Congress of the United States
Washington, DC 20515

October 15, 2013

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

We write to express our concern and regret at your decision to sign the United Nations Arms Trade Treaty. For the following reasons, we oppose the ratification of this treaty and its implementation in law:

First, the treaty was adopted by a procedure which violates a red line laid down by your own administration. In October 2009, then-Secretary of State Hillary Clinton stated that the U.S. supported the negotiation of the treaty only by "the rule of consensus decision-making." But in April 2013, after the treaty failed to achieve consensus, it was adopted by majority vote in the U.N. General Assembly. We fