



As a presidential candidate, Hillary Clinton caused a scare for gun owners. Now named Barack Obama's secretary of state, the Clinton anti-gun nightmare has returned.

by DAVE KOPEL



In more than two centuries of American independence, no two people in government have accomplished more on behalf of

the gun prohibition movement than Bill and Hillary Clinton. As secretary of state in the Obama administration, Hillary Clinton will have near-limitless opportunity to undermine the Second Amendment.

Like any secretary of state, Clinton will command the attention of the national and global media, and of policymakers around the world. When she wants to make something a major news issue, she can do so. One of the reasons that in the past few years you have not read a lot about foreign demands for bans on American guns is that former Secretary of State Condoleezza Rice is a self-described "Second Amendment absolutist." During her tenure, foreign complaints about American gun ownership were quickly dismissed.

For example, in mid-December, Mexican Foreign Secretary Patricia Espinosa blamed the problem of violence by Mexican drug cartels on American gun laws. She said that Mexico favored reinstatement of the ban on American manufacture of so-called "assault weapons."

Never mind that the banned guns functioned exactly like guns that were not banned. And never mind that

Espinosa's complaint was an obvious ploy to deflect the attention of the people away from Mexican government malfeasance, which plays such a large role in Mexico's crime problem. This malfeasance includes the extreme, pervasive corruption of Mexico's local and national police, including drug enforcement officers.

The malfeasance also includes the Mexican government's disrespect for the right to arms. Article 10 of the Mexican constitution states: "The inhabitants of the United Mexican States have the right to possess arms in their homes for their security and legitimate defense with the exception of those prohibited by federal law and of those reserved for the exclusive use of the Army, Navy, Air Force and National Guard. Federal law shall determine the cases, conditions and place in which the inhabitants may be authorized to bear arms."

If the Mexican government obeyed the Mexican constitution, the law-abiding people of Mexico would be better able to protect themselves from drug gangsters and other criminals.

At the press conference where the Mexican secretary of state called for an American gun ban, American Secretary of State Rice firmly responded: "I follow arms trafficking across the world, and I've never known illegal arms traffickers who cared very much about the law. And so I simply don't accept the notion that the lifting of the ban somehow has led

arms traffickers to increase their activity?”

Consequently, the issue got little attention in the American media.

Now imagine how Secretary of State Clinton could exploit the efforts of Mexican politicians—or politicians in some other country—to blame American gun owners for that nation’s crime problems. She could give a major speech announcing that she entirely agrees with the foreign politicians, and she could declare it imperative for America to enact much more stringent gun controls as a necessity of international good relations.

In the government, the media and the American public, there are plenty of people who don’t care much about guns one way or the other, but who care a lot about America’s international relations. When the secretary of state tells them that gun control is necessary for America’s global good standing, they will likely become strong supporters of gun control.

Secretary of State Clinton’s speeches about the necessity of gun control will likely include some platitudes about the importance of the Second Amendment. Like President Obama, Clinton now follows the advice of political strategists who told Democrats to stick to their gun control agenda, but to start every answer to a gun question by claiming to support the Second Amendment.

Of course this is nonsense. During the Bill and Hillary Clinton administration, the U.S. Department of Justice asserted that the Second Amendment protected *no* individual right—not even the right of a National Guardsman on duty. Similarly, Obama served on the board of directors of the Joyce Foundation, which doled out generous grants to pay academics to produce research—some of which turned out to be blatantly false—proving that there is no Second Amendment individual right.

The Clinton administration was the most anti-gun in American history (although the Obama administration may well outdo that record). And Hillary Clinton was at the center of the gun-ban campaigns. For example, Clinton’s Office of the First Lady helped organize the May 1999 Million Mom

March in Washington, D.C. The march attracted about a hundred thousand anti-gun advocates, and featured speeches by people such as the shrill paranoid Rosie O’Donnell. Clinton herself gave the opening speech to the crowd.

The secretary of state and the president have great flexibility to sign various types of non-treaty documents (e.g., “multilateral agreements”) that have a legal effect on American citizens but do not require ratification by the Senate.

While running for U.S. Senate from New York in 2000, Clinton claimed that one of the most important reasons she wanted to serve in Congress was to push gun control. In the Senate, she compiled a nearly perfect anti-gun voting record. She repeatedly voted against bills to limit abusive lawsuits brought against firearms manufacturers, such as the cases directed by New York City Mayor Michael Bloomberg and Chicago Mayor Richard Daley. She voted to ban so-called “assault weapons.” She even voted for special restrictions on gun shows, though federal law at shows is exactly the same as for gun sales anywhere else in the country.

As senator, Clinton even voted against a July 2006 appropriations amendment sponsored by Senator David Vitter, R-La. That measure says that state and local government law enforcement agencies that receive federal funds cannot *illegally* confiscate guns during a natural disaster or other emergency. The Vitter Amendment was a response to the lawless behavior of New Orleans Police Superintendent Eddie Compass in the days following Hurricane Katrina.

While Compass’ department let looters and violent predators run wild, Compass sent his police—as well as law enforcement officers from other jurisdictions—to break into the homes of law-abiding citizens and confiscate their guns. Compass’ actions were a flagrant violation of the U.S. and Louisiana constitutions, and of Louisiana statutory law; that law allowed restrictions, but not bans, on guns in an emergency, but only if certain

procedures were followed—and these procedures were not followed in New Orleans.

The Vitter Amendment did not prohibit the spending of federal funds for gun confiscation in situations where

the confiscation was authorized by law. The amendment simply prohibited the expenditure of federal funds for *illegal* confiscation of guns. Only the most extreme anti-gun advocate would support gun confiscation even when that gun confiscation was a clear violation of the law. In the Senate, Hillary Clinton was one of a minority of only 16 extremist senators who voted against the Vitter Amendment.

