

SENATE CONCURRENT RESOLUTION NO. 4017

Introduced by

Senators Sitte, Armstrong, Schaible

Representatives Heller, Porter, Streyle

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

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

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

9 **WHEREAS**, the Founding Fathers of the United States of America codified that individual
10 and collective right by adoption and ratification of the Second Amendment to the United States
11 Constitution; and

12 **WHEREAS**, the Second Amendment to the United States Constitution reads as follows: "A
13 well-regulated militia being necessary to the security of a free state, the right of the people to
14 keep and bear arms shall not be infringed."; and

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

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

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

1 **WHEREAS**, the individual right to keep and bear arms has been upheld by court opinions
2 over the 225 years since the original 13 states ratified the United States Constitution, most
3 recently in District of Columbia v. Heller and in McDonald v. Chicago; and

4 **WHEREAS**, the state of North Dakota further codifies the individual right to keep and bear
5 arms in the North Dakota Constitution's Declaration of Rights, wherein Article I, Section 1,
6 states "All individuals are by nature equally free and independent and have certain inalienable
7 rights, among which are those of enjoying and defending life and liberty; acquiring, possessing
8 and protecting property and reputation; pursuing and obtaining safety and happiness; and to
9 keep and bear arms for the defense of their person, family, property, and the state, and for
10 lawful hunting, recreational, and other lawful purposes, which shall not be infringed."; and

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

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

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

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

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

1 **WHEREAS**, the harmful potential of the Treaty led a bipartisan coalition of 51 United States
2 senators to express the strongest expression of concern and opposition on the potentially
3 devastating consequences of the Treaty to President Barack Obama and Secretary of State
4 Hillary Clinton in a letter dated July 26, 2012; and

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

11 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**
12 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

13 That the Sixty-third Legislative Assembly hereby expresses its opposition to the current
14 form of the United Nations Arms Trade Treaty, as well as to any treaty that infringes on the
15 individual or collective right to keep and bear arms, in the strongest and most unequivocal
16 terms; and

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

23 ~~**BE IT FURTHER RESOLVED**, that this resolution shall serve as notice to the federal~~
24 ~~government that the state of North Dakota hereby claims, for its citizenry, the natural right and~~
25 ~~the codified right for both the state militia and the individual citizens of North Dakota to keep and~~
26 ~~bear arms, in compliance with the Second Amendment to the United States Constitution and the~~
27 ~~Constitution of North Dakota's Declaration of Rights, and will take measures against all~~
28 ~~enemies, foreign and domestic, to preserve this right in accordance with the United States~~
29 ~~Constitution and the Constitution of North Dakota; and~~

30 **BE IT FURTHER RESOLVED**, that the Secretary of State of North Dakota forward properly
31 inscribed copies of this resolution to the President of the United States, the President of the

Sixty-third
Legislative Assembly

- 1 United States Senate, the Speaker of the United States House of Representatives, the United
- 2 States Secretary of State, the Ambassador of the United States to the United Nations, each
- 3 member of the United States Senate, the Governor of each state, the Speaker of the House and
- 4 President of the Senate of each state's legislature, and each member of the North Dakota
- 5 Congressional Delegation.