

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

930V0751

HOUSE CONCURRENT RESOLUTION NO. 1015

Introduced by: Representatives Nelson, Campbell, Craig, Greenfield, Kaiser, Kopp, Magstadt, May, Olson (Betty), Peterson, Qualm, Russell, Stalzer, Steele, and Verchio and Senators Monroe, Begalka, Ewing, Omdahl, Otten (Ernie), and Van Gerpen

1 A CONCURRENT RESOLUTION, In support of protecting American sovereignty and
2 defending individual second amendment rights from United Nations interference.

3 WHEREAS, the Second Amendment to the United States Constitution declares that "the
4 right of the people to keep and bear arms, shall not be infringed"; and

5 WHEREAS, S.D. Const., Art. VI, § 24 declares that "The right of the citizens to bear arms
6 in defense of themselves and the state shall not be denied."; and

7 WHEREAS, the Supreme Court of the United States has ruled in the case of District of
8 Columbia v. Heller (2008) that the right to keep and bear arms is an individual right that existed
9 before the Constitution and "belongs to all Americans"; and

10 WHEREAS, the Supreme Court confirmed in the case of McDonald v. City of Chicago
11 (2010) that the right to keep and bear arms is a fundamental right; and

12 WHEREAS, since the mid-1990's, United Nations member states, in close cooperation with
13 domestic and international antigun organizations, have sought to win passage of various United
14 Nations agreements that would mandate or encourage restrictive gun control measures at the



1 national level; and

2 WHEREAS, such actions by the United Nations amount to infringement on United States
3 sovereignty; and

4 WHEREAS, in October 2009, the Obama administration, in a reversal of previous United
5 States policy, voted for the United States to participate in the United Nation's process to draft
6 an Arms Trade Treaty; and

7 WHEREAS, on March 23, 2013, the Senate adopted an amendment to its FY 2014 Budget
8 Resolution, offered by Senator James Inhofe (R-OK), that establishes a deficit-neutral fund for
9 "the purpose of preventing the United States from entering in the United Nations Arms Trade
10 Treaty." This amendment is in addition to previous efforts by Senator Jerry Moran (R-KS) and
11 Representative Mike Kelly (R-PA) to pass concurrent resolutions opposing the treaty in their
12 respective chambers; and

13 WHEREAS, on September 25, 2013, Secretary of State John Kerry signed the United Arms
14 Trade Treaty (ATT) on behalf of the Obama Administration; and

15 WHEREAS, the National Rifle Association (NRA) notes that "This treaty threatens
16 individual firearm ownership with an invasive registration scheme. ATT includes small arms
17 and light weapons within its scope, which covers firearms owned by law-abiding citizens.
18 Further, the treaty urges record keeping of end users, directing importing countries to provide
19 information to an exporting country regarding arms transfers, including end use or end user
20 documentation for a minimum of ten years. Each country is to take measures, pursuant to its
21 national laws, to regulate brokering taking place under its jurisdiction for conventional arms.
22 Data kept on the end users of imported firearms is a defacto registry of law-abiding firearms
23 owners, which is a violation of federal law. Even worse, the ATT could be construed to require
24 such a registry to be made available to foreign governments."; and

1 WHEREAS, the National Association for Gun Rights (NAGR) notes that: "The United
2 Nation's Small Arms Treaty is nothing more than a massive global gun control scheme, designed
3 to register, ban, and confiscate firearms from law-abiding citizens. The United Nation's Small
4 Arms Treaty would also likely ban the trade, sale, and private ownership of semiautomatic
5 weapons. The ratification of this treaty would also likely create an international gun registry,
6 setting the stage for full-scale gun confiscation."; and

7 WHEREAS, the Gun Owners of America (GOA) notes that: "the ATT would . . . ban large
8 categories of firearms, including semiautomatics and handguns . . . require universal gun
9 registration and licensure . . . require microstamping and, through that requirement, effectively
10 ban most guns and ammunition . . . There is no limit to the imposition of gun control which
11 someone like Barack Obama could achieve, without legislative action, using this treaty as
12 justification."; and

13 WHEREAS, any final treaty signed by the President and ratified by the Senate would
14 become binding law in the United States, equal in force to domestic legislation and potentially
15 superseding earlier, conflicting statutes duly passed by Congress; and

16 WHEREAS, any Executive Orders enacting provisions of the unratified treaty, signed by
17 the President, have historically been given the effect of law in the United States:

18 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
19 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that for the
20 protection of American sovereignty, and in defense of South Dakotans' constitutional rights to
21 keep and bear arms, that the South Dakota Legislature strongly opposes the negotiation and
22 ratification of this and any arms trade treaties that would include within their scope any new
23 restriction on law-abiding citizens' fundamental individual rights to keep and bear arms,
24 including the right to make, transfer, possess, or carry firearms, ammunition, or related

1 materials; and

2 BE IT FURTHER RESOLVED, that the South Dakota Legislature calls upon all members
3 of the United States Senate to strongly oppose any such treaties, and to vote against ratification
4 of any such treaties that may be presented to the Senate; and

5 BE IT FURTHER RESOLVED, that the South Dakota Legislature calls upon Congress to
6 pass legislation to restore and defend the United States Constitution, which requires the
7 nullification of Executive Orders that countermand the United States Constitution.