

# United States Senate

WASHINGTON, DC 20510

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

Secretary of State Hillary Clinton  
2201 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.

In October of 2009 at the U.N. General Assembly, your administration voted for the U.S. to participate in negotiating this treaty. Preparatory committee meetings are now underway in anticipation of a conference in 2012 to finalize the treaty. Based on the process to date, we are concerned that the Arms Trade Treaty poses dangers to rights protected under the Second Amendment for the following reasons.

First, while the 2009 resolution on the treaty acknowledged the existence of "national constitutional protections on private ownership," it placed the existence of these protections in the context of "the right of States to regulate internal transfers of arms and national ownership," implying that constitutional protections must be interpreted in the context of the broader power of the state to regulate. We are concerned both by the implications of the 2009 resolution and by the hostility to private firearms ownership manifested by similar resolutions in previous years—such as the 2008 resolution, which called for the "highest possible standards" of control.

Second, your Administration agreed to participate in the negotiation only if it "operates under the rule of consensus decision-making." Given that the 2008 resolution on the treaty was adopted almost unanimously—with only the U.S. and Zimbabwe in opposition—it seems clear that there is a near-consensus on the requirement for the "highest possible standards," which will inevitably put severe pressure on the United States to compromise on important issues.

Third, U.N. member states regularly argue that no treaty controlling the transfer of arms internationally can be effective without controls on transfers inside member states. Any treaty resulting from the Arms Trade Treaty process that seeks in any way to regulate the domestic manufacture, assembly, possession, transfer, or purchase of firearms, ammunition, and related items would be completely unacceptable to us.

Fourth, reports from the 2010 Preparatory Meeting make it clear that many U.N. member states aim to craft an extremely broad treaty. A declaration by Mexico and other Central and South American countries, for example, called for the treaty to cover “All types of conventional weapons (regardless of their purpose), including small arms and light weapons, ammunition, components, parts, technology and related materials.” Such a broad treaty would be completely unenforceable, and would pose dangers to all U.S. businesses and individuals involved in any aspect of the firearms industry. At the 2010 Meeting, the U.S. representative twice expressed frustration with the wide-ranging and unrealistic scope of the projected treaty. We are concerned that these cautions will not be heeded, and that the Senate will eventually be called upon to consider a treaty that is so broad it cannot effectively be subject to our advice and consent.

Fifth, and finally, the underlying philosophy of the Arms Trade Treaty is that transfers to and from governments are presumptively legal, while transfers to non-state actors (such as terrorists and criminals) are, at best, problematic. We agree that sales and transfers to criminals and terrorists are unacceptable, but we will oppose any treaty that places the burden of controlling crime and terrorism on law-abiding Americans, instead of where it belongs: on the culpable member states of the United Nations who have failed to take the necessary steps to block trafficking that is already illegal under existing laws and agreements.

As the treaty process continues, we strongly encourage your Administration to uphold our country’s constitutional protections of civilian firearms ownership. These freedoms are not negotiable, and we will oppose ratification of an Arms Trade Treaty presented to the Senate that in any way restricts the rights of law-abiding U.S. citizens to manufacture, assemble, possess, transfer or purchase firearms, ammunition, and related items.

Sincerely,

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Senator Jerry Moran