



Written by [Joe Wolverton, II, J.D.](#) on March 24, 2013

Senate Votes to Keep U.S. Out of UN Arms Trade Treaty

In the pre-dawn hours Saturday, the Senate approved a measure “to uphold Second Amendment rights and prevent the United States from entering into the United Nations Arms Trade Treaty.”

By a vote of 53-46, the Senate passed the [amendment to the budget bill](#) sponsored by Senator Jim Inhofe (R-Okla.).

This reporter is in New York covering the negotiations at the UN aimed at drafting a treaty calling for the eradication of small arms trade, sale, and transfer by anyone other than UN-approved governments.



“We’re negotiating a treaty that cedes our authority to have trade agreements with our allies in terms of trading arms,” Inhofe before the vote on his amendment. “This is probably the last time this year that you’ll be able to vote for your Second Amendment rights.”

[According to a story in The Hill](#), Senator Patrick Leahy (D-Vt.) proposed his own amendment “that clarified that under current U.S. law, treaties don’t trump the Constitution and that the United States should not agree to any arms treaty that violates the Second Amendment rights.” Leahy’s amendment also passed.

A [resolution of similar intent sponsored by Senator Jerry Moran](#) (R-Kan.) is currently pending before the Senate Foreign Relations Committee.

Moran’s measure declares that it is the sense of Congress that:

the President should not sign the Arms Trade Treaty, and that, if he transmits the treaty with his signature to the Senate, the Senate should not ratify the Arms Trade Treaty; and

until the Arms Trade Treaty has been signed by the President, received the advice and consent of the Senate, and has been the subject of implementing legislation by Congress, no Federal funds should be appropriated or authorized to implement the Arms Trade Treaty, or any similar agreement, or to conduct activities relevant to the Arms Trade Treaty, or any similar agreement.

Representative Mike Kelly (R-Penn.) has offered [a companion measure in the House](#).

Both the Moran and Kelly resolutions declare that the Arms Trade Treaty “poses significant risks to the national security, foreign policy, and economic interests of the United States as well as to the constitutional rights of United States citizens and United States sovereignty.”

The measures also points out that UN gun grab “fails to expressly recognize the fundamental, individual right to keep and to bear arms and the individual right of personal self-defense, as well as the legitimacy of hunting, sports shooting, and other lawful activities pertaining to the private ownership of firearms and related materials, and thus risks infringing on freedoms protected by the Second Amendment.”



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As [The New American has reported](#) from the United Nations last week, negotiators at the [Arms Trade Treaty conference](#) are planning to effectively repeal the Second Amendment by replacing the Constitution with the UN Charter and by replacing God with government as the source of all rights, including the right to keep and bear arms.

Principally, this treaty would eradicate the Second Amendment in two ways: first, by mandating that state signatories create a registry of gun owners, manufacturers, sellers, and traders; second, by making it nearly impossible for civilians to purchase ammunition.

The most egregious affront to the sovereignty of the United States is that there is not a single word in the Arms Trade Treaty protecting the unalienable right to keep and bear arms. In fact, [the latest draft of the proposed agreement](#) recognizes private ownership of firearms only for “recreational, cultural, historical, and sporting activities.” This is a significant and unacceptable infringement on the rights protected by the Second Amendment.

In truth, however, Americans needn’t look to an unaccountable, unelected body of globalist bureaucrats for reaffirmation of the rights already guaranteed by our Constitution.

While it is unlikely that the Senate would ratify the treaty in its present form (67 senators would have to vote to approve it), when it comes to disarming citizens of this country, President Obama has shown that he will not be deterred by congressional inaction or by constitutional limits on his authority.

Although in reality, treaties that violate the Constitution are prima facie null, void, of no legal effect, the Supreme Court has come down on both sides of the supremacy issue.

In a pair of contradictory decisions, the Supreme Court has held that “No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power” ([Missouri v. Holland](#)) and “constitutional rights cannot be eliminated by a treaty” ([Reid v. Covert](#)).

This conflict of cases creates a situation where, [as Alan Korwin wrote in 2012](#) at the time of the previous round of negotiations on the Arms Trade Treaty, “While some of us would surely and boldly draw the lines where they are ‘supposed’ to be, i.e., in line with our natural and historic rights, the forces aligned against the Second Amendment have no problem arguing vigorously for its destruction, regardless of any of these details, and therein lies the greatest threat we face.”

It would appear that regarding the preservation of the right to keep and bear arms, the states will be required to uphold the liberties protected by our Constitution in the face of federal collusion with the international forces of civilian disarmament.

The latest round of Arms Trade Treaty negotiations are scheduled to wrap up on March 28. Should the U.S. delegation agree to participate in the agreement (and [President Obama has instructed them to do so](#)), the treaty will be sent to the Senate for consideration.

Americans who refuse to allow the UN to seize their guns and ammo still have time to contact their senators and remind them of the oath they took to “preserve, protect, and defend the Constitution of the United States,” including the right to keep and bear arms.

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