During the Clinton administration, the United States delegation at the United Nations eagerly supported the campaign to use the U.N. and international law in order to evade the Second Amendment, and impose global gun control. Yet to the dismay of the international gun prohibition lobby, the Bush administration resisted these plans at major U.N. gun control conferences in both 2001 and 2006.

But when the U.N.’s next gun control conference convenes in 2010, you can be sure that the U.S. delegation will not include pro-freedom stalwarts like John Bolton, who opposed the U.N. plan at every step. To the contrary, it will likely be composed of gun control advocates who see the United Nations—which is dominated by dictatorships and other governments that oppose citizen gun ownership—as the perfect venue for eliminating gun owners.

Currently, the United Nations is working on a new Arms Trade Treaty. This treaty’s purported goal is to prohibit arms sales to human rights violators. But with the support of a U.S. delegation under the control of Mrs. Clinton, the international gun-ban lobbies could get

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the treaty they want—written in broad enough terms to ban all arms sales to the United States.

The International Action Network on Small Arms (IANSA) is the gun-ban lobby funded by George Soros. An official U.N. report, written by IANSA member Barbara Frey and adopted in 2006 by the United Nations Sub-Commission on the Promotion and Protection of Human Rights, declares that it is a human rights violation for governments to allow the use of defensive firearms against anything other than an immediate lethal threat. In other words, it is a human rights violation that the laws of all 50 American states allow police officers, crime victims or anyone else to shoot rapists, arsonists or armed robbers. Control Arms (an anti-gun organization run by IANSA, Amnesty International and Oxfam) has written its own report stating that Israel (but not dictatorships such as Syria, which is a state sponsor of terrorism) is one of the top targets for the arms embargo that would be imposed by the Arms Trade Treaty.

Could such a treaty be ratified by the constitutionally required two thirds of U.S. senators? To an extent, it doesn't matter. Governments that almost certainly would ratify the treaty—such as Germany, Italy or the United Kingdom—could then be told by U.N. bureaucrats that they have a legal obligation to prevent their own firearm manufacturers from exporting to the U.S. market.

More generally, international law is very easily exploited and expanded in ways that evade Congress. Simply by President Obama signing the Arms Trade Treaty (without ever sending it to the Senate for ratification), the United States would incur legal obligations not to act in ways contrary to the treaty. This is the long-standing position of the U.S. State Department regarding signed but unratified treaties.

Moreover, the secretary of state and the president have great flexibility to sign various types of non-treaty documents (e.g., “multilateral agreements”) that have a legal effect on

American citizens but do not require ratification by the Senate.

The secretary of state and the president also have great flexibility to “reinterpret” existing treaties and other sources of international law. In 1992, the U.S. Senate ratified the International Covenant on Civil and Political Rights (ICCPR). The covenant affirms the right to life. According to the United Nations, the ICCPR *already* requires the United States to implement stringent gun control—because allowing a woman under attack to shoot a rapist is a violation of the rapist's right to life, and because the obligation to respect the right to life requires a government to register all guns, and to make sure that guns which are allowed for one purpose (e.g., hunting) are never used for another purpose (e.g., self-defense).

Perhaps one thinks this is a ridiculous interpretation of the ICCPR. But it's Secretary of State Clinton and President Obama who make the decision about what the covenant requires.

In fact, an extreme version of executive branch power recently came within two votes of victory in the Supreme Court. In the 2008 case of *Medellin v. Texas*, the Court narrowly rejected the idea that the United Nations Charter gives the president a whole new source of presidential power—separate from the Constitution—over domestic matters within the United States, including the ability to block certain state prosecutions for serious violent crimes.

Should President Obama have the opportunity to appoint Supreme Court justices, he would not only gain a Supreme Court majority that is hostile to the Second Amendment, but he would likely gain a Supreme Court majority that would allow Obama and Clinton to impose extensive gun control *without* the need for legislative approval. Supposedly, such control would be required by treaties and agreements that the U.S. has already signed, and the authority to impose such control would flow from the United Nations, not from the U.S. Constitution.

The bureaucrats at the United Nations, egged on behind the scenes

by Clinton's minions, would be sure to set the foundation for such a power grab. These bureaucrats are already experts at arm-twisting governments into extreme actions based on the supposed requirements of vague treaty language. For example, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires governments to protect maternal health. When CEDAW was written, it deliberately omitted all mention of abortion because, otherwise, Catholic and Muslim nations would have ensured that the U.N. never adopted CEDAW. Yet now, U.N. bureaucrats insist that CEDAW mandates that governments legalize or subsidize abortion. Some national governments have used the supposed “legal obligation” of these treaties to nullify abortion limits that had been enacted by national or local legislatures.

The U.N. committee that monitors CEDAW is stacked with employees of far-left interest groups; the U.N. council that monitors the International Covenant on Civil and Political Rights is stacked with enemies of self-defense and with apologists for dictatorships. You can likewise be sure that the committee to monitor the Arms Trade Treaty will be stacked with enemies of your constitutional rights. And you can bet that Secretary of State Clinton's team at the United Nations, rather than trying to mitigate the problem, will strive to make it worse.

We know that Hillary Clinton and Barack Obama have, throughout their careers, been dedicated enemies of our Second Amendment rights. For the next several years, the most important check on Secretary of State Clinton's willingness to use her foreign policy powers in order to further constrict the Second Amendment will not be the courts, but will be public opinion.

If—and only if—Clinton perceives that imposing gun control would be politically unpopular, there is a chance of some restraint. Your continued membership and active support of the NRA, along with spreading the word about the current danger to firearm owners' rights, are perhaps the last line of defense against the Clinton-Obama end run on the Constitution. **TF**