescind this call.

In 1787, before the Constitution was ratified and while a few state officials were still uneasy about certain parts of it, there began a movement to reopen the convention. JAMES MADISON, the prime motivator of the first convention, was horrified by the mere suggestion of reconvening. In a letter to George Turberville, he said:

"Under these circumstances it seems scarcely to be presumable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second".

We should all tremble for the result of a second.

URGE DO PASS on SCR 4016

UN Arms Treaty: NRA Vows To Fight Regulation Of \$70 Billion Global Arms Trade

Reuters | By Louis Charbonneau Posted: 12/28/2012 12:59 am EST | Updated: 12/28/2012 5:02 am EST

UNITED NATIONS, Dec 28 (Reuters) - The leading U.S. pro-gun group, the National Rifle Association, has vowed to fight a draft international treaty to regulate the \$70 billion global arms trade and dismissed suggestions that a recent U.S. school shooting bolstered the case for such a pact.

The U.N. General Assembly voted on Monday to restart negotiations in mid-March on the first international treaty to regulate conventional arms trade after a drafting conference in July collapsed because the U.S. and other nations wanted more time. Washington supported Monday's U.N. vote.

U.S. President Barack Obama has come under intense pressure to tighten domestic gun control laws after the Dec. 14 shooting massacre of 20 children and six educators at an elementary school in Newtown, Connecticut. His administration has since reiterated its support for a global arms treaty that does not curtail U.S. citizens' rights to own weapons.

Arms control campaigners say one person every minute dies as a result of armed violence and a convention is needed to prevent illicitly traded guns from pouring into conflict zones and fueling wars and atrocities.

In an interview with Reuters, NRA President David Keene said the Newtown massacre has not changed the powerful U.S. gun lobby's position on the treaty. He also made clear that the Obama administration would have a fight on its hands if it brought the treaty to the U.S. Senate for ratification.

"We're as opposed to it today as we were when it first appeared," he said on Thursday. "We do not see anything in terms of the language and the preamble as being any kind of guarantee of the American people's rights under the Second Amendment."

The Second Amendment of the U.S. Constitution protects the right to bear arms. Keene said the pact could require the U.S. government to enact legislation to implement it, which the NRA fears could lead to tighter restrictions on gun ownership.

He added that such a treaty was unlikely to win the two-thirds majority in the U.S. Senate necessary for approval.

"This treaty is as problematic today in terms of ratification in the Senate as it was six months ago or a year ago," Keene said. Earlier this year a majority of senators wrote to Obama urging him to oppose the treaty.

U.N. delegates and gun-control activists say the July treaty negotiations fell apart largely because Obama, fearing attacks from Republican rival Mitt Romney before the Nov. 6 election if his administration was seen as supporting the pact, sought to kick the issue past the U.S. vote.

U.S. officials have denied those allegation.

The NRA claimed credit for the July failure, calling it at the time "a big victory for American gun owners."

#### NRA IS 'TELLING LIES'

The main reason the arms trade talks are taking place at all is that the United States - the world's biggest arms trader, which accounts for more than 40 percent of global transfers in conventional arms - reversed U.S. policy on the issue after Obama was first elected and decided in 2009 to support a treaty.

Supporters of the treaty accuse the NRA of deceiving the American public about the pact, which they say will have no impact on U.S. domestic gun ownership and would apply only to exports. Last week, Amnesty International launched a campaign to counter what it said were NRA distortions about the treaty.

"The NRA is telling lies about the arms treaty to try to block U.S. government support," Michelle Ringuette of Amnesty International USA said about the campaign. "The NRA's leadership must stop interfering in U.S. foreign policy on behalf of the arms industry."

Jeff Abramson of Control Arms said that as March approaches, "the NRA is going to be challenged in ways it never has before and that can affect the way things go" with the U.S. government.

The draft treaty under discussion specifically excludes arms-related "matters which are essentially within the domestic jurisdiction of any State."

Among its key provisions is a requirement that governments make compliance with human rights norms a condition for foreign arms sales. It would also have states ban arms transfers when there is reason to believe weapons or ammunition might be diverted to problematic recipients or end up on illicit markets.

Keene said the biggest problem with the treaty is that it regulates civilian arms, not just military weapons.

According to the Small Arms Survey, roughly 650 million of the 875 million weapons in the world are in the hands of civilians. That, arms control advocates say, is why any arms trade treaty must regulate both military and civilian weapons.

Keene said the NRA would actively participate in the fight against the arms trade treaty in the run-up to the March negotiations. "We will be involved," he warned, adding that it was not clear if the NRA would address U.N. delegates directly as the group did in July.

The NRA has successfully lobbied members of Congress to stop major new gun restrictions in the United States since the 1994 assault weapons ban, which expired in 2004. It also gives financial backing to pro-gun candidates.

#### EXPLOSIVE ISSUE

European and other U.N. delegates who support the arms trade treaty told Reuters on condition of anonymity they hoped Newtown would boost support for the convention in the United States, where gun control is an explosive political issue.

"Newtown has opened the debate within the United States on weapons controls in ways that it has not been opened in the past," Abramson said, adding that "the conversation within the U.S. will give the (Obama) administration more leeway."

Keene rejected the idea of bringing the Newtown tragedy into the discussion of an arms trade treaty.

"I find it interesting that some of the folks that advocate the treaty say it would have no impact whatever within the United States but that it needs to be passed to prevent another occurrence of a school shooting such as took place in Newtown," he said. "Both of those positions can't be correct."

Obama administration officials have tried to explain to U.S. opponents of the arms trade pact that the treaty under discussion would not affect domestic gun sales and ownership.

"Our objectives for the ATT (arms trade treaty) have not changed," a U.S. official told Reuters. "We seek a treaty that fights illicit arms trafficking and proliferation, protects the sovereign right of states to conduct legitimate arms trade, and meets the concerns that we have articulated throughout."

"In particular, we will not accept any treaty that infringes on the constitutional rights of U.S. citizens to bear arms," the official added.

Supporters of the treaty also worry that major arms producers like Russia, China, Iran, India, Pakistan and others could seek to render the treaty toothless by including loopholes and making key provisions voluntary, rather than mandatory.

The United States, like all other U.N. member states, can effectively veto the treaty since the negotiations will be conducted on the basis of consensus. That means the treaty must receive unanimous support in order to be approved in March.

But if it fails in March, U.N. delegations can put it to a vote in the 193-nation General Assembly, where diplomats say it would likely secure the required two-thirds majority. (Editing by Todd Eastham)

[http://www.huffingtonpost.com/2012/12/28/un-arms-treaty-nra\\_n\\_2373417.html](http://www.huffingtonpost.com/2012/12/28/un-arms-treaty-nra_n_2373417.html)



## Does UN arms trade treaty figure in Obama administration's gun control plans?

By George Russell

Published January 23, 2013 | FoxNews.com

One day after President Barack Obama won re-election, his Administration agreed to a new round of international negotiations to revive a United Nations-sponsored treaty regulating the international sale of conventional arms, which critics fear could affect the Constitutionally protected right of U.S. citizens to purchase and bear firearms.

Now, in the wake of the Newtown school massacre and the President's January 16 promise to "put everything I've got" into a sweeping new series of gun control initiatives, the fate of that treaty, which enters a "final" round of negotiations this March, may loom as more important than ever, according to critics, some of whom argue that the U.S. should never have entered the talks in the first place.

Their concerns remain, despite the fact that President Obama repeated his support for the Second Amendment and "our strong tradition of gun ownership and the rights of hunters and sportsmen" on January 16. (The subject never came up in his second inaugural address.)

U.S. diplomats have declined a Fox News request to discuss, among other things, the direction of the talks, and whether the other 192 countries involved respect that U.S. "red lines" in the negotiations—including the Administration's assertion that "the Second Amendment to the Constitution must be upheld"—are truly inviolate.

The Administration first agreed to take part in the U.N. arms treaty negotiations in 2009—the same year in which it launched the now-notorious Fast and Furious operation, which provided weapons to illicit gun traders, ostensibly to track gun-running operations to Mexican drug cartels. Those negotiations proceeded irregularly, but seemed to founder last July.

But then, the U.S. joined a 157-0 vote, with 18 abstentions, of a U.N. General Assembly disarmament committee, on November 7, 2012, —the day after President Barack Obama won his second-term victory—to create the March round of talks. (A State Department official insisted to Fox News that the vote only came after the U.S. elections due to the disruption caused by Hurricane Sandy; otherwise, it would have taken place earlier.)

Amid the fog surrounding the treaty process, however, one thing seemed clear: an issue that deeply involves American rights and freedoms is back on the table, linked to the lingering problem of how to keep conventional military weapons out of the hands of terrorists and extremists. The State Department itself, on a web page that also lists its "red line" reservations in the negotiations, calls it a "complex but critical issue."

For many critics, however, the draft version of the treaty is also a mine field of clauses and propositions that mandate a much greater federal role in U.S. gun sales, and potentially tie the U.S. to the gun control agenda of other governments or regimes.

"The treaty is drafted as if every nation in the world has centralized control of the arms industry and arms sales, which is not the case here," said Ted Bromund, a security policy expert at the conservative Heritage Foundation who has followed the arms trade treaty process closely, and who believes the U.S. should bail out of the March treaty talks.

"We've already got an enormous body of statutes and practice on the import, manufacture and export of firearms, the most elaborate in the world," Bromund told Fox News. "How would we use a treaty that gives enormous discretion to the Administration on the import and export of arms? Essentially, it would give the Administration much more control than it already has."

Moreover, the treaty is unlikely to change any behavior on the part of lawbreaking regimes and dictatorships around the world whose handing on of weapons to terrorists or criminal enterprises is supposedly one of the activities the treaty will curb.

On the surface, the treaty, which aims to regulate the sale and resale of weapons ranging from tanks to missiles to rifles and pistols,

is aimed at creating a more manageable environment for the international arms trade.

The multi-billion-dollar market in illicit weapons sales, according to a report by U.N. Secretary General Ban Ki-moon, leads to "armed violence, conflict and civil unrest involving violations of international law, abuses of the rights of children, civilian casualties, humanitarian crises and missed social and economic opportunities."

Critics of the treaty effort, however, see something equally bad: a nebulous international agreement that does nothing to improve U.S. security but opens the way to "damage by a thousand cuts," as one critic put it, to the U.S. civilian right to bear arms and also to American foreign policy interests, no matter what the State Department may currently say about defending both.

For one thing, notes Bromund, most nations negotiating the treaty—which include Russia, China and Iran—"do not recognize the human right of self-defense" against tyrannical or murderous regimes—the essential basis of the Second Amendment.

Instead, a draft version of the treaty prepared in advance of the November vote emphasizes the "the inherent right of all States to individual or collective self-defense," and leaves it up to individual nation states themselves to police such issues as whether their arms sales will "be used to commit or facilitate a serious violation of international humanitarian law."

[CLICK HERE FOR THE DRAFT TREATY](#)

Whether some of the world's worst human rights violators, who are also arms exporters to even more murderous regimes, would spend much time worrying about such niceties, Bromund indicated, is unlikely.

"All these other nations are free to improve their export policies without any kind of treaty at all," Bromund argues. "They choose not to. What does that tell you about their intentions?"

"It is profoundly unlikely to restrain really bad actors, or make the less bad improve. It is basically pernicious. Relying on a treaty to stop irresponsible nations from acting irresponsibly is about as sensible as seeking to solve the problem of crime by outlawing it. If the arms trade treaty could work, it would not be necessary."

Moreover, critics point out that the draft version of the treaty contains a number of provisions that would make a bad situation from the U.S. point of view even worse. Among them:

--various clauses in the treaty mandate domestic gun control as part of an ostensibly international obligation to end illegal "end use," creating the possibility of a broad expansion of national regulatory powers.

--terms such as the "transfer" of arms under the treaty are undefined, again leading the possibility of broad regulatory expansion—and not merely to adhere to the arms treaty. According to one clause, for example, signatories "shall not authorize any transfer of conventional arms within the scope of this Treaty if the transfer would violate its relevant international obligations, under international agreements to which it is a Party"—a clearly open-ended commitment.

--another clause bans the transfer of arms to "facilitate" among other things "crimes against humanity"—a phrase now often used, in the highly-charged U.N. environment, for allegations against Israel. The same vagueness applies to terms like "serious violations to international humanitarian law"—a fuzzy body of assertions that no single nation may endorse.

--as currently written, the treaty allows its subsequent amendment by a majority of the original parties, meaning that the U.S. could later find it was bound by provisions it had not agreed to.

A more subtle flaw, notes Bromund, is that any badly designed treaty that the U.S. agrees to at the negotiations, and that the President signs, can have an effect on U.S. laws and regulations even though it would still need to be ratified by the Senate, which must approve international agreements by a two-thirds majority.

The reason: once a treaty is signed, the parties must respect its "object and purpose" even before ratification—or if ratification does not occur—which is "completely in the eye of the beholder," Bromund says.

Case in point: the Kyoto Protocol on greenhouse gas emissions, which was signed by President Bill Clinton but never ratified by the U.S. Senate. Nonetheless, the U.S. participates in Kyoto Protocol meetings, observes greenhouse gas limits of its own, and

operates as if conforming U.S. legislation may pass in the future.

Thus even agreements that are not ratified by the U.S. can become what Bromund calls "zombie treaties" – feeding on internal issues that radically define and distort U.S. political and regulatory behavior for decades.

John Bolton, a former U.S. Ambassador to the U.N. and Fox News contributor, notes that the already controversial treaty could get worse, from a U.S. point of view, before it reaches its final form in March.

"My experience is that a lot of the worst provisions in these agreements come in at the last minute," Bolton says. He added: "It's unbelievable that the issue is still kicking around."

In 2001, as U.S. assistant secretary of state for arms control and international security during the first George W. Bush Administration, Bolton voiced similar concerns about aspects of an earlier U.N. effort to install a "Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects."

The Program of Action is far foggier than the proposed new treaty. Among other things, it advocates "mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects," and to "raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons."

In other words, it promotes lobbying and advocacy, often by non-governmental organizations with political agendas of their own, on behalf of the arms sales goals.

The Program of Action, which followed a previous attempt to get a formal international arms sale treaty passed in the 1990s, is still in existence, under the aegis of the United Nations Office of Disarmament Affairs.

It holds periodic conferences and demands that adherents provide reports on their progress toward Program goals.

For example, Iran—which funnels arms to terrorist groups in Lebanon, Iraq and elsewhere, as well as to the Assad regime in Syria—noted this year that it in 2011 it had created a "special judicial authority" to investigate and punish violators of a new law "on the punishment or trafficking in arms and ammunitions and possessors of illicit arms and ammunitions."

The penalties under the law, and the nature of the new "judicial authority," were not outlined.

[CLICK HERE FOR A COPY OF IRAN'S PROGRESS REPORT](#)

"Iran is well respected at the U.N.," notes Wayne LaPierre, executive director of the National Rifle Association (NRA), who calls the radical Islamic republic a member in good standing of the "club of governments" who pursue international gun control law for their own ends.

And most of the killing of civilians in the developing world, he adds, "is done by governments in that club."

*George Russell is editor-at-large of Fox News and can be found on Twitter @GeorgeRussell. [Click here for more stories by George Russell.](#)*

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SENATE CONCURRENT RESOLUTION 4017

Before the Government and Veterans Affairs Committee

February 15, 2013 at 9:15 A.M.

Submitted by Glen E. Baltrusch

Good morning Chairman Dever and committee members,

My name is Glen Baltrusch. I was born and raised in the great state of North Dakota, and I reside in Harvey, North Dakota, which is in District 14. I stand before you today in support of **Senate Concurrent Resolution 4017** and respectfully request that this committee unanimously agree to a "DO PASS" recommendation to the floor of the Senate after this hearing is completed.

Mr. Chairman, committee members. I believe that the Sixty-third Legislative Assembly must adopt **Senate Concurrent Resolution 4017** relating to the Obama Administration's proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty in order to defend and protect the 'Constitution of the United States' and the 'Bill of Rights to the Constitution of the United States'; the 'Constitution of North Dakota' and the 'Declaration of Rights to the Constitution of North Dakota'; and the 'First Law of Nature' for all mankind, which has long been held to be the natural and fundamental right of all persons to 'self-preservation', 'self-defense', and a 'right of revolution' against any and all dangers to life, liberty, and property in all countries.

Here is a brief history of what has led up to the United Nations Arms Trade Treaty:

1. The First Special Session on Disarmament SSODI (23 May – 30 June 1978); was related to nuclear proliferation.
2. A resolution A/RES/43/75I on International Arms Transfer (7 December 1988); greater attention is to be given to conventional arms, taking into account that conventional disarmament is a necessary part of the disarmament process.
3. Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms (18 December 2006); it acknowledged the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defense and security needs.
4. Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms (8 January 2009); it determined to include small arms and light weapons from the legal to the illicit market.
5. Resolution adopted by the General Assembly [*on the report of the First Committee(A/64/391)*]. 64/48. The arms trade treaty; decides to convene a United Nations Conference on the Arms Trade Treaty to meet for four consecutive weeks in 2012 to elaborate a legally instrument for the highest possible international standards for the transfer of conventional arms, and to consider the remaining sessions of the Open-ended Working Group in 2010 and 2011 as a preparatory for the United Nations Conference on the Arms Trade Treaty.
6. Sixty-sixth session; First Committee; Agenda item 98 (e); General and complete disarmament: towards an arms trade treaty: establishing common international

standards for the import, export and transfer of conventional arms. The Arms Trade Treaty. The General Assembly, Recalling its resolution 64/48 of 2 December 2009, decides to hold the final session of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty from 13 to 17 February 2012 in New York, to conclude the Preparatory Committee's substantive work and to decide on all relevant procedural matters, pursuant to paragraph 8 of resolution 64/48.

7. United Nations Conference on the Arms Trade Treaty; New York, 2-27 July 2012. Report of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty.

Part IV. Scope; 1. For the purpose of this Treaty, conventional arms shall include any items that fall within the categories:

- (h) Small arms;
- (i) Light weapons;
- (j) Ammunition for use with weapons referred to in paragraphs (a) to (i);
- (k) Parts or components specially and exclusively designed for any of the categories set out in paragraphs (a) to (j);
- (l) Technology and equipment specially and exclusively designed and used to develop, manufacture or maintain any of the items in the categories set out in paragraphs (a) to (k).

8. Resolution adopted by the General Assembly (4 January 2013); 67/234. The Arms Trade Treaty. The United Nations will convene on March 18 – 28, 2013, with the Conference on the Arms Trade Treaty with the draft text as submitted by the President of the Conference on July 26, 2012, and calls upon the President of the Final United Nations Conference on the Arms Trade Treaty to report on the outcome of the Conference to the General Assembly at a meeting to be held as soon as possible after 28 March 2013; and decides to include in the provisional agenda of its sixty-eighth session an item entitled "The Arms Trade Treaty".

9. United Nations Conference on the Arms Trade Treaty; New York, 2-27 July 2012; Draft of the Arms Trade Treaty; submitted by the President of the Conference; has been amended or revised and now states as follows:

Article 2

Scope

A. Covered items:

1. This Treaty shall apply to all conventional arms within the *following* categories, *at a minimum*:

(h) Small arms and light weapons.

You notice that small arms and light weapons have been combined and make no distinction between firearms that are legally owned by the citizen, which includes handguns, rifles, or shotguns; and are defined as weapons that can be operated by a single individual.

Further research has discovered additional information that is, and should be of concern to all. There are a variety of publications, studies, and resolutions that range from Small Arms and Light Weapons Legislation (UNDP, 2008); SALW controls and Transfer Legislation (SEESAC, 2006); including ammunition, armed violence and development, firearms protocol, registration and confiscation and more. I must admit that much of the materials look quite innocent and harmless, that is until you start to investigate the materials in reference to the

United Nations Arms Trade Treaty. What started as the First Special Session on Disarmament has gone from nuclear proliferation to conventional weapons; to small arms and light weapons; to prevent illicit trade, terrorism and organized crime; to protecting women and children; to respecting international humanitarian law and human rights; to imposing international law; to imposing legislation and enforcement; to firearm registration and eventual confiscation of firearms from civilians; the United Nations Arms Trade Treaty.

As you read through **Senate Concurrent Resolution 4017**, you discover the importance and need of ratification of this resolution. As one reads and studies the aforementioned draft text, and associated documents from 1978 to present, you realize that should the United States Senate adopt the United Nations Arms Trade Treaty, they have literally thrown out the 'Bill of Rights to the Constitution of the United States'; the 'Declaration of Rights to the Constitution of North Dakota'; the 'Rights to the Constitutions' of the several states; squashed and repealed the 'First Law of Nature'; impaired or rendered our military unable to assert the right of self-defense against other nations; and imposed international law in the federal and state courts. In addition, the President may enlist the aid of member States of the United Nations, known as foreign nations, including their militaries, for the implementation and enforcement of the United Nations Arms Trade Treaty. In addition, the member States of the United Nations may impose even tougher restrictions and laws by the adoption of this aforementioned treaty.

