

# The Small Arms Treaty vs. the U.S. Constitution

by Bernadine Smith

The purpose of writing this article is to set the record straight so that people will understand the difference between the *proper* use of the treaty power, and the *improper* use of the treaty power, rather than have the people be misled by public officials who intend to deceive Americans by its improper use. Improper treaties are not law!

Despite the current great worry about the Small Arms Treaty being able to prohibit American citizens from owning firearms, there exist two, even greater worries:

(1) The ignorant status of many people in not realizing what tragedy will occur to their freedom and liberty *if* we allow a *National Gun Registry* to be created. The Small Arms Treaty initiates such a registry. It also unlocks the door for the communist-led United Nations to enter into our *Bill of Rights*, and tamper with all other basic natural rights.

(2) The people's lack of knowledge that *no part* of the *Bill of Rights* itself is subject to the repeal, revocation or rescinding process. Natural rights are not subject to these processes, because they are God-given rights and thus *unalienable*. The Second Article in the *Bill of Rights* was meant to give the people an option against tyranny from within and invasion from without. It was meant to prevent the enactment of disastrous and ruinous laws and treaties.

Specifically, a treaty cannot override the Second Amendment nor any of the other principles encased within the *Bill of Rights* of the United States Constitution. The following excerpt from Article VI of the United States Constitution, is very clear in stating:

*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding. [Emphasis added]*

Read that sentence carefully! Many people do not understand that any law being made must not conflict with the *Bill of Rights* of the United States Constitution. Under THIS Constitution, our laws and treaties are acceptable only if they conform to the intent and purpose of what has been written in this master document. No law is acceptable if it conflicts with or alters the original text. THIS Constitution, and not the opposing United Nations Charter, is the *supreme law* of this country. In these times, however, evil laws and treaties have been written and designed to work against those previously established laws, which were supposed to prevent tyranny from happening.

No foreign country nor organization (such as the United Nations) has the power to alter, override, supersede, revoke, rescind or block the fundamental principles or the primary directives laid down within these precious documents: *The Bill of Rights and the U.S. Constitution*.

For instance, the *Bill of Rights* requires the people to be armed (for their own safety and for the protection of their country and its principles). The Constitution requires government officials to provide the people with a common defense (an army, navy, etc.). All treaties made (prior) or which shall be made, under the authority of the United States are also to be the *supreme law of the land* PROVIDED that every treaty is “in pursuance of” (in conformity to) true law and right reason – and those principles enshrined in the 1789 Constitution that put limits on the power of government.

Our laws are required to promote the pursuance of liberty, justice, independence, true freedom and sovereignty. Note that the 1789 Constitution, when speaking of itself, refers to its own self as “THIS Constitution,” eliminating any doubt or argument as to its authority, supremacy, intention, or reasons for checks and balances. Treaties can only be lawful if written in accord to “THIS Constitution”.

There can be no doubt that “THIS Constitution” requires that (1) “All treaties” and (2) “the laws of the United States which shall be made in pursuance thereof” (in pursuance of “THIS Constitution”) must conform to the provisions inscribed within “THIS Constitution”. This overrules any possibility that a foreign (communist) Charter (such as the one initiated by the United Nations Organization) has any standing or authority over the government or the people of the United States!

Neither the United Nations nor any U.S. public official has the authority to require compliance or enactment of such an intolerable treaty such as the U.N.’s Small Arms Treaty. The Small Arms Treaty must be stopped! It intends to delude, deceive, and destroy the American form of government, because without firearms there is no force to maintain a government “of the people” -- “by the people” – “and for the people”; nor to defend any of the other rights and principles listed in the *Bill of Rights*.

“THIS Constitution’s” Second Amendment is the bulwark which undergirds our fundamental *republican form* of government, that is *guaranteed to the people of the United States* (refer to United States Constitution -- Article IV, Section 4).

The principles within “THIS Constitution” were designed to protect and safeguard the people against sedition and tyranny in government. Did you know that a (so-called) law<sup>1</sup> has been passed by Congress ordering our entire military (all branches of the United States armed forces and equipment) to be permanently given away to the communist-dominated United Nations to be made a part of the U.N.’s world army? Can you picture your future whenever the United Nations army is rendered fully armed while U.S. citizens are rendered completely disarmed? The objective of the Small Arms Treaty is to begin the process of disarming the entire American population, while foreign United Nations soldiers are authorized to police the U.S.A. under the up-coming United Nations “world army”.

Fortunately, our founding fathers did their job! They made us completely protected against such circumstances by the manner in which they defined the treaty clause. But we still face danger today because John Foster Dulles started the lie rolling that "a treaty

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<sup>1</sup> Refer to Public Law 87-297, signed by President John F. Kennedy in 1961

supersedes the Constitution, and it can cut clear across the *Bill of Rights*”! **This is not true!** This false doctrine has been taught in institutions of (supposedly) higher learning. Check your Constitution and read Article VI clearly. All treaties must be made *in pursuance* to “**THIS** Constitution”.

Repeat: No law or treaty can be valid if it is contrary to the principles listed in “THIS Constitution”. It is important for the people to understand the criteria under which all treaties must meet and be subjected to before any treaty can qualify as being valid and ‘supreme law of the United States’. Unfortunately, the United Nations Charter itself was undeservingly ratified as a “treaty”, which is at the core of the problems we are facing today.

Be informed and spread the word to others of the true meaning of the treaty clause. It does not allow anyone the right to disregard or overthrow the essential elements and principles within our Constitutional system of government. Public officials have no authority to prohibit private ownership of firearms. The security of the United States has a need for an armed nation. The best solution to stop this problem is to withdraw the United States from membership in, and from funding, the communist United Nations.

The people need to immediately embark upon a wide-spread campaign and get the word around about the disaster that will befall our country if the United Nations’ **Small Arms Treaty** should ever be okayed and accepted by the president and the senate.

The world government the United Nations has built will not permit *representative* government to exist (i.e. representatives chosen by the people in public elections), because it necessitates being run by military management. World government cannot be operated in any other way. Another of its policies is that there can be no individual or private ownership of land.

If we are disarmed, how will we be able to stop these communist goals from being applied to and against the people of our own country? **Oppose the Small Arms Treaty! Stop it now before it is signed by the president! Remember: Eternal vigilance is the price of liberty!**

*“The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime, and the punishment of his guilt.”* John Philpott Curran

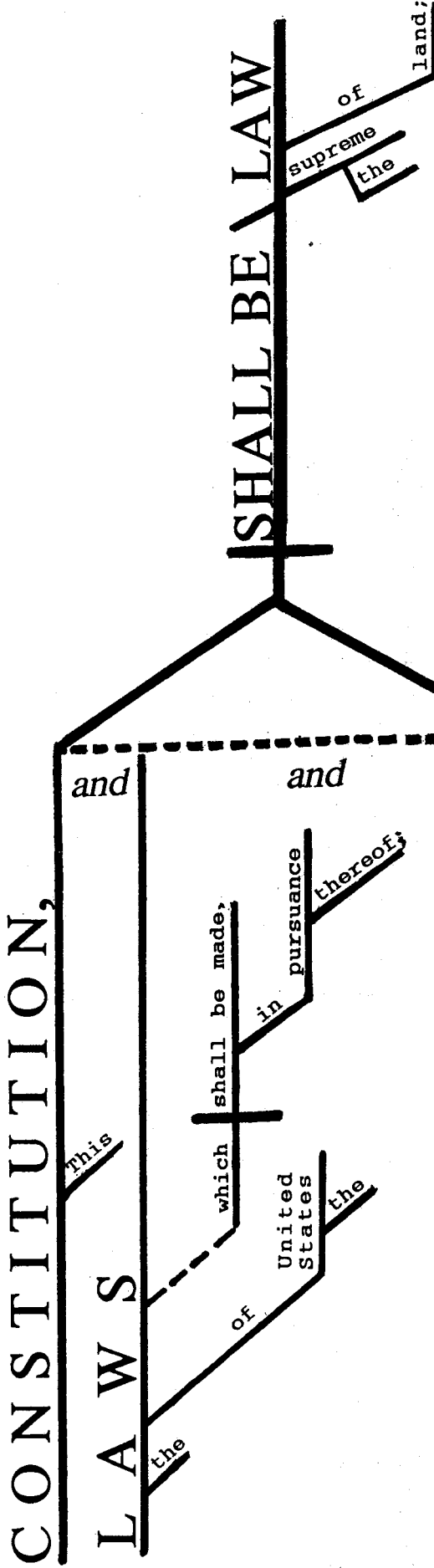
P.S. Considering the fact that the U.N. Charter never qualified as a “Treaty”, it could be easy to “get out of the U.N.” – simply by public demand and use of *Rebus Sic Stantibus*.

#### Attachments:

**Proof That Treaties Do Not Supersede the United States Constitution**  
**Treaties Do Not Supersede the United States Constitution**  
**The Truth about Treaties**  
**Thomas Jefferson on Treaties**  
**Rebus Sic Stantibus**

# PROOF THAT TREATIES DO NOT SUPERSEDE THE UNITED STATES CONSTITUTION

"This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; ..." U. S. Constitution Article VI Line 2



Diagramming of the treaty clause discloses that the subject noun "treaties" does not have exclusive use of the predicate. The structure of the sentence does not allow it. The compound subject is composed of three parts. The latter two parts, "laws" and "treaties", have been modified by two dependent clauses, providing evidence of the superior position that the first part holds over the latter two. What the sentence is saying is that the "Laws" and all "treaties" are subordinate to the "Constitution", and only if and when this criteria is met, all three shall share equally as the supreme law of the land.

Key: |

Indicates separation of subject from predicate

# TREATIES DO NOT SUPERSEDE THE UNITED STATES CONSTITUTION

By Bernadine Smith

Diagramming of the treaty clause proves that there is no other way to interpret the treaty clause in the United States Constitution except as presented on the reverse side. *The intent of the treaty clause is obvious. All treaties must respect, be subjected to, conform to, and be in pursuance of the United States Constitution* – the required criterion for judging validity. *The treaty-making power is not boundless.* It cannot violate the principles, nor the spirit or the energy of the Constitution. The language used in it verifies that the construction of the treaty clause was designed to prevent misconstruction of the treaty power.

Those *who deviously claim* that the treaty clause says that "treaties are supreme over the Constitution" - or - that "treaties can cut clear across the Bill of Rights" *intend to deceive for unlawful purposes!* (Refer to John Foster Dulles as the promoter of this untruthful remark.)

*Thomas Jefferson said:* "Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty-making power as *boundless.* If it is, then we have no Constitution. If it has bounds, they can be no others than the definitions of the powers which that instrument gives."

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*The Constitution, laws of the United States, and treaties are, all three, on an equal footing -- only if the criteria is met.*

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Note that there are *two dependent clauses* within the compound subject

of the diagrammed sentence which restrain treaties from becoming boundless. (See reverse side.)

First, no treaty can be valid *if it is not made under the authority of the United States.* Under the authority of the United States, all public officials who could participate in the treaty-making process are already bound by their oath of office taken to support and defend the spirit and principles of the Constitution.

Second, in order for a treaty to take effect within the nation, it is required that "enabling" legislation be written in order to make the subject matter of the treaty incumbent upon states, courts, individuals, etc. In order to

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*It is self-evident: the Constitution has pre-set the standards a treaty must meet before it can qualify as being equal to the Constitution.*

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draft the "enabling" legislation, law-makers are *bound* by that *dependent clause* (within the main treaty clause) to respect the rule to which they must adhere, and which, of course, is that, it must be drafted in pursuance thereof to the Constitution.

The president is not above the law nor the requirements of these clauses. *The president's oath* reads "to preserve, protect, and defend" the Constitution. That oath was especially written by the nation's founders for all future presidents and placed within the body of the Constitution *as a part of the supreme law* so that the nation's chief executive would have to keep himself within the bounds of Constitutional limitations.

*Thomas Jefferson also said:* "By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and cannot be otherwise regulated....It must have meant to except out of these the rights reserved to the states, for surely the President and the Senate cannot do by treaty what the whole government is interdicted from doing in any way." Manual of Parliamentary Practice. Bergh 2:42 (1801)

The Constitutional duty of states to call out against the federal government whenever it has transgressed, has not been kept. For instance, the Charter of the United Nations, enacted initially as a "treaty" in 1945 was in gross violation of the principles of our Constitution. The Charter has generated a concatenation of sequential unlawful "treaties", which (passed into so-called "law") have resulted in the development of an international socialistic world government (the "New World Order"). The United Nations Charter, bestows powers upon our president which are forbidden by the United States Constitution! This is why the presidents have been passing executive orders as "laws", are signing "treaties" which are altering the structure, energies, and principles of the Constitutional system, and are transferring all power under the control of the socialist world government.

*The people are the guardians of the Constitution.* They should hold their state public officials responsible and require them to take action against the destruction of the republic, caused by the unlawful use of the treaty power, while there is still time! They must declare unqualified laws and treaties as non-laws.

# THE TRUTH ABOUT TREATIES

## TREATIES DO NOT SUPERSEDE OUR U.S. CONSTITUTION!

by Delbert E. Wagner

"It should be remembered that the US Constitution says that treaties the US signs supersede the US Constitution."

"Under the constitution, treaties prevail as the supreme law of the land, superseding the Constitution and the Bill of Rights."

