



Written by on April 17, 2009

Obama Promises to Push for Arms Treaty

“Something that President Calderon and myself absolutely recognize is that you can’t fight this war with just one hand,” Obama told reporters, including Reuters news service, which quoted him. “At a time when the Mexican government has so courageously taken on the drug cartels that have plagued both sides of the border, it is absolutely critical that the United States join as a full partner in dealing with this issue,” said Obama. “I am urging the Senate in the United States to ratify an inter-American treaty known as CIFTA to curb small arms trafficking that is a source of so many weapons used in this drug war,” the president continued.



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The theme of the United States sharing responsibility for the Mexican drug trade (including the shipment of arms from the United States to Mexican drug cartels) was not unexpected, since upon her arrival in Mexico City on March 25, Secretary of State Hillary Rodham Clinton accepted blame on behalf of the American people for Mexico’s drug cartel problems, telling reporters: “Our insatiable demand for illegal drugs fuels the drug trade. Our inability to prevent weapons from being illegally smuggled across the border to arm these criminals causes the deaths of [Mexican] police officers, soldiers and civilians.” “I feel very strongly we have a co-responsibility,” she added.

However, the subject of the arms treaty was not mentioned in advance of Obama’s visit and appears to have taken even members of the White House press corps by surprise. During a press briefing held in a Marriott Hotel in Mexico City on April 17, Sheryl Gay Stolberg of the *New York Times* asked Denis McDonough, deputy national security advisor for strategic communications, if the administration wasn’t catching even the Senate, much less the press and public off guard. A transcript follows:

Stolberg: I have a question. On the treaty, it seems as though the announcement that you’re calling on the Senate to ratify this treaty has actually caught the Senate off guard a little bit. Harry Reid’s folks didn’t know about it. And I wondered if you have run that by the Foreign Relations Committee and do you have a commitment from them that they’ll bring it up?

McDonough: You know, Sheryl, thanks for the question. There’s a tradition at the beginning of each Congress that the President submits a treaty priority list — the Secretary of State and the President. So that’s exactly what we did and this is one of the priority treaties that we’d like to see the Senate’s advice and consent on. And, you know, we are working very closely with Senator Reid and many others on a range of issues, to include this.

Stolberg: Can you just say how many treaties are on that list? And do you have an order? And is that what this treaty — where is it in the order of priorities?



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McDonough: I can tell you it's among the top treaties, but I'll get you the list so you can have it.

Stolberg: Sounds —

McDonough: I haven't seen the final list, so let me just get it to you and you can make that call.

In her report on the meeting of the two leaders for the *Times*, Stolberg discussed the U.S. ban on so-called assault weapons, which expired in 2004. She observed that Obama had made renewing the ban a campaign platform, but during the Mexico City conference he had suggested that reinstating the ban was politically impossible because of opposition from gun rights enthusiasts. "None of us are under any illusion that reinstating that ban would be easy," she quoted Obama, adding that he insisted he was "not backing off at all" from his position that renewing the ban made sense.

Indicating that senators obviously were cognizant of the political ramifications of even appearing to infringe upon the rights guaranteed by the Second Amendment, Reuters news quoted Senate Majority Leader Harry Reid as stating that the United States had to help reduce violence without violating the right to bear arms, which is enshrined in the Second Amendment. "We must work with Mexico to curtail the violence and drug trafficking on America's southern border, and must protect Americans' Second Amendment rights," Reid said in a statement. "I look forward to working with the President to ensure we do both in a responsible way."

In an interview with Reuters news service, Wayne LaPierre, the National Rifle Association's executive vice president, stated that "The answer is to enforce the current law. Everything these drug cartels are doing involving firearms is illegal on both sides of the border already."

The *Arizona Republic* correctly observed that the now-expired ban prohibited sales of "semiautomatic weapons with certain combinations of military-style features, such as folding stocks, large magazines and flash suppressors." It also cited arguments made by opponents of the ban that the so-called assault weapons actually fire smaller ammunition than some other rifles and that it is unconstitutional to ban a gun simply "because of how it looks."

Actually, the cited argument does not go far enough. The Second Amendment, in stating simply that "the right of the people to keep and bear arms shall not be infringed" does not make any exceptions whatsoever. The arms kept by the people at the time the amendment was written were the same as those used by the military of the day. The reason for the amendment was not to enforce the right to hunt or protect one's home — however important those rights might be — but, rather, to guarantee the people's ability to exercise a right enshrined in the Declaration of Independence: "That whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government."

Obviously, a civilian population that is unarmed is not in a position to alter or abolish anything.

If arms are being illegally exported to Mexico, then it is obvious that the U.S.-Mexican border is far from secure. Both nations need to do their part to secure the border. But it is each nation's primary responsibility to secure its *own* border against people or objects crossing its borders in an *inward* direction.

If Mexican drug cartels are arming themselves with weapons brought into the country illegally from the United States, then Mexico needs to devote more resources to stopping the flow. Maybe it should not be so quick to protest when the United States proposes building a more secure fence along the border, which would help both nations.



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As for the United States, the Constitution says little about the federal government's role in maintaining our borders — primarily, it is to protect each state in the union against invasion. And since Congress is given the power to “lay and collect duties,” some control over imports must be maintained to ensure that duties are paid and that contraband can be seized. A border secure enough to stem the invasion by illegal immigrants and to intercept smugglers would also benefit both nations.

Working within the limits of the Constitution is more efficient (and more protective of our citizens' rights) than going outside them.

As for the treaty, since none of the other nations that are party to the “Inter-American Convention” share the protections afforded by our Second Amendment, to make our own law subject to the convention can only undermine our right to keep and bear arms.

The text of the treaty is worded benignly enough, using such phrases as “REAFFIRMING the principles of sovereignty, nonintervention, and the juridical equality of states.” However, since the principles of firearms ownership embodied in our Second Amendment are unique in the world, any accommodation with nations that do not enjoy similar protections is bound to dilute our own government's respect for the Second Amendment. Certain language in the treaty indicates that it views the right to keep and bear arms differently than Americans are accustomed to. For example, the treaty attempts to reassure its signatories that it “is not intended to discourage or diminish lawful leisure or recreational activities such as travel or tourism for sport shooting, hunting, and other forms of lawful ownership and use recognized by the States Parties.”

But in the case of the United States, the right to keep and bear arms is not contingent upon our government's definition of “lawful ownership” — it is a fundamental right. And that right is designed not merely to allow for “leisure or recreational activities” but as the last recourse of the citizenry against a government that becomes totalitarian.

Also disturbing is the treaty's references to international law and the United Nations. One place references “strengthening existing international law enforcement support mechanisms such as the International Weapons and Explosives Tracking System (IWETS) of the International Criminal Police Organization (INTERPOL), to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, [etc.]”

And, for some unspecified reason that can only be construed as simple kowtowing to the UN, the treaty provides that copies of it “shall be deposited with the General Secretariat of the Organization of American States, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the United Nations Charter.”

If our borders are secure, we can police the importation of weapons from criminal or terrorist sources all on our own, without becoming entangled in international treaties that may dilute our right to keep and bear arms without infringement.

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