



Written by [Joe Wolverton, II, J.D.](#) on May 2, 2016

Tennessee Law Blocks Enforcement of Gun-grabbing Treaties

On April 19, the state of Tennessee officially rejected any attempts by the United Nations to abridge the right of Tennesseans to keep and bear arms when Governor Bill Haslam signed House Bill 2389 into law after it survived a rough procedural road to his desk.

Specifically, the new statute protects gun rights with the following language:

No personnel or property of this state, or any political subdivision of this state, shall be allocated to the implementation, regulation, or enforcement of any international law or treaty regulating the ownership, use, or possession of firearms, ammunition, or firearm accessories, if the use of personnel or property would result in the violation of another Tennessee statute, Tennessee common law, or the Constitution of Tennessee.



While it would seem such proscriptions would be a no-brainer in a state as traditionally conservative as Tennessee, legislators successfully killed the bill before it was resurrected by citizens of the Volunteer State who exerted their sovereignty, demanding that their representatives reconsider this important support of the Second Amendment.

Ultimately, the state House of Representatives voted 88-2 in favor of the bill and the state Senate followed suit, voting unanimously — 26-0 — to send the statute to the governor.

The bill's sponsor, John Windle, a Democrat, recognized the threat to the rights of gun owners posed by the United Nations Arms Trade Treaty (ATT) signed by Secretary of State John Kerry and supported by nearly half of the U.S. Senate.

As of today, the U.S. Senate has not ratified the treaty, but the Obama administration seems set on changing that before the president leaves office. There is less than a year left, then, to completely disengage the United States from this multinational morass and unconstitutional mass confiscation of firearms. Perhaps knowing a few of the ATT's key provisions will convince more Americans to join the fight to protect the Second Amendment.

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

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



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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 natural right to own, buy, sell, trade, or transfer all means of armed resistance, including handguns, can be 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, also 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."

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 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.

The agreement also demands that national governments take "appropriate measures" to enforce the terms of the treaty, potentially 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.

This author represented *The New American* at the UN convention where the ATT was approved by ambassadors, including the ambassador of the United States.

In fact, the American delegation led the way, exerting pressure on other nations to get behind the agreement.

As stated above, the U.S. Senate has not approved the treaty, but there is a danger that recent trade deals might move the ATT away from the auspices of the Senate and the constitutional conditions of ratification.

One reading of the provisions of the Trade Promotion Authority given by Congress to the president supports the possibility that the United Nations Arms Trade Treaty would not need to be subject to



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senatorial debate. In fact, it might not be up for debate at all. TPA calls for a simple up or down vote on such presidentially brokered international agreements.

If President Obama invokes the unconstitutional powers granted him by a complicit Congress, then there will be no protection on the federal level from the globalist gun grab. Once again, then, liberty will rely on the strength and support of state legislators committed to fulfilling their constitutional oath to protect the Constitution.

State Representative Windle knows this and is answering the call.

“This bill prohibits any interference of [the right to keep and bear arms] by international treaty,” Windle said during debate on the measure in the House.

Not only is Windle acting in a way that reveals his respect for his oath, but it is a demonstration of the power of the principle of anti-commandeering.

Put simply, anti-commandeering prohibits the federal government from forcing states to participate in any federal program that does not concern “international and interstate matters.”

While this expression of federalism (“dual sovereignty,” as it was named by the late Justice Antonin Scalia) was first set forth in the case of *New York v. United States* (1992), most recently it was reaffirmed by the high court in the case of *Mack and Printz v. United States* (1997).

Writing for the majority in the *Printz* decision, Justice Scalia explained,

As Madison expressed it: “The local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere.” *The Federalist* No. 39, at 245.

This separation of the two spheres is one of the Constitution’s structural protections of liberty. “Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.”

This Tennessee statute is scheduled to go into effect on July 1, 2016.



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