

Obama Proposes Signing Treaty To Ban Reloading -- *Even BB guns could be on the chopping block*

Gun Owners of America Fact Sheet
8001 Forbes Place, Suite 102, Springfield, VA 22151
Phone: 703-321-8585 / FAX: 703-321-8408

When President Obama went to Mexico in April, he proposed that the United States sign the [Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials](#).

Despite the fact that it purportedly deals with “illicit manufacturing and trafficking,” GOA is convinced that this convention defines these terms much more broadly and potentially presents serious dangers to Americans lawfully exercising their Second Amendment rights.

PURPOSES AND DEFINITIONS

Although the word “illicit” is used extensively in order to make the convention sound less anti-gun than it actually is, we need to look very carefully at the purposes and definitions to see whether it is, in fact, limited in scope to persons illegally moving guns across borders in order to arm violent criminal cartels:

The seventh precatory clause “STRESS[ES] the need, in peace processes and post-conflict situations, to achieve effective control of firearms, ammunition, explosives, and other related materials in order to prevent their entry into the illicit market;” -- thereby endorsing comprehensive gun and ammunition control, in violation of McClure-Volkmer (which deregulated ammunition) and of the Second Amendment to the Constitution.

Furthermore, the tenth precatory clause supports a “know-your-customer policy for dealers [in firearms]” -- something which would rapidly lead to an abolition of firearms in a country as large and transient as the United States.

And the twelfth precatory clause acknowledges the rights of parties to enact their own gun laws, but only with respect to aspects of a “wholly domestic character.”

We have seen, as recently as the April 15 *New York Times*, how battles with the Mexican drug cartels have been fanned into an issue which is being used to justify the passage of every major gun control initiative in modern American history.

We see how these “slippery slope” findings are actually implemented when we look at the definitions:

“Illicit manufacturing” of firearms is defined as “assembly of firearms [or] ammunition... without a license...”

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Hence, reloading ammunition -- or putting together a lawful firearm from a kit -- is clearly "illicit manufacturing." Modifying a firearm in any way would surely be "illicit manufacturing." And, while it would be a stretch, assembling a firearm after cleaning it could, in any plain reading of the words, come within the screwy definition of "illicit manufacturing."

"Firearm" has a similarly questionable definition. Borrowing from the open-ended definitions in federal law which have continue to vex us (and people like Olofson in Wisconsin), any barreled weapon "which... may be readily converted to expel a bullet" would be a firearm. Even worse, "any other weapon" (a term which is not defined) is a "firearm." This surely includes BB guns -- and who knows what else.

"Cartridge cases" and "projectiles" are defined as "ammunition."

SUBSTANTIVE PROVISIONS

In Article IV, parties commit to adopting "necessary legislative or other measures" to criminalize illicit manufacturing and trafficking in firearms. Remember that "illicit manufacturing" includes reloading and modifying or assembling any firearm in any way. And, while treaties should not trump the Bill of Rights (in contrast to what the Supreme Court held in *Missouri v. Holland*), they do have the force of statute -- which would mean that the Obama administration could promulgate regulations on the basis of this treaty which would ban any modification or machining of any firearm in any manner whatsoever except by license of the government.

Article IV goes on to state that the criminalized acts should include "association or conspiracy" in connection with "said offenses" -- which is arguably a term broad enough to allow, by regulation, the criminalization of entire pro-gun organizations or gun clubs, based on the facilities which they provide their membership.

Article V requires each party to "adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention" under a variety of circumstances. We know that Mexico is blaming U.S. gun dealers for the fact that its streets are flowing with blood. And we know it is possible for it to define offenses "committed in its territory" in a very broad way. And we know that we have an extradition obligation under Article XIX of the convention. And we also know that other countries such as Spain have tried to use their treaty powers to put American officials on trial.

Article VI requires "appropriate markings" on firearms. And, it is not inconceivable that this provision could be used to require microstamping of firearms and/or ammunition -- a requirement which is clearly intended to impose specifications which are not technologically possible or which are possible only at a prohibitively expensive cost.

Article VII requires confiscation and forfeiture of illicit firearms.

Articles VIII, IX, and X would increase the role of government, in ways which cannot be foreseen, in supervising the import and export of firearms and ammunition.

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Article XI requires the maintenance of any records, for a “reasonable time,” that the government determines to be necessary to trace firearms. This provision would almost certainly repeal portions of McClure-Volkmer and could arguably be used to require a national registry or database.

Article XIII authorizes the “exchange of information” with respect to FFL’s -- presumably providing information on Americans to the corrupt Mexican police which are the source of many, if not most, of the illicit firearms.

Finally, under Article XXIX, if Mexico demands the extradition of a lawful American gun dealer, the U.S. would be required to resolve the dispute through “other means of peaceful settlement.” Does anyone want to risk sweltering in a Mexican jail at the mercy of the Obama administration?

This fact sheet was prepared by Mike Hammond, GOA’s legislative counsel. [Joomla SEO](#)
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