Mr. Chairman and members of the committee, the United Nations Arms Trade Treaty is the way to impose international law upon all man, in all countries, and take away our fundamental rights. It is an end run around the Constitution of the United States and the Constitutions of the Several States.

Therefore, I respectfully request that this committee report a unanimous "**DO PASS**" recommendation on **Senate Concurrent Resolution 4017** to the full Senate for consent on the floor.

Chairman Dever, committee members, thank-you for your time and consideration in this pertinent matter. If you have any questions, I will try to answer them for you.

## NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Veterans Coordinating Council. I am also a member of the American Legion and the Veterans of Foreign Wars.

I served in the North Dakota National Guard and the US Army Reserve for a total of 30 years. I retired in 1995 as a Colonel. I served on active duty in 1991 during Operation Desert Shield/Desert storm in the Persian Gulf, stationed in the United Arab Emirates.

The Coordinating Council is made up of 15 members, 3 from each of the five veterans' organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee **MUST** concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on SCR 4017 is supported by the Veterans Coordinating Council.

**SCR 4017**

Mr. Chairman, members of the committee and public, my name is Brad Manz from Bismarck and I support this resolution for the following reasons:

- We can all endorse denying criminals, terrorists, drug and war lords, etc. access to arms but what invariably happens with such control efforts is that the intended targets typically are able to obtain whatever firearms and other weapons they desire. The ultimate victims of their unsavory activities, however, are usually left defenseless as it becomes increasingly difficult (or in some cases, impossible) for them to legally obtain firearms. Mexico, for example, has some of the strictest gun control laws in the world and relatively few individuals have legal access to firearms for self-defense purposes. In contrast, the drug dealers and other criminal elements have a virtually unlimited supply of weapons at their disposal and the country is awash with violence.
- Today, though, we are considering the ramifications for our state should this proposed treaty become legally binding upon the USA. Unfortunately a number of countries are using this treaty as a means of severely restricting or totally eliminating civilian ownership of all firearms. President Obama has already made known his desire to end private ownership of handguns in this country and his actions and certain public statements infer that he would like to ultimately end all civilian gun ownership in the USA.
- The Second Amendment to the United States Constitution and the Constitution of North Dakota, however, both guarantee the right of the people to keep and bear arms. If the USA adopts the UN Arms Trade Treaty our 2<sup>nd</sup> Amendment rights would likely be lost. The 2<sup>nd</sup> Amendment is the backbone of the bill of rights and in essence supports and protects those rights and ultimately the constitution itself.

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#5

TESTIMONY SCR 4017

Good morning Chairman and Committee members of the Government and Veterans Affairs Committee

What is our North Dakota Legislature doing with a resolution almost word for word as a resolution from the southern state of Missouri? I have attached the Missouri resolution. I find it disturbing we are following a southern state's lead on a national issue, this appears as a political maneuver not something well thought out for all of North Dakota, is this being driven by a party line? How is this good for us here in North Dakota dabbling in some national political game. I thought the state legislature was to represent the people of North Dakota not copying almost word for word another state's legislation. This resolution is unnecessary because no international treaty can override our US Constitution including our 2<sup>nd</sup> Amendment rights. Frankly I find it embarrassing in following the lead of a southern state for some kind of political game.

The language of the UN Arms Treaty is not final and it is not going to be looked at until March. How could you object to a treaty which is not complete? I have attached the copy of the draft of the treaty.

On page 3 line 25 who is our state militia are they identified in our state constitution as some states are. I don't like the idea we have copied a southern state especially with the wording of page 3 lines 23-29 it appears the stage is set for North Dakota and Missouri and any other state such as Virginia adopting this resolution is willing to rise up against the US Government if the treaty is signed, is this the image we want for our state to ally with southern states like some sort of repeat of history, a civil war? Our federal government is responsible for national security and this is what the treaty is about. The Arms Trade Treaty would require countries (not our states) to make respecting human rights a criterion for allowing arms exports. The treaty has been in negotiation with the UN for two decades and was seriously discussed at a UN conference in July 2012 at which time the US and other countries broke off the discussions. The Supreme Court has held that no treaty may override our Constitution. **From Oxfam (global peace NGO) 2.12.2-13** (link below):

"No [international] treaty can override the Constitution. The Supreme Court in *Geofroy v. Riggs* (1890) held **that the treaty power does not extend "so far as to authorize what the constitution forbids."** The Supreme Court rarely gets more clear than it did in *Reid v. Covert* (1957) when it reasoned that "it would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights...[to permit] the United States to exercise power under an international agreement without observing constitutional prohibitions."

<http://politicsofpoverty.oxfamamerica.org/2013/02/12/truth-about-the-arms-trade-treaty/>

From the Examiner:

In *Seery v. United States*, 127 F. Supp. 601 (Court of Claims, 1955) Section 606, the court wrote:

***"The plaintiff urges that even if that were so, it would be immaterial, because even a formally ratified treaty cannot accomplish what the Constitution forbids."*** [Emphasis added.]

Although the Supreme court just recently in 2008 and 2010, interpreted the 2<sup>nd</sup> Amendment to protect an individual's right to possess and carry guns versus the argument that the right only applies to a militia. The framers of our Constitution had many reasons for drafting the 2<sup>nd</sup> Amendment, including those which no longer apply today, such as suppressing insurrection, including slave revolts of where the Southern states "well regulated militias" of the time regularly searched plantations, entered slave's homes and removed any found guns. The second amendment allowed for this.

\* **U of CA Law Professor Carl T. Bogus (1998) & FL State U History Professor Sally Hadden** argue that one of the most important drivers of the 2nd amendment was to protect the existence of the southern state's slave patrols : most southern state had laws requiring white men to serve on the state militias for a term of service. These militias were used to suppress the hundreds of slave uprisings occurring at the time of the writing of the Constitution. The Southern states support were required for ratification of the Constitution and they relied heavily on slaves for their economy. Patrick Henry argued that Article 1, Section 8 of the Constitution threatened the existing state militias because the federal gov't had funding power and he feared a state militia with no guns if the federal gov't decided to withhold funding for guns. He insisted that the 2nd

Amendment be written with the word "state" instead of it's original draft with the word "country" and James Madison made the change.

At the ratifying convention in Virginia in 1788, Patrick Henry said:

"Let me here call your attention to that part [Article 1, Section 8 of the proposed Constitution] which gives the Congress power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States. . . .

<http://www.amazon.com/Slave-Patrols-Violence-Carolinas-Historical/dp/0674012348>

Arms trade is a matter of national security . The treaty purpose would be to attempt to require other countries to elevate their own country's arms sale laws to the level that the US already regulates arms exports. Without an Arms Treaty, rogue arms merchants in other countries can arm terrorists such as Al Queda. The treaty has nothing to do with our domestic sales of arms within our country's borders. The Arms Treaty would tell countries what factors to consider when exporting arms but not how to implement that country's decision. Each country will decide what sales are appropriate <http://londonusembassy.gov/acda082.html>

I ask you do not pass this unnessary resolution. I also ask was is going on in our legislature? Why are we looking to a southern state to lead our North Dakota?

Susan Beehler Mandan ND 701 220-2297 [suzybbuzz@gmail.com](mailto:suzybbuzz@gmail.com)

FIRST REGULAR SESSION

# House Concurrent Resolution No. 8

## 97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PARKINSON (Sponsor), KELLEY (127), SOMMER, SMITH (120), BRATTIN, SOLON, LAIR, CURTMAN, LICHTENEGGER, FRANKLIN, HIGDON, CONWAY (104), GUERNSEY, BURLISON, FITZWATER, RIDDLE, MCCAHERTY, GATSCHENBERGER AND DIEHL (Co-sponsors).

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### AN ACT

Relating to the Obama Administration's proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**WHEREAS**, the "First Law of Nature" has long been held to be the natural and fundamental right of all persons to "self preservation", "self-defense", and a "right of revolution" against any and all dangers to life, liberty, and property; and

**WHEREAS**, this first law of nature is ensconced in both a collective and an individual right to keep and bear arms, a right that has been recognized in English law since the adoption of the English Bill of Rights of 1689; and

**WHEREAS**, the Founding Fathers of the United States of America codified that individual and collective right by adoption and ratification of the Second Amendment to the Constitution of the United States; and **WHEREAS**, the Second Amendment to the Constitution of the United States reads as follows: "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"; and

**WHEREAS**, such codification of the individual right to keep and bear arms is derivative of the natural right and not the creation of a new right, a fact which has been recognized by the Supreme Court of the United States; and

**WHEREAS**, the existence and recognition of such an individual right is necessary to resist invasion, dissuade a tyrannical government, and to empower citizens in maintaining the natural right of self-defense, and is as essential as the collective right; and

**WHEREAS**, our nation's Founding Fathers expressed a deep belief in the individual right to keep and bear arms, expressed by Patrick Henry in Virginia's constitutional ratification convention on June 5, 1788, with the words: "Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are inevitably ruined. . . ."; and

**WHEREAS**, the individual right to keep and bear arms has been upheld by court opinions over the 225 years since the original thirteen states ratified the Constitution of the United States, most recently in *District of Columbia v. Heller* and in *McDonald v. Chicago*; and

**WHEREAS**, the state of Missouri further codifies the individual right to keep and bear arms in the Missouri Constitution's Bill of Rights, wherein Article I, Section 23 states, "That the right of every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned. . . ."; and

**WHEREAS**, the United States Mission to the United Nations voted in November 2012 to move the Draft Paper for the United Nations Arms Trade Treaty (hereinafter the "Treaty") out of the General Disarmament Committee to the full body of the United Nations for a vote on finalization of the Treaty in March 2013; and

**WHEREAS**, the current form of the Treaty covers both traditional military munitions as well as "small arms and light weapons" and does not distinguish between arms such as rockets from vastly and distinctly different arms such as handguns, rifles, or shotguns; and

**WHEREAS**, the Treaty would allow for an expansion of federal firearms controls on the transportation of arms across national territory, require maintaining records of all arms within the territory of a country which would include the identity of individual users, and create an obligation that would require the United States to take measures that would infringe on the individual right to keep and bear arms; and

**WHEREAS**, passages of the Treaty as currently drafted are written so broadly as to not only possibly impair or render our military unable to assert the national right of self-defense against other nations, but to also subject citizens of the United States to violation of international laws within the borders of the United States; and

**WHEREAS**, ratification of the Treaty would erroneously encourage politicians and courts to view the treaty power as a separate source of federal authority for the regulation of purely intrastate matters expressly delegated to the states, including the criminal law of self-defense and the individual right to keep and bear arms; and

**WHEREAS**, the harmful potential of the Treaty led a bipartisan coalition of fifty-one United States Senators, including The Honorable Roy Blunt of our great state of Missouri, to

express the strongest expression of concern and opposition on the potentially devastating consequences of the Treaty to President Barack Obama and Secretary of State Hillary Clinton in a letter dated July 26, 2012; and

**WHEREAS**, the adoption of the Treaty, or any document with as broad a scope as the Treaty as to imperil the individual and collective right to keep and bear arms, would constitute an absolute abandonment of the oath of office upon which every federal elected official, federal civilian employee, and military servicemember swears to upon entering office, namely the oath to either “preserve, protect, and defend the Constitution of the United States” or to “support and defend the Constitution of the United States against all enemies, foreign and domestic”:

**NOW, THEREFORE, BE IT RESOLVED** that the members of the Missouri House of Representatives, Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby expresses its opposition to the current form of the United Nations Arms Trade Treaty, as well as to any treaty that infringes on the individual or collective right to keep and bear arms, in the strongest and most unequivocal terms; and

**BE IT FURTHER RESOLVED** that the Missouri House of Representatives and the Missouri Senate, as duly elected representatives of the will of the people of Missouri, strongly urge the President of the United States, the United States Secretary of State, the Ambassador of the United States to the United Nations, and all members of the United States Senate to soundly reject the current form of the United Nations Arms Trade Treaty or any other treaty which would endanger the individual or collective right to keep and bear arms; and

**BE IT FURTHER RESOLVED** that this resolution shall serve as notice to the federal government that the State of Missouri hereby claims, for its citizenry, the natural right and the codified right for both the state militia and the individual citizens of Missouri to keep and bear arms, in compliance with the Second Amendment to the Constitution of the United States and the Missouri Constitution’s Bill of Rights, and will take all measures against all enemies, foreign and domestic, to preserve this right in accordance with the Constitutions of both the United States and of the State of Missouri; and

**BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, the Ambassador of the United States to the United Nations, each member of the United States Senate, the Governor of each state, the Speaker of the House and President of the Senate of each state’s legislature, and each member of the Missouri Congressional delegation.

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## General Assembly

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### United Nations Conference on the Arms Trade Treaty New York, 2-27 July 2012

#### The draft of the Arms Trade Treaty

Submitted by the President of the Conference

##### Preamble

*The States Parties to this Treaty,*

*Guided* by the Purposes and Principles of the Charter of the United Nations;

*Recalling* that the Charter of the United Nations promotes the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources;

*Underlining* the need to prevent, combat and eradicate the illicit trade of conventional arms and to prevent their diversion to the illicit market and for unauthorized end use;

*Recognizing* the legitimate political, security, economic and commercial rights and interests of States in the international trade of conventional arms;

*Reaffirming* the sovereign right and responsibility of any State to regulate and control transfers of conventional arms that take place exclusively within its territory, pursuant to its own legal or constitutional systems;

*Recognizing* that development, human rights and peace and security, which are three pillars of the United Nations, are interlinked and mutually reinforcing;

*Recalling* the United Nations Disarmament Commission guidelines on international arms transfers adopted by the General Assembly;

*Noting* the contribution made by the 2001 UN Programme of Action to preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, as well as the 2001 Protocol against the illicit manufacturing of and trafficking in Firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime;

*Recognizing* the security, social, economic and humanitarian consequences of the illicit trade in and unregulated trade of conventional arms;

*Recognizing* also the challenges faced by victims of armed conflict and their need for adequate care, rehabilitation and social and economic inclusion;

*Bearing* in mind that women and children are particularly affected in situations of conflict and armed violence;

*Emphasizing* that nothing in this Treaty prevents States from exercising their right to adopt additional and more rigorous measures consistent with the purpose of this Treaty;

*Taking note of* the legitimate trade and use of certain conventional arms, inter alia, for recreational, cultural, historical, and sporting activities and lawful ownership where such ownership and use are permitted and protected by law;

*Recognizing* the active role that non-governmental organizations and civil society can play in furthering the object and purpose of this Treaty; and

*Acknowledging* that regulation of the international trade in conventional arms should not hamper international cooperation and legitimate trade in materiel, equipment and technology for peaceful purposes.

### **Principles**

*Guided by the Purposes and Principles of the Charter of the United Nations, States Parties, in promoting the object and purpose of this Treaty and implementing its provisions, shall act in accordance with the following principles:*

1. The inherent right of all States to individual or collective self-defence;
2. The settlement of international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;
3. To refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations;
4. Non-intervention in matters which are essentially within the domestic jurisdiction of any State;
5. The duty to respect and ensure respect for international humanitarian law and to respect and ensure human rights;
6. The responsibility of all States, in accordance with their respective international obligations, to effectively regulate and control international transfers of conventional arms, as well as the primary responsibility of all States in establishing and implementing their respective national export control systems;
7. States Parties should respect the legitimate interests of States to acquire conventional weapons for legitimate self-defence and peacekeeping operations and to produce, export, import and transfer conventional arms; and
8. The necessity to implement this Treaty consistently and effectively and in a universal, objective and non-discriminatory manner.

*Have agreed as follows:*

### **Article 1 Goals and Objectives**

The goals and objectives of the Treaty are:

- a. For States Parties to establish the highest possible common standards for regulating or improving the regulation of the international trade in conventional arms; and
- b. To prevent, combat and eradicate the illicit trade in conventional arms and their diversion to the illicit market or for unauthorized end use;

in order to:

- c. contribute to international and regional peace, security and stability;

- d. Prevent the international trade in conventional arms from contributing to human suffering; and
- e. Promote cooperation, transparency and responsibility of States Parties in the trade in conventional arms, thus building confidence among States Parties.

## **Article 2**

### **Scope**

#### *A. Covered Items*

1. This Treaty shall apply to all conventional arms within the following categories at a minimum:
  - a. Battle Tanks;
  - b. Armoured combat vehicles;
  - c. Large-calibre Artillery systems;
  - d. Combat aircraft;
  - e. Attack helicopters;
  - f. Warships;
  - g. Missiles and missile launchers; and
  - h. Small Arms and Light Weapons
2. Each State Party shall establish or update, as appropriate, and maintain a national control list that shall include the items that fall within paragraph 1 of this article, as defined on a national basis and, at a minimum, based on relevant United Nations instruments. Each State Party shall publish its control list to the extent permitted by national law.

#### *B. Covered Activities*

3. This Treaty shall apply to those activities of the international trade in conventional arms set out in articles 5, 6, 7, 8 and 9, hereafter referred to as “transfer,” for the conventional arms covered under the scope of this Treaty.
4. This Treaty shall not apply to the international movement of conventional arms by a State Party or its agents for its armed forces or law enforcement authorities operating outside its national territories, provided the conventional arms remain under the State Party’s ownership.

## **Article 3**

### **Prohibited Transfers**

1. A State Party shall not authorize any transfer of conventional arms if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.
2. A State Party shall not authorize any transfer of conventional arms within the scope of this Treaty if the transfer would violate its relevant international obligations, under international agreements to which it is a Party, in particular those relating to the international transfer of, or illicit trafficking in, conventional arms.

3. A State Party shall not authorize a transfer of conventional arms within the scope of this Treaty for the purpose of facilitating the commission of genocide, crimes against humanity, war crimes constituting grave breaches of the Geneva Conventions of 1949, or serious violations of Common Article 3 of the Geneva Conventions of 1949.

#### **Article 4**

##### **National Assessment**

1. In considering whether to authorize an export of conventional arms within the scope of this Treaty, each State Party shall assess whether the proposed export would contribute to or undermine peace and security.
2. Prior to authorization and pursuant to its national control system, the State Party shall assess whether the proposed export of conventional arms could:
  - a. be used to commit or facilitate a serious violation of international humanitarian law;
  - b. be used to commit or facilitate a serious violation of international human rights law; or
  - c. be used to commit or facilitate an act constituting an offense under international conventions and protocols relating to terrorism to which the transferring State is a Party.
3. In making the assessment, the exporting State Party shall apply the criteria set out in paragraph 2 of this article consistently, and in an objective and non-discriminatory manner, taking into account relevant factors, including information provided by the importing State.
4. In assessing the criteria set out in paragraph 2 of this article, the exporting State Party may also take into consideration the establishment of risk mitigation measures, including confidence-building measures and jointly developed programmes by the exporting and importing States.
5. If, after conducting the assessment called for in paragraph 1 and 2 of this article, and after considering the mitigation measures provided for in paragraph 4 of this article, the State Party finds that there is an overriding risk of any of the consequences under paragraph 2 of this article, the State Party shall not authorize the export.
6. Each State Party, when considering a proposed export of conventional arms under the scope of this Treaty, shall consider taking feasible measures, including joint actions with other States involved in the transfer, to avoid the arms:
  - a. being diverted to the illicit market or for unauthorized end use;
  - b. being used to commit or facilitate gender-based violence or violence against children;
  - c. being used for transnational organized crime;
  - d. becoming subject to corrupt practices; or
  - e. adversely impacting the development of the importing State.

#### **Article 5**

##### **General Implementation**

1. Each State Party shall implement this Treaty in a consistent, objective and non-discriminatory manner, in accordance with the goals and objectives of this Treaty.

2. The implementation of this Treaty shall not prejudice obligations undertaken with regard to other instruments. This Treaty shall not be cited as grounds for voiding contractual obligations under defence cooperation agreements concluded by States Parties to this Treaty.
3. Each State Party shall take all appropriate legislative and administrative measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the international transfer of conventional arms.
4. Each State Party shall designate one or more national points of contact to exchange information on matters related to the implementation of this Treaty. A State Party shall notify the secretariat, established under article 12, of its national point(s) of contact and keep the information updated.
5. States Parties involved in an international transfer of conventional arms shall, in a manner consistent with this Treaty, take appropriate measures to prevent diversion to the illicit market or for unauthorized end use.
6. If a diversion is detected, the State or States Parties that made the detection may notify the State or States Parties that could be affected by such diversion, to the extent permitted in their national laws, in particular those States Parties that are involved in the transfer or may be affected, without delay.

#### **Article 6**

##### **Export**

1. Each exporting State Party shall conduct national assessments, as detailed in paragraphs 1, 2, 3, 4, and 5 of article 4 and taking into account the considerations as detailed in paragraph 6 of article 4, whether to authorize the export of conventional arms under the scope of this Treaty under its jurisdiction. Each State Party shall apply articles 3 and 4, taking into account all relevant information.
2. Each State Party shall take measures to ensure all authorizations for the export of conventional arms under the scope of this Treaty are detailed and issued prior to the export. Appropriate information about the export in question shall, upon request, be made available to the importing, transit and transshipment State Parties, in accordance with national laws.
3. If, after an authorization has been granted, a State Party becomes aware of new relevant information that causes it to reassess that there is an overriding risk of any of the consequences of paragraphs 1, 2, 3, 4, and 5 of article 4, the State Party may suspend or revoke the authorization.
4. Each State Party shall establish and maintain a national control system to regulate the export of ammunition for conventional arms under the scope of this Treaty, and shall apply article 3, and paragraphs 1, 2, 3, 4, and 5 of article 4 prior to authorizing any export of ammunition.
5. Each State Party shall establish and maintain a national control system to regulate the export of parts and components, to the extent necessary, for the conventional arms under the scope of this Treaty, and apply article 3 and paragraphs 1, 2, 3, 4, and 5 of article 4 prior to authorizing any export of those parts and components.

**Article 7**  
**Import**

1. Each importing State Party shall take measures to ensure that appropriate and relevant information is provided, upon request, in accordance with its national laws, to the exporting State Party to assist the exporting State Party in its national assessment.
2. Each importing State Party shall put in place adequate measures that will allow them to regulate, where necessary, imports of conventional arms under the scope of this Treaty. Each importing State Party shall also adopt appropriate measures to prevent the diversion of imported conventional arms under the scope of this Treaty to the illicit market or for unauthorized end use.
3. Each importing State Party may request information from the exporting State Party concerning any pending authorizations where the importing State Party is the country of final destination.

**Article 8**  
**Brokering**

Each State Party shall take the appropriate measures, within its national laws, to regulate brokering taking place under its jurisdiction for conventional arms under the scope of this Treaty. Such controls may require brokers to register or obtain written authorization before engaging in brokering transactions.

**Article 9**  
**Transit and Transshipment**

1. Each State Party shall adopt appropriate legislative, administrative or other measures to regulate, where necessary and feasible, conventional arms covered by this Treaty that transit or transship through its territory.
2. Importing and exporting States Parties shall cooperate and exchange information, where feasible and upon request, to transit and transshipment States Parties, in order to mitigate the risk of diversion.

**Article 10**  
**Reporting and Record-Keeping**

1. Each State Party shall maintain national records, in accordance with its national laws and regulations, of the export authorizations or actual exports of the conventional arms under the scope of this Treaty and, where feasible, details of those conventional arms transferred to their territory as the final destination or that are authorized to transit or transship territory under its jurisdiction.
2. Such records may contain, inter alia, quantity, value, model/type, authorized international transfers of conventional arms under the scope of this Treaty, conventional arms actually transferred, details of exporting State(s), importing State(s), transit and transshipment State(s) and end users, as appropriate. Records shall be kept for a minimum of ten years, or longer if required by other international obligations applicable to the State Party.
3. Each State Party may report to the secretariat, when appropriate, any actions taken to address the diversion of conventional arms to the illicit market or for unauthorized end use.

4. Each State Party shall, within the first year after entry into force of this Treaty for that State Party, provide an initial report to the secretariat of relevant activities undertaken in order to implement this Treaty, including national laws, regulations and administrative measures. States Parties shall report on any new activities undertaken in order to implement this Treaty, when appropriate. Reports shall be made available and distributed to States Parties by the secretariat.
5. Each State Party shall submit annually to the secretariat by 1 July a report for the preceding calendar year concerning the authorization or actual transfer of conventional arms under the scope of this Treaty. Reports shall be made available and distributed to States Parties by the secretariat. The report submitted to the secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information

#### **Article 11 Enforcement**

Each State Party shall adopt appropriate national measures and policies as may be necessary to enforce national laws and regulations and implement the provisions of this Treaty.

#### **Article 12 Secretariat**

1. This Treaty hereby establishes a secretariat to assist States Parties in the effective implementation of this Treaty.
2. The secretariat shall be adequately staffed. Staff shall have the necessary expertise to ensure the secretariat can effectively undertake the responsibilities described in paragraph 3 of this article.
3. The secretariat shall be responsible to States Parties. Within a minimized structure, the secretariat shall undertake the following responsibilities:
  - a. Receive, make available and distribute the reports as mandated in this Treaty;
  - b. Maintain and distribute regularly to States Parties the list of national points of contact;
  - c. Facilitate the matching of offers of and requests for assistance for Treaty implementation and promote international cooperation as requested;
  - d. Facilitate the work of the Conference of States Parties, including making arrangements and providing the necessary services for meetings under this Treaty; and
  - e. Perform other duties as mandated by this Treaty.

#### **Article 13 International Cooperation**

1. States Parties shall cooperate, as appropriate, to enhance the implementation of this Treaty, consistent with their respective security interests and national laws.

2. Each State Party is encouraged to facilitate international cooperation, including the exchange of information on matters of mutual interest regarding the implementation and application of this Treaty in accordance with its respective security interests and national legal system.
3. Each State Party is encouraged to consult on matters of mutual interest and to share information, as appropriate, to support the implementation of this Treaty.
4. Each State Party may cooperate, as appropriate, in order to enforce the provisions of this Treaty, including sharing information regarding illicit activities and actors to assist national enforcement and to counter, prevent and combat diversion to the illicit market or for unauthorized end use, in accordance with national laws. States Parties may also exchange experience and information on lessons learned in relation to any aspect of this Treaty, to assist national implementation.

**Article 14**  
**International Assistance**

1. In implementing this Treaty, each State Party may seek, inter alia, legal or legislative assistance, institutional capacity building, and technical, material or financial assistance. Each State Party in a position to do so shall, upon request, provide such assistance.
2. Each State Party may request, offer or receive assistance, inter alia, through the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis.
3. States Parties may also contribute resources to a voluntary trust fund to assist requesting States Parties requiring such assistance to implement the Treaty. The voluntary trust fund shall be administered by the secretariat under the supervision of States Parties.

**Article 15**  
**Signature, Ratification, Acceptance, Approval or Accession**

1. This Treaty shall be open for signature at the United Nations Headquarters in New York by all States and shall remain open for signature until its entry into force.
2. This Treaty is subject to ratification, acceptance or approval by each signatory State.
3. This Treaty shall be open for accession by any State that has not signed the Treaty.
4. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

**Article 16**  
**Entry into Force**

1. This Treaty shall enter into force ninety days following the date of the deposit of the sixty-fifth instrument of ratification, acceptance, approval or accession with the depositary.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession subsequent to the entry into force of this Treaty, the Treaty shall enter into force for that State ninety days following the date of deposit of its instrument of ratification, acceptance, approval or accession.

**Article 17**  
**Provisional application**

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally articles 3 and 4 of this Treaty pending its entry into force for that State.

**Article 18**  
**Duration and Withdrawal**

1. This Treaty shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty. It shall give notice of such withdrawal to the depositary, which shall notify all other States Parties. The instrument of withdrawal shall include an explanation of the reasons motivating this withdrawal. The instrument of withdrawal shall take effect ninety days after the receipt of the instrument of withdrawal by the depositary, unless the instrument of withdrawal specifies a later date.
3. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Treaty while it was a party to the Treaty, including any financial obligations that may have accrued.

**Article 19**  
**Reservations**

1. Each State Party may formulate reservations, unless the reservation is incompatible with the object and purpose of this Treaty.
2. Reservations may be withdrawn at any time.

**Article 20**  
**Amendments**

1. At any time after the entry into force of this Treaty, a State Party may propose an amendment to this Treaty.
2. Any proposed amendment shall be submitted in writing to the secretariat, which shall then circulate the proposal to all States Parties, not less than 180 days before the next meeting of the Conference of States Parties. The amendment shall be considered at the next Conference of States Parties if a majority of States Parties notify the secretariat that they support further consideration of the proposal, no later than 120 days after its circulation by the secretariat.
3. Any amendment to this Treaty shall be adopted by consensus of those States Parties present at the Conference of States Parties. The depositary shall communicate any adopted amendment to all States Parties.
4. A proposed amendment adopted in accordance with paragraph 3 of this article shall enter into force for all States Parties to the Treaty, upon deposit with the depositary of the instruments of acceptance by a majority of States Parties at the time of the adoption of the amendment. Thereafter, it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

**Article 21**  
**Conference of States Parties**

1. A Conference of States Parties shall be convened no later than one year following the entry into force of this Treaty. The Conference of States Parties shall adopt rules of procedure and rules governing its activities, including frequency of meetings and rules concerning payment of expenses incurred in carrying out those activities.
2. The Conference of States Parties shall:
  - a. Consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality;
  - b. Consider amendments to this Treaty;
  - c. Consider and decide the tasks and budget of the secretariat;
  - d. Consider the establishment of any subsidiary bodies as may be necessary to improve the functioning of the Treaty; and
  - e. Perform any other function consistent with this Treaty.
3. If circumstances merit, an exceptional meeting of States Parties may be convened if required and resources allow.

**Article 22**  
**Dispute Settlement**

1. States Parties shall consult and cooperate to settle any dispute that may arise between them with regard to the interpretation or application of this Treaty.
2. States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty through negotiations, mediation, conciliation or other peaceful means of the Party's mutual choice.
3. States Parties may pursue, by mutual consent, arbitration to settle any dispute between them, regarding issues concerning the implementation of this Treaty.

**Article 23**  
**Relations with States not party to this Treaty**

States Parties shall apply articles 3 and 4 to all exports of conventional arms within the scope of this Treaty to States not party to this Treaty.

**Article 24**  
**Relationship with other instruments**

States Parties shall have the right to enter into agreements in relation to the international trade in conventional arms, provided that those agreements are compatible with their obligations under this Treaty and do not undermine the object and purpose of this Treaty.

**Article 25**  
**Authentic Texts and Depositary**

The original text of this Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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## UN Arms Treaty: NRA Vows To Fight Regulation Of \$70 Billion Global Arms Trade

ReuterS|By Louis Charbonneau Posted: 12/28/2012 12:59 am EST|Updated: 12/28/2012 5:02 am EST

UNITED NATIONS, Dec 28 (Reuters) - The leading U.S. pro-gun group, the National Rifle Association, has vowed to fight a draft international treaty to regulate the \$70 billion global arms trade and dismissed suggestions that a recent U.S. school shooting bolstered the case for such a pact.

The U.N. General Assembly voted on Monday to restart negotiations in mid-March on the first international treaty to regulate conventional arms trade after a drafting conference in July collapsed because the U.S. and other nations wanted more time. Washington supported Monday's U.N. vote.

U.S. President Barack Obama has come under intense pressure to tighten domestic gun control laws after the Dec. 14 shooting massacre of 20 children and six educators at an elementary school in Newtown, Connecticut. His administration has since reiterated its support for a global arms treaty that does not curtail U.S. citizens' rights to own weapons.

Arms control campaigners say one person every minute dies as a result of armed violence and a convention is needed to prevent illicitly traded guns from pouring into conflict zones and fueling wars and atrocities.

In an interview with Reuters, NRA President David Keene said the Newtown massacre has not changed the powerful U.S. gun lobby's position on the treaty. He also made clear that the Obama administration would have a fight on its hands if it brought the treaty to the U.S. Senate for ratification.

"We're as opposed to it today as we were when it first appeared," he said on Thursday. "We do not see anything in terms of the language and the preamble as being any kind of guarantee of the American people's rights under the Second Amendment."

The Second Amendment of the U.S. Constitution protects the right to bear arms. Keene said the pact could require the U.S. government to enact legislation to implement it, which the NRA fears could lead to tighter restrictions on gun ownership.

He added that such a treaty was unlikely to win the two-thirds majority in the U.S. Senate necessary for approval.

"This treaty is as problematic today in terms of ratification in the Senate as it was six months ago or a year ago," Keene said. Earlier this year a majority of senators wrote to Obama urging him to oppose the treaty.

U.N. delegates and gun-control activists say the July treaty negotiations fell apart largely because Obama, fearing attacks from Republican rival Mitt Romney before the Nov. 6 election if his administration was seen as supporting the pact, sought to kick the issue past the U.S. vote.

U.S. officials have denied those allegation.

The NRA claimed credit for the July failure, calling it at the time "a big victory for American gun owners."

#### NRA IS 'TELLING LIES'

The main reason the arms trade talks are taking place at all is that the United States - the world's biggest arms trader, which accounts for more than 40 percent of global transfers in conventional arms - reversed U.S. policy on the issue after Obama was first elected and decided in 2009 to support a treaty.

Supporters of the treaty accuse the NRA of deceiving the American public about the pact, which they say will have no impact on U.S. domestic gun ownership and would apply only to exports. Last week, Amnesty International launched a campaign to counter what it said were NRA distortions about the treaty.

"The NRA is telling lies about the arms treaty to try to block U.S. government support," Michelle Ringuette of Amnesty International USA said about the campaign. "The NRA's leadership must stop interfering in U.S. foreign policy on behalf of the arms industry."

Jeff Abramson of Control Arms said that as March approaches, "the NRA is going to be challenged in ways it never has before and that can affect the way things go" with the U.S. government.

The draft treaty under discussion specifically excludes arms-related "matters which are essentially within the domestic jurisdiction of any State."

Among its key provisions is a requirement that governments make compliance with human rights norms a condition for foreign arms sales. It would also have states ban arms transfers when there is reason to believe weapons or ammunition might be diverted to problematic recipients or end up on illicit markets.

Keene said the biggest problem with the treaty is that it regulates civilian arms, not just military weapons.

According to the Small Arms Survey, roughly 650 million of the 875 million weapons in the world are in the hands of civilians. That, arms control advocates say, is why any arms trade treaty must regulate both military and civilian weapons.

Keene said the NRA would actively participate in the fight against the arms trade treaty in the run-up to the March negotiations. "We will be involved," he warned, adding that it was not clear if the NRA would address U.N. delegates directly as the group did in July.

The NRA has successfully lobbied members of Congress to stop major new gun restrictions in the United States since the 1994 assault weapons ban, which expired in 2004. It also gives financial backing to pro-gun candidates.

#### EXPLOSIVE ISSUE

European and other U.N. delegates who support the arms trade treaty told Reuters on condition of anonymity they hoped Newtown would boost support for the convention in the United States, where gun control is an explosive political issue.

"Newtown has opened the debate within the United States on weapons controls in ways that it has not been opened in the past," Abramson said, adding that "the conversation within the U.S. will give the (Obama) administration more leeway."

Keene rejected the idea of bringing the Newtown tragedy into the discussion of an arms trade treaty.

"I find it interesting that some of the folks that advocate the treaty say it would have no impact whatever within the United States but that it needs to be passed to prevent another occurrence of a school shooting such as took place in Newtown," he said. "Both of those positions can't be correct."

Obama administration officials have tried to explain to U.S. opponents of the arms trade pact that the treaty under discussion would not affect domestic gun sales and ownership.

"Our objectives for the ATT (arms trade treaty) have not changed," a U.S. official told Reuters. "We seek a treaty that fights illicit arms trafficking and proliferation, protects the sovereign right of states to conduct legitimate arms trade, and meets the concerns that we have articulated throughout."

"In particular, we will not accept any treaty that infringes on the constitutional rights of U.S. citizens to bear arms," the official added.

Supporters of the treaty also worry that major arms producers like Russia, China, Iran, India, Pakistan and others could seek to render the treaty toothless by including loopholes and making key provisions voluntary, rather than mandatory.

The United States, like all other U.N. member states, can effectively veto the treaty since the negotiations will be conducted on the basis of consensus. That means the treaty must receive unanimous support in order to be approved in March.

But if it fails in March, U.N. delegations can put it to a vote in the 193-nation General Assembly, where diplomats say it would likely secure the required two-thirds majority. (Editing by Todd Eastham)

[http://www.huffingtonpost.com/2012/12/28/un-arms-treaty-nra\\_n\\_2373417.html](http://www.huffingtonpost.com/2012/12/28/un-arms-treaty-nra_n_2373417.html)



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## Does UN arms trade treaty figure in Obama administration's gun control plans?

By George Russell

Published January 23, 2013 | FoxNews.com

One day after President Barack Obama won re-election, his Administration agreed to a new round of international negotiations to revive a United Nations-sponsored treaty regulating the international sale of conventional arms, which critics fear could affect the Constitutionally protected right of U.S. citizens to purchase and bear firearms.

Now, in the wake of the Newtown school massacre and the President's January 16 promise to "put everything I've got" into a sweeping new series of gun control initiatives, the fate of that treaty, which enters a "final" round of negotiations this March, may loom as more important than ever, according to critics, some of whom argue that the U.S. should never have entered the talks in the first place.

Their concerns remain, despite the fact that President Obama repeated his support for the Second Amendment and "our strong tradition of gun ownership and the rights of hunters and sportsmen" on January 16. (The subject never came up in his second inaugural address.)

U.S. diplomats have declined a Fox News request to discuss, among other things, the direction of the talks, and whether the other 192 countries involved respect that U.S. "red lines" in the negotiations—including the Administration's assertion that "the Second Amendment to the Constitution must be upheld"—are truly inviolate.

The Administration first agreed to take part in the U.N. arms treaty negotiations in 2009—the same year in which it launched the now-notorious Fast and Furious operation, which provided weapons to illicit gun traders, ostensibly to track gun-running operations to Mexican drug cartels. Those negotiations proceeded irregularly, but seemed to founder last July.

But then, the U.S. joined a 157-0 vote, with 18 abstentions, of a U.N. General Assembly disarmament committee, on November 7, 2012,—the day after President Barack Obama won his second-term victory—to create the March round of talks. (A State Department official insisted to Fox News that the vote only came after the U.S. elections due to the disruption caused by Hurricane Sandy; otherwise, it would have taken place earlier.)

Amid the fog surrounding the treaty process, however, one thing seemed clear: an issue that deeply involves American rights and freedoms is back on the table, linked to the lingering problem of how to keep conventional military weapons out of the hands of terrorists and extremists. The State Department itself, on a web page that also lists its "red line" reservations in the negotiations, calls it a "complex but critical issue."

For many critics, however, the draft version of the treaty is also a mine field of clauses and propositions that mandate a much greater federal role in U.S. gun sales, and potentially tie the U.S. to the gun control agenda of other governments or regimes.

"The treaty is drafted as if every nation in the world has centralized control of the arms industry and arms sales, which is not the case here," said Ted Bromund, a security policy expert at the conservative Heritage Foundation who has followed the arms trade treaty process closely, and who believes the U.S. should bail out of the March treaty talks.

"We've already got an enormous body of statutes and practice on the import, manufacture and export of firearms, the most elaborate in the world," Bromund told Fox News. "How would we use a treaty that gives enormous discretion to the Administration on the import and export of arms? Essentially, it would give the Administration much more control than it already has."

Moreover, the treaty is unlikely to change any behavior on the part of lawbreaking regimes and dictatorships around the world whose handing on of weapons to terrorists or criminal enterprises is supposedly one of the activities the treaty will curb.

On the surface, the treaty, which aims to regulate the sale and resale of weapons ranging from tanks to missiles to rifles and pistols,

is aimed at creating a more manageable environment for the international arms trade.

The multi-billion-dollar market in illicit weapons sales, according to a report by U.N. Secretary General Ban Ki-moon, leads to "armed violence, conflict and civil unrest involving violations of international law, abuses of the rights of children, civilian casualties, humanitarian crises and missed social and economic opportunities."

Critics of the treaty effort, however, see something equally bad: a nebulous international agreement that does nothing to improve U.S. security but opens the way to "damage by a thousand cuts," as one critic put it, to the U.S. civilian right to bear arms and also to American foreign policy interests, no matter what the State Department may currently say about defending both.

For one thing, notes Bromund, most nations negotiating the treaty—which include Russia, China and Iran—"do not recognize the human right of self-defense" against tyrannical or murderous regimes—the essential basis of the Second Amendment.

Instead, a draft version of the treaty prepared in advance of the November vote emphasizes the "the inherent right of all States to individual or collective self-defense," and leaves it up to individual nation states themselves to police such issues as whether their arms sales will "be used to commit or facilitate a serious violation of international humanitarian law."

[CLICK HERE FOR THE DRAFT TREATY](#)

Whether some of the world's worst human rights violators, who are also arms exporters to even more murderous regimes, would spend much time worrying about such niceties, Bromund indicated, is unlikely.

"All these other nations are free to improve their export policies without any kind of treaty at all," Bromund argues. "They choose not to. What does that tell you about their intentions?"

"It is profoundly unlikely to restrain really bad actors, or make the less bad improve. It is basically pernicious. Relying on a treaty to stop irresponsible nations from acting irresponsibly is about as sensible as seeking to solve the problem of crime by outlawing it. If the arms trade treaty could work, it would not be necessary."

Moreover, critics point out that the draft version of the treaty contains a number of provisions that would make a bad situation from the U.S. point of view even worse. Among them:

--various clauses in the treaty mandate domestic gun control as part of an ostensibly international obligation to end illegal "end use," creating the possibility of a broad expansion of national regulatory powers.

--terms such as the "transfer" of arms under the treaty are undefined, again leading the possibility of broad regulatory expansion—and not merely to adhere to the arms treaty. According to one clause, for example, signatories "shall not authorize any transfer of conventional arms within the scope of this Treaty if the transfer would violate its relevant international obligations, under international agreements to which it is a Party"—a clearly open-ended commitment.

--another clause bans the transfer of arms to "facilitate" among other things "crimes against humanity"—a phrase now often used, in the highly-charged U.N. environment, for allegations against Israel. The same vagueness applies to terms like "serious violations to international humanitarian law"—a fuzzy body of assertions that no single nation may endorse.

--as currently written, the treaty allows its subsequent amendment by a majority of the original parties, meaning that the U.S. could later find it was bound by provisions it had not agreed to.

A more subtle flaw, notes Bromund, is that any badly designed treaty that the U.S. agrees to at the negotiations, and that the President signs, can have an effect on U.S. laws and regulations even though it would still need to be ratified by the Senate, which must approve international agreements by a two-thirds majority.

The reason: once a treaty is signed, the parties must respect its "object and purpose" even before ratification—or if ratification does not occur—which is "completely in the eye of the beholder," Bromund says.

Case in point: the Kyoto Protocol on greenhouse gas emissions, which was signed by President Bill Clinton but never ratified by the U.S. Senate. Nonetheless, the U.S. participates in Kyoto Protocol meetings, observes greenhouse gas limits of its own, and

operates as if conforming U.S. legislation may pass in the future.

Thus even agreements that are not ratified by the U.S. can become what Bromund calls "zombie treaties" -- feeding on internal issues that radically define and distort U.S. political and regulatory behavior for decades.

John Bolton, a former U.S. Ambassador to the U.N. and Fox News contributor, notes that the already controversial treaty could get worse, from a U.S. point of view, before it reaches its final form in March.

"My experience is that a lot of the worst provisions in these agreements come in at the last minute," Bolton says. He added: "It's unbelievable that the issue is still kicking around."

In 2001, as U.S. assistant secretary of state for arms control and international security during the first George W. Bush Administration, Bolton voiced similar concerns about aspects of an earlier U.N. effort to install a "Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects."

The Program of Action is far foggier than the proposed new treaty. Among other things, it advocates "mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects," and to "raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons."

In other words, it promotes lobbying and advocacy, often by non-governmental organizations with political agendas of their own, on behalf of the arms sales goals.

The Program of Action, which followed a previous attempt to get a formal international arms sale treaty passed in the 1990s, is still in existence, under the aegis of the United Nations Office of Disarmament Affairs.

It holds periodic conferences and demands that adherents provide reports on their progress toward Program goals.

For example, Iran—which funnels arms to terrorist groups in Lebanon, Iraq and elsewhere, as well as to the Assad regime in Syria—*noted this year that it in 2011 it had created a "special judicial authority" to investigate and punish violators of a new law "on the punishment or trafficking in arms and ammunitions and possessors of illicit arms and ammunitions."*

The penalties under the law, and the nature of the new "judicial authority," were not outlined.

[CLICK HERE FOR A COPY OF IRAN'S PROGRESS REPORT](#)

"Iran is well respected at the U.N.," notes Wayne LaPierre, executive director of the National Rifle Association (NRA), who calls the radical Islamic republic a member in good standing of the "club of governments" who pursue international gun control law for their own ends.

And most of the killing of civilians in the developing world, he adds, "is done by governments in that club."

*George Russell is editor-at-large of Fox News and can be found on Twitter @GeorgeRussell. [Click here for more stories by George Russell.](#)*

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**SENATE CONCURRENT RESOLUTION 4017**

**Before the House Government and Veterans Affairs Committee**

**March 21, 2013 at 2:00 P.M.**

**Submitted by Glen E. Baltrusch**

Good afternoon Chairman Kasper and committee members,

My name is Glen Baltrusch. I was born and raised in the great state of North Dakota, and I reside in Harvey, North Dakota, which is in District 14. I stand before you today in support of **Senate Concurrent Resolution 4017** and respectfully request that this committee unanimously agree to a “**DO PASS**” recommendation to the floor of the House of Representatives after this hearing is completed.

Mr. Chairman, committee members, I believe that the Sixty-third Legislative Assembly must adopt **Senate Concurrent Resolution 4017** relating to the Obama Administration’s proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty in order to defend and protect the ‘Constitution of the United States’ and the ‘Bill of Rights to the Constitution of the United States’; the ‘Constitution of North Dakota’ and the ‘Declaration of Rights to the Constitution of North Dakota’; and the ‘First Law of Nature’ for all mankind, which has long been held to be the natural and fundamental right of all persons to ‘self-preservation’, ‘self-defense’, and a ‘right of revolution’ against any and all dangers to life, liberty, and property.

Here is a brief history of what has led up to the United Nations Arms Trade Treaty:

1. The First Special Session on Disarmament SSODI (23 May – 30 June 1978); was related to nuclear disarmament and proliferation.
2. A resolution A/RES/43/75I on International Arms Transfer (7 December 1988); greater attention is to be given to conventional arms, taking into account that conventional disarmament is a necessary part of the disarmament process.
3. Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms (18 December 2006); it acknowledged the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defense and security needs.
4. Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms (8 January 2009); it determined to include small arms and light weapons from the legal to the illicit market.
5. Resolution adopted by the General Assembly [*on the report of the First Committee(A/64/391)*]. 64/48. The arms trade treaty; decides to convene a United Nations Conference on the Arms Trade Treaty to meet for four consecutive weeks in 2012 to elaborate a legally instrument for the highest possible international standards for the transfer of conventional arms, and to consider the remaining sessions of the Open-ended Working Group in 2010 and 2011 as a preparatory for the United Nations Conference on the Arms Trade Treaty.
6. Sixty-sixth session; First Committee; Agenda item 98 (e); General and complete disarmament: towards an arms trade treaty: establishing common international

standards for the import, export and transfer of conventional arms. The Arms Trade Treaty. The General Assembly, Recalling its resolution 64/48 of 2 December 2009, decides to hold the final session of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty from 13 to 17 February 2012 in New York, to conclude the Preparatory Committee's substantive work and to decide on all relevant procedural matters, pursuant to paragraph 8 of resolution 64/48.

7. United Nations Conference on the Arms Trade Treaty; New York, 2-27 July 2012. Report of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty.

Part IV. Scope; 1. For the purpose of this Treaty, conventional arms shall include any items that fall within the categories:

- (h) Small arms;
  - (i) Light weapons;
  - (j) Ammunition for use with weapons referred to in paragraphs (a) to (i);
  - (k) Parts or components specially and exclusively designed for any of the categories set out in paragraphs (a) to (j);
  - (l) Technology and equipment specially and exclusively designed and used to develop, manufacture or maintain any of the items in the categories set out in paragraphs (a) to (k).
8. Resolution adopted by the General Assembly (4 January 2013); 67/234. The Arms Trade Treaty. The United Nations will convene on March 18 – 28, 2013, with the Conference on the Arms Trade Treaty with the draft text as submitted by the President of the Conference on July 26, 2012, and calls upon the President of the Final United Nations Conference on the Arms Trade Treaty to report on the outcome of the Conference to the General Assembly at a meeting to be held as soon as possible after 28 March 2013; and decides to include in the provisional agenda of its sixty-eighth session an item entitled "The Arms Trade Treaty".
  9. United Nations Conference on the Arms Trade Treaty; New York, 2-27 July 2012; Draft of the Arms Trade Treaty; submitted by the President of the Conference; has been amended or revised and now states as follows:

Article 2

Scope

A. Covered items:

1. This Treaty shall apply to all conventional arms within the *following* categories, *at a minimum*:

(h) Small arms and light weapons.

You notice that small arms and light weapons have been intentionally combined and make no distinction between firearms that are legally owned by the citizen, which includes handguns, rifles, or shotguns.

Further research has discovered additional information that is, and should be of concern to all. There are a variety of publications, studies, and resolutions that range from Small Arms and Light Weapons Legislation (UNDP, 2008); SALW controls and Transfer Legislation (SEESAC, 2006); including ammunition, armed violence and development, firearms protocol, registration and confiscation and more. I must admit that much of the materials look quite innocent and harmless, that is until you start to investigate the materials in reference to the

United Nations Arms Trade Treaty. What started as the First Special Session on Disarmament has gone from nuclear disarmament and proliferation to conventional weapons; to small arms and light weapons; to prevent illicit trade, terrorism and organized crime; to protecting women and children; to respecting international humanitarian law and human rights; to imposing international law; to imposing legislation and enforcement; to firearm registration and eventual confiscation of firearms from civilians; the United Nations Arms Trade Treaty. As of today, it now also includes domestic violence. The proponents of disarming of civilians are desperate for implementation of this treaty and are doing everything possible in attempt to gather support for its implementation.

As you read through **Senate Concurrent Resolution 4017**, you discover the importance and need of ratification of this resolution. As one reads and studies the aforementioned draft text, and associated documents from 1978 to present, you realize that should the United States Senate adopt the United Nations Arms Trade Treaty, they have literally thrown out the 'Bill of Rights to the Constitution of the United States'; the 'Declaration of Rights to the Constitution of North Dakota'; the 'Rights to the Constitutions' of the several states; squashed and repealed the 'First Law of Nature'; impaired or rendered our military unable to assert the right of self-defense against other nations; and imposed international law in the federal and state courts. In addition, the President may enlist the aid of member States of the United Nations, known as foreign nations, including their militaries, for the implementation and enforcement of the United Nations Arms Trade Treaty. In addition, the member States of the United Nations may impose even tougher restrictions and laws by the adoption of this aforementioned treaty.

Mr. Chairman and members of the committee, the United Nations Arms Trade Treaty is the way for governments to impose international law upon all man, in all countries, and take away our fundamental rights. It is an end run around the Constitution of the United States and the Constitutions of the Several States.

Today is the fourth day in session of the resurrected United Nations Arms Trade Treaty Conference since convened as requested by the Obama administration and other member States. On March 20, 2013, a 'President's non-paper of 20 March 2013' was issued that is a series of proposed amendments and revisions to the current edition of draft treaty text. It does not separate or distinguish small arms and light weapons. It merely shifts, corrects, rewords, and / or adds language to the current proposed draft. It is just plain bad policy, not only for the United States of America, but for all nations, unless you are a dictator.