The strange notion quoted above from two recent writers did not originate with them. It has a long history. Nevertheless, it is contrary to ARTICLE VI, par. 2, of the United States Constitution (sometimes called the "supremacy clause") which states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Let us notice the mode by which the text of the United States Constitution refers to the document itself. This occurs ten times; invariably using the words, "this Constitution."

In the only other occurrence of the word "Constitution," it is preceded by "the" as in: "...any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Clearly, the intent of this sentence can be conveyed thus: "...any Thing in the Constitution (of any State) or laws of any State to the Contrary notwithstanding."

To hold that the intent of the authors of the document was: "...any Thing in the Constitution (of the United States) or the Laws of any State to the Contrary notwithstanding" defies logic.

Had that been their intent, they would have followed their established practice. The form would then be: "...any Thing in **this** Constitution or the Laws of any State to the Contrary notwithstanding."

Now consider: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made...under the Authority of the United States..." What was its Authority? Only the authority and powers delegated to it by the several States upon ratification of the proposed Constitution; with subsequent limitations delineated by the Bill of Rights.

ARTICLE VI, par. 3

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;..."

The authors of the Constitution intended that all laws made by the United States Congress conform to the United States Constitution and that all treaties made by the President, with the advice and consent of the Senate, also conform to the Constitution. This is made very clear by the following extract from Thomas Jefferson's "Draft of the Kentucky Resolutions of 1798:"

**Resolved,** That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by a compact under the style and title of a Constitution for the United States, and of Amendments thereto, they constituted a General Government for special purposes,--delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right in their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the Government created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

Jefferson also wrote: "In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

Only a hostile, deliberate and willful misreading of ARTICLE VI, par.2 of the U. S. Constitution could produce the conclusion that the supremacy clause places treaties above the United States Constitution itself. Even so, elected officials of the United States are surrendering the sovereignty of our beloved republic through the treaty-making process.

Treaties have been approved by the Senate under the mistaken interpretation of the supremacy clause which are in violation of the Constitution and the oath required by ARTICLE VI, par. 3 above. Such treaties are, to use Jefferson's words, "unauthoritative, void, and of no force." "...surely the President and the Senate cannot do by treaty what the whole government is interdicted from doing in any way." (T.J.)

The intention of the Internationalist Insiders is that National Sovereignty and arms will be surrendered to a NEW WORLD ORDER under the United Nations. See State Department FREEDOM FROM WAR and Public Law 87-297. The unanswered question is: Who or what would be left to restrain the UN from becoming the world's tyrant?

Educational degeneracy and neglect among the electorate and the elected officials has accomplished what no invading army could ever do.

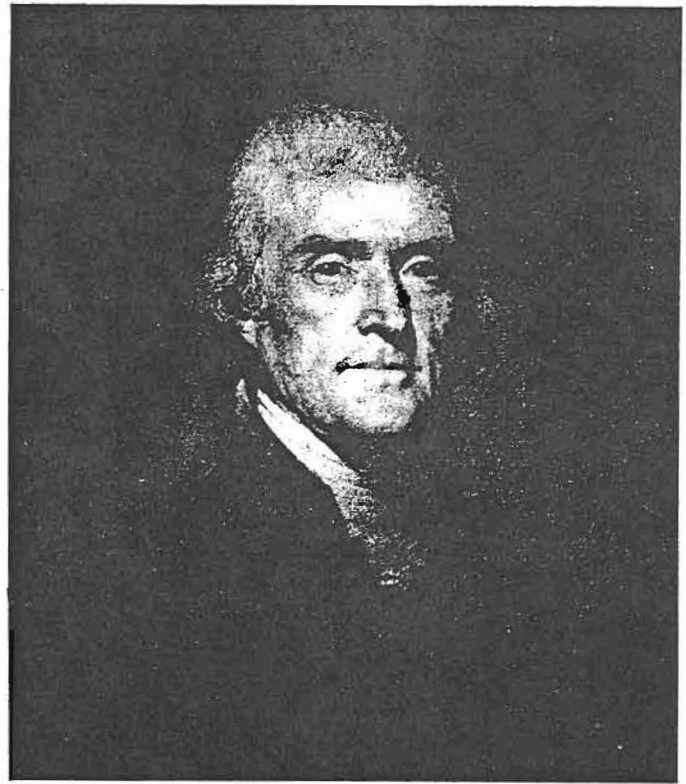


# Thomas Jefferson

## ON TREATIES

TREATIES, Power to Make, Limited.—By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and cannot be otherwise regulated. . . . It must have meant to except out of these the rights reserved to the states, for surely the President and Senate cannot do by treaty what the whole government is interdicted from doing in any way.  
—*Manual of Parliamentary Practice*. Bergh 2:442. (1801.)

Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution. If it has bounds, they can be no others than the definitions of the powers which that instrument gives.



"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

"The opinion which gives to the judges the right to decide which laws are constitutional, and what not, would make the judiciary a despotic branch. "

....September 1804 - Thomas Jefferson

"The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric."

.....Thomas Jefferson

← PLEASE READ THESE QUOTES  
PRINTED IN BERGH'S MANUAL  
WHICH QUOTE OUR 3RD PRES-  
IDENT, THOMAS JEFFERSON ON  
THE SUBJECT OF TREATIES.

"The government of the United States....is one of limited powers. It can exercise authority over no subjects except those that have been delegated to it. Congress cannot, by legislation, enlarge the federal jurisdiction, nor can it be enlarged under the treaty-making power."  
...Supreme Court Opinion of 1836.



# ARE THERE WAYS TO VOID UNCONSTITUTIONAL TREATIES THAT ARE SELLING US OUT?



**YOU BET!  
ONE ANSWER IS:**

**REBUS  
SIC  
STANTIBUS.**

Although it is not commonly known, Rebus Sic Stantibus is a principle in international law that the Congress can use to void treaties! What has to happen is that the people must make a demand for federal officials to initiate action to cause the United Nations Charter, the matrix of the problem, to be made void and United States membership in that organization to cease to be obligatory; thus, the United States would no longer be a member of the United Nations.

This can be done by use of Rebus Sic Stantibus, which is recognized as the highest reason in rank for a country to void a treaty, and it means that:

**"the situation has changed!"**

Rebus Sic Stantibus means that "there is more to a treaty than what meets the eye"....more than the states and the citizens were aware of at the time of ratification! This is the case with the United Nations Charter which was enacted as a "treaty". Unfairly and unjustly sold as a program of peace, the U.N. Charter was engineered to overthrow the American system of government and restructure the United States as a part of a global government. The series of purported treaties that followed are being passed as "law" and are not at all what the general public has been led to believe.

"An unconstitutional act is not law....as inoperative as though it had never been passed." -- Norton vs. Shelby County, 118 US 425 p. 442

**Rebus Sic Stantibus is the premier principle of international law and is held as the highest reason in rank for voiding a treaty!**

Another route the states may choose to force the repeal of a treaty is by using the decision of the Supreme Court. Keep in mind that it takes only one state to force the Supreme Court to rule on an issue. If the ruling comes out *unfavorably*, the recourse for the state(s) is to override the Supreme Court, and undertake a repeal action *themselves*. Such an action takes thirty-eight (38) states to successfully override the Supreme Court. In any case, a repeal action should be effected against an errant law that was previously passed *as if it were* good law. It is well known that the Check and Balance System places the responsibility upon the states to keep the federal government from reeking havoc upon the nation!

Chances are that your state governor or representatives are not versed in international law and do not realize that Rebus Sic Stantibus is a recognized principle of law which exists between nations that allows for the revocation of disastrous treaties that destroy the structure, sovereignty, and liberty of a nation.

BLACK'S LAW DICTIONARY Sixth Edition Page 1267

**Rebus Sic Stantibus....** At this point of affairs; in these circumstances. A name given to a tacit condition, said to attach to all treaties, that they shall cease to be obligatory, so soon as the state of facts and conditions upon which they were founded has substantially changed.

Documentation:

Taylor  
International Law  
Section 394

I Oppenheim  
International Law  
Section 550

Grotius  
Chapter XVI  
Section XXV

The Rebus Sic Stantibus principle, however, has to be applied by representatives on the federal level. There is ample reason to obligate our federal representatives to push for revocation of the disarmament laws and treaties which call for our nation to disarm; to allow the Russians to supervise the destruction of our defense systems; to transfer the armed forces of the United States over to foreign commanders under U. N. control (on a permanent basis); to disband our military bases; and to prohibit law-abiding American citizens to own firearms!

These facts regarding the objectives of the United Nations were not known by the general population at the time the U. N. Charter was enacted. This is in violation of the United States Constitution. It does not meet the criteria to be classed as a treaty! Little known is the fact that a treaty is enforceable upon every individual!

The people have been lied to about the "peace" program and the "safer world"! They were not told of the inverse purposes of the United Nations! Now the truth is being laid bare before the people! The situation has changed! The U. N. was plastered on the U. S. by using laudable goals as a way of bringing in U. N.'s hidden objectives! Plenty of grounds exist for putting pressure on federal representatives to void the U. N. Charter and ensuing world government treaties.