

United States Senate

July 26, 2012

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Secretary of State Hillary Clinton
2291 C St., NW
Washington, D.C. 20520

Dear President Obama and Secretary Clinton:

As defenders of the right of Americans to keep and bear arms, we write to express our grave concern about the dangers posed by the United Nations' Arms Trade Treaty. Our country's sovereignty and the constitutional protection of these individual freedoms must not be infringed.

In October of 2009 at the U.N. General Assembly, your administration voted for the U.S. to participate in negotiating this treaty. We understand that the final treaty text will not be publicly available until it has been agreed to, on a consensus basis, by all the nations at the conference to be held in New York in July. But having reviewed the Chairman's Draft Paper made available by the United Nations, we are concerned that the Arms Trade Treaty poses dangers to rights protected under the Second Amendment for the following reasons.

First, while the Draft Paper nominally applies only to "international arms transfers," it defines such transfers as including "transport" across national territory. It requires signatories to "monitor and control" arms in transit, and to "enforce domestically the obligations of this treaty" by prohibiting the unauthorized "transfer of arms from any location." This implies an expansion of federal firearms controls that would be unacceptable on Second Amendment grounds.

Second, the Draft Paper requires nations to "maintain records of all imports and shipments of arms that transit their territory," including the identity of individual end users. This information is to be reported to the U.N.-based Implementation Support Unit. The Draft Paper thus appears to suggest the creation of an U.N.-based firearms registry for all firearms that are either imported into or transit across national territory, which raises both Second Amendment and privacy concerns.

Finally, the Draft Paper requires that nations "shall take all appropriate measures necessary to prevent the diversion of imported arms into the illicit market or to unintended end users." This clause appears to create a presumption in favor of the adoption, at the federal level,

of further controls on firearms. We are concerned that, in this regard as well as in others, the treaty will create an open-ended obligation that will in practice be defined by international opinion, and will be used to push the U.S. in the direction of measures that would infringe on both Second Amendment freedoms and the U.S.'s sovereignty more broadly.

We acknowledge, with gratitude, that your administration has clearly stated that the treaty must not infringe in any way on the Second Amendment. Notwithstanding, we must state with clarity what this entails.

First, the treaty should explicitly recognize the legitimacy of hunting, sport shooting, and other lawful activities – including the collection and display by individuals and museums of military antiques – related to the private ownership of firearms, and related materials.


Second, the treaty should not include the manufacturing, assembly, possession, transfer, or purchase of small arms, light weapons, ammunition, or related materials that are defined under domestic law by national authority as legal for private ownership, nor should it contain any open-ended obligations that could imply any need to impose controls that would have any domestic effect on any or all of these items.

Third, the Draft Paper is based in part on recognizing the inherent right of all states to individual or collective self-defense. We certainly agree that this right is inherent, at least, in all democratic and law-abiding states. But we also believe that the right of personal self-defense is a human right that is inherent in the individual. U.N. organizations, by contrast, have in the past argued that gun control is mandated by international human rights law, and that the right of self-defense does not exist. The treaty should clearly state that any assertion of the inherent right of all states to individual or collective self-defense cannot prejudice the inherent human right of personal self-defense.

As the treaty process continues, we strongly encourage your administration not only to uphold our country's constitutional protections of civilian firearms ownership, but to ensure – if necessary, by breaking consensus at the July conference – that the treaty will explicitly recognize the legitimacy of lawful activities associated with firearms, including but not limited to the right of self-defense. As members of the United States Senate, we will oppose the ratification of any Arms Trade Treaty that falls short of this standard.

We appreciate your consideration on this issue and look forward to your response.

Sincerely,



Senator Jerry Moran



Senator Jon Tester



Senator Lamar Alexander




Senator Kay Bailey Hutchison



Senator Kelly Ayotte




Senator James Inhofe



Senator John Barrasso



Senator Johnny Isakson



Senator Max Baucus



Senator Mike Johanns



Senator Mark Begich



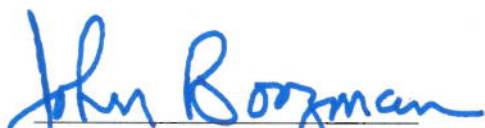
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Senator Robert Casey, Jr.

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Senator Saxby Chambliss

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Senator Lisa Murkowski

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Senator Daniel Coats

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Senator Ben Nelson

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Senator Rand Paul

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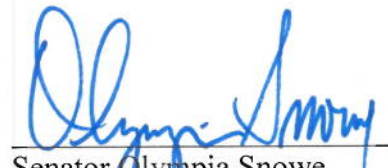
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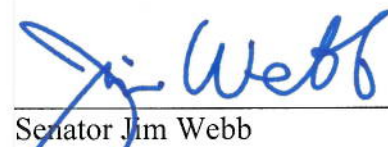
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