Therefore, I respectfully request that this committee report a unanimous "**DO PASS**" recommendation on **Senate Concurrent Resolution 4017** to the full House of Representative for consent or passage on the floor.

Chairman Kasper, committee members, thank-you for your time and consideration in this pertinent matter. If you have any questions, I will try to answer them for you.

## Attachment 3

My name for the record is Garald Maddock and I am the secretary for the NDVCC, Department Adjutant of the ND AMVETS and also the Adjutant of Post 9 AMVETS. I am a paid up for life member of the ND American Legion, life member of ND AMVETS and a life member of Viet Nam Veterans.

The ND Veterans Coordinating Council is made up of 15 members, 3 each from each of the 5 major Veterans Organizations in North Dakota. If we choose to support any legislation it has to be supported by each member of the NDVCC.

With this Senate Concurrent Resolution 4017 we stand in 100% support.

Attachment #1  
HD17  
3/29/13

## State Rights

# Treaties Do Not Supersede the Constitution

The following qualifies as one of the greatest lies the globalists continue to push upon the American people. That lie is: "Treaties supersede the U.S. Constitution".

The Second follow-up lie is this one: "A treaty, once passed, cannot be set aside".

HERE ARE THE CLEAR IRREFUTABLE FACTS: The U.S. Supreme Court has made it very clear that

- 1) Treaties do not override the U.S. Constitution.
- 2) Treaties cannot amend the Constitution. And last,
- 3) A treaty can be nullified by a statute passed by the U.S. Congress (or by a sovereign State or States if Congress refuses to do so), when the State deems a treaty the performance of a treaty is self-destructive. The law of self-preservation overrules the law of obligation in others. When you've read this thoroughly, hopefully, you will never again sit quietly by when someone -- anyone -- claims that treaties supercede the Constitution. Help to dispell this myth.

"This [Supreme] Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty." - Reid v. Covert, October 1956, 354 U.S. 1, at pg 17.

This case involved the question: Does the NATO Status of Forces Agreement (treaty) supersede the U.S. Constitution? Keep reading.

The Reid Court (U.S. Supreme Court) held in their Opinion that,

"... No agreement with a foreign nation can confer power on the Congress, or any other branch of government, which is free from the restraints of the Constitution. Article VI, the Supremacy clause of the Constitution declares, "This Constitution and the Laws of the United States which shall be made in pursuance thereof; and all the Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme law of the land..."

"There is nothing in this language which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution nor is there anything in the debates which accompanied the drafting and ratification which even suggest such a result..."

"It would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights -- let alone alien to our entire constitutional

history and tradition – to construe Article VI as permitting the United States to exercise power UNDER an international agreement, without observing constitutional prohibitions. (See: Elliot's Debates 1836 ed. – pgs 500-519).

"In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V. The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and Senate combined."

Did you understand what the Supreme Court said here? No Executive Order, Presidential Directive, Executive Agreement, no NAFTA, GATT/WTO agreement/treaty, passed by ANYONE, can supersede the Constitution. FACT. No question!

At this point the Court paused to quote from another of their Opinions; *Geofroy v. Riggs*, 133 U.S. 258 at pg. 267 where the Court held at that time that,

"The treaty power as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the government or of its departments and those arising from the nature of the government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government, or a change in the character of the States, or a cession of any portion of the territory of the latter without its consent."

Assessing the GATT/WTO parasitic organism in light of this part of the Opinion, we see that it cannot attach itself to its host (our Republic or States) in the fashion the traitors in our government wish, without our acquiescing to it.

The Reid Court continues with its Opinion:

"This Court has also repeatedly taken the position that an Act of Congress, which **MUST** comply with the Constitution, is on full parity with a treaty, the statute to the extent of conflict, renders the treaty null. It would be completely anomalous to say that a treaty need not comply with the Constitution when such an agreement **can be overridden by a statute that must conform to that instrument.**"

The U.S. Supreme court could not have made it more clear : **TREATIES DO NOT OVERRIDE THE CONSTITUTION, AND CANNOT, IN ANY FASHION, AMEND IT !!! CASE CLOSED.**

Now we must let our elected "representatives" in Washington and the State legislatures know that we no longer believe the BIG LIE... we know that we are not bound by unconstitutional Treaties, Executive Orders, Presidential Directives, and other such treasonous acts.

[Note: the above information was taken from Aid & Abet Police Newsletter, with limited revision. P.O. Box 8712, Phoenix, Arizona. Acknowledgment given to Claire Kelly, for her good assistance and in depth treaty research. The use of this information is not to be construed as endorsement of Aid & Abet Police Newsletter. Claire Kelly is a trusted and knowledgeable friend. - CDR]

Here's what Thomas Jefferson said on the right to renounce treaties:

"Compacts then, between a nation and a nation, are obligatory on them as by the same moral law which obliges individuals to observe their compacts. There are circumstances, however, which sometimes excuse the non-performance of contracts between man and man; so are there also between nation and nation. When performance, for instance, becomes impossible, non-performance is not immoral; so if performance becomes self-destructive to the party, the law of self-preservation overrules the law of obligation in others".

pg 317 - "The Life and Selected Writings of Thomas Jefferson," A. Koch & Wm. Peden, Random House 1944, renewed 1972. Jefferson also said in a letter to Wilson C. Nicholas on Sept. 7, 1803, Ibid. pg 573

"Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction [interpretation]. I say the same as to the opinion of those who consider the grant of the treaty making power as boundless. If it is, then we have no Constitution." \_\_\_\_\_

Further evidence:

Excerpt from a letter from U.S. Senator, Arlen Specter, (R. Penn.) to constituent, November 3, 1994.

"Dear Mr. Neely:

"Thank you for contacting my office regarding the United Nations Convention on the Rights of the Child. ... I have signed on as a cosponsor of Senator Bradley's resolution [SR 70, which urges the president to seek the advice and consent of the Senate for ratification] because I believe that the U.N. Convention on the Rights of the Child is an appropriate step in the direction of promoting the well-being of children throughout the world. [he goes on to mention concerns that the treaty would subjugate familial and parental responsibility to an international entity, which he denies]

"... Secondly, the Convention would not override the U.S. Constitution; rather, as in the case of any treaty, any provision that conflicts with our Constitution would be void in our country... "

[CDR Note: It is our belief that Arlen Specter would not have been as truthful regarding Constitutional Supremacy over treaties if he had a clue that this letter to a constituent would have found its way into the hands or eyes of the public.]

Logical deduction:

No law or treaty supersedes the Supreme Law of the Land. 'Supreme'... meaning 'highest or greatest'. What is higher than highest or greater than greatest, other than our Creator? The Constitution acknowledges our God-given, unalienable rights, and secures those rights in that acknowledgement.

The Constitution gives the US Senate authority to ratify treaties with other nations. Americans have been propagandized into believing that those treaties become the supreme law of the land superseding

the Constitution. Let's examine this deception closely and dispel the myth once and for all. Article VI of the Constitution states:

Clause 2 - "This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution [of any state] or laws of any state to the contrary notwithstanding."

Clause 3 - "The senators and representatives before mentioned, and the members of the several state legislatures, and all executives and judicial officers, both of the United States and the several states, shall be bound by oath of affirmation to support this Constitution ."

Laws made in pursuance of this Constitution are laws which are made within the strict and limited confines of the Constitution itself. No federal, state, or international law, rule or bureaucratic regulation and no state constitution can supersede B or be repugnant to B this Constitution.

Treaties made under the authority of the United States... the United States (federal government) was authorized by and on behalf of the people and in pursuance of this Constitution to enter into certain treaties with other governments. The United States (federal government) obtains its authority solely from the Constitution. It would be ludicrous to think that it has the power to circumvent (via treaties) that which grants it its authority.

In Clause 3, it is made clear that every elected official, both federal and state, is bound by oath to support this Constitution. Who can rightly, and genuinely claim to be given the power to destroy that which they are elected and sworn to uphold?

The powers granted *by* the Constitution cannot sanely be construed to provide the authority to usurp, pre-empt or eradicate it.

The U.S. Supreme Court as cited above correctly ruled that the supremacy of the Constitution overrides treaties. It should be noted that if any Court, be it a State, Federal or the U.S. Supreme Court, should ever rule otherwise, the decision would be repugnant to the Constitution and the ruling would be null and void. The answer to this question is self-evident.

The Constitution authorizes the United States to enter into treaties with other nations B the word Anation@ although not explicit, is certainly implied. The United Nations is an **Organization - a Global Corporate Bureaucracy**. The 'experts' in international law, commerce, banking, environment, etc.; and a cadre of alleged conservative / Christian-conservative leaders -- lawyer, Dame of Malta, Phyllis Schlafly being a prime example -- have been spewing forth propaganda to instill and further the myth of 'treaty-supremacy' for decades. Their 'expertise' is an illusion created apparently with hopes to instill a sense of inferiority in the 'common man' (their term) so we will all defer to their superior intelligence. Let's *not* go there.

Here's a perfect example of 'expert' propaganda on the supremacy question: On April 11, 1952, Secretary of State, John Foster Dulles (cfr), speaking before the American Bar Association in Louisville, Kentucky said...

"Treaties make international law and also they make domestic law. Under our Constitution,

treaties become the supreme law of the land.... Treaty law can override the Constitution. Treaties, for example, ...can cut across the rights given the people by their constitutional Bill of Rights."

Mr. Dulles is confused about the People's rights. To repeat an earlier statement of fact: the Constitution doesn't 'give' us rights. The Constitution acknowledges and secures our inherent, Creator-endowed rights. What Creator gives, no man can take away.

The Dulles brothers worked (lied) long and hard to firmly establish the treaty-supremacy myth. And they realized it would have to be done by deceit – propaganda. Admittedly by propaganda.

"There is no indication that American public opinion, for example, would approve the establishment of a super state, or permit American membership in it. In other words, time - a long time - will be needed before world government is politically feasible... This time element might seemingly be shortened so far as American opinion is concerned by an active propaganda campaign in this country..."

Allen W. Dulles (cfr) from a UN booklet, Headline Series #59 (New York: The Foreign Policy Association., Sept.-Oct., 1946) pg 46.

The question of "nationhood" in reference to the United Nations seems to have been addressed by the errant Congress. A quick fix apparently took place in the U.S. Senate on March 19, 1970. According to the Anaheim (Cal) Bulletin, 4-20-1970, the Senate ratified a resolution recognizing the United Nations Organization as a sovereign nation. That would be tantamount to recognizing General Motors as a sovereign nation. Are we beginning to get the picture?

Case Closed

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