



Written by [Joe Wolverton, II, J.D.](#) on January 2, 2014

## Rep. Kelly's Arms Treaty Funding Ban Passed as Part of NDAA

Representative Mike Kelly (R-Penn.) waited until President Obama signed the National Defense Authorization Act (NDAA) for 2014 to point out one potentially redeeming provision included among the many that infringe on civil liberties.



The day after the act was signed into law (forgetting for a moment that no act of Congress that violates the Constitution can be rightly considered a law), Kelly reminded Americans that his resolution calling for a ban on funding for the United Nations' Arms Trade Treaty was now in effect. Kelly [issued the following statement](#) on his official website:

As I and many others have long stated, the ATT is a clear threat to our national sovereignty and the Constitutional rights of all Americans and should never have been signed. I am therefore glad to say that a major victory has been achieved in the fight to make sure this dangerous treaty never affects the United States in any capacity. Earlier this month, the House and Senate acted in a bipartisan manner to affirm my amendment's resistance to the treaty by including it in the NDAA's final passage. Now that the NDAA has been signed by President Obama, the White House has joined Congress in taking a belated stand for American strength and sovereignty by making this crucial amendment the law of the land.

For months, Kelly has fought back against the president and Secretary John Kerry's push for implementation of the Arms Trade Treaty, an act which would disarm Americans in violation of the rights protected by the Second Amendment.

Last July (2013), the House passed a provision to impose a one-year ban on the use of federal funds for the implementation of the United Nations Arms Trade Treaty (ATT) by the State Department. This is the language that became the amendment to the NDAA 2014.

The text of Kelly's funding ban is based on a bipartisan letter he authored and submitted to President Obama and Secretary of State John Kerry petitioning the administration not to sign the ATT.

[The letter is signed by a total of 180 members of Congress](#) — including Armed Services Committee Chairman Buck McKeon (R-Calif.), Judiciary Committee Chairman Bob Goodlatte (R-Va.), and Rules Committee Chairman Pete Sessions (R-Texas) — and declares all of the signatories' opposition to "both the ratification of the Arms Trade Treaty and any effort to treat it as internationally or domestically binding upon the United States."

Rep. Kelly further states in the letter that "joining the ATT is not at all in America's interest."

That's an extraordinary example of congressional understatement.



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As *The New American* has reported, several provisions of this treaty significantly diminish the scope of the right to keep and bear arms.

First, [the Arms Trade Treaty](#) grants a monopoly over all weaponry in the hands of the very entity (approved regimes) responsible for over 300 million murders in the 20th century.

Furthermore, the treaty leaves private citizens powerless to oppose future slaughters.

An irrefutable fact of armed violence unaddressed by the UN in its gun grab is that all the murders committed by all the serial killers in history don't amount to a fraction of the brutal killings committed by "authorized state parties" using the very weapons over which they will exercise absolute control under the terms of the Arms Trade Treaty.

Article 2 of the treaty defines the scope of the treaty's prohibitions. The right to own, buy, sell, trade, or transfer all means of armed resistance, including handguns, is denied to civilians by this section of the Arms Trade Treaty.

Article 3 places the "ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2" within the scope of the treaty's prohibitions, as well.

Article 4 rounds out the regulations, placing all "parts and components" of weapons within the scheme.

Perhaps the most immediate threat to the rights of gun owners in the Arms Trade Treaty is found in Article 5. Under the title of "General Implementation," Article 5 mandates that all countries participating in the treaty "shall establish and maintain a national control system, including a national control list."

This list should "apply the provisions of this Treaty to the broadest range of conventional arms."

If the treaty is ratified by the United States (whether by the Senate or through the president's issuing of executive orders), within months the federal government (likely under the management of the Department of Homeland Security) would probably follow the example of the United Kingdom and begin compiling a list of who owns, buys, sells, trades, or transfers any firearm, as well as the ammunition, parts, and components of those weapons. After creating this database, the federal government would be required under the provisions of Article 5(4) of the Arms Trade Treaty to "provide its national control list to the Secretariat, which shall make it available to other States Parties."

The UN treaty demands that the list of gun and ammunition owners not only be in the hands of our own government, but be sent to foreign regimes, as well. This provision would guarantee that should an American owner of a legally purchased firearm decide to emigrate, he will be on the radar of the ruling regime in his new home.

Americans are right to recognize this registry as the first step toward confiscation, an act that [has failed to reduce armed violence in the United Kingdom or Australia](#).

Without such a registry, it would be impossible to monitor weapons transfers effectively because governments can't track weapons exchanges and transfers unless they know who has them to begin with.

Article 12 adds to the record-keeping requirement, mandating that the list include "the quantity, value, model/type, authorized international transfers of conventional arms," as well as the identity of the "end users" of these items.

In very clear terms, ratification of the Arms Trade Treaty by the United States would require that the



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U.S. government force gun owners to add their names to the national registry. Citizens would be required to report the amount and type of all firearms and ammunition they possess.

Section 4 of Article 12 of the treaty requires that the list be kept for at least 10 years.

Although the White House has not announced when the president will sign the document, Secretary Kerry said that in the United States “we look forward to signing it [the Arms Trade Treaty] as soon as the process of conforming the official translations is completed satisfactorily.”

Finally, the agreement demands that national governments take “appropriate measures” to enforce the terms of the treaty, including civilian disarmament. If these countries can’t get this done on their own, however, Article 16 provides for UN assistance, specifically including help with the enforcement of “stockpile management, disarmament, demobilization and reintegration programmes.”

In fact, a “voluntary trust fund” will be established to assist those countries that need help from UN peacekeepers or other regional forces to disarm their citizens.

Arguably, the ATT will become the law of the United States after the treaty is signed by the president and ratified by the Senate.

While that is the process that the Constitution establishes for the implementation of treaties, fundamental principles of construction and constitutional law dictate that no treaty that violates the Constitution may enjoy the legitimization of that document.

In the case of the ATT, there is no doubt that regardless of presidential signatures or congressional consent, this treaty cannot pass constitutional muster and therefore will never be the valid law of the land.

Regardless of this legal fact, Americans should continue encouraging their federal lawmakers to join Representative Kelly in ceaselessly opposing every effort to impose the unconscionable and unconstitutional provisions of the Arms Trade Treaty on the United States.

*Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He is the host of The New American Review radio show that is simulcast on YouTube every Monday. Follow him on Twitter @TNAJoeWolverton and he can be reached at [jwolverton@thenewamerican.com](mailto:jwolverton@thenewamerican.com)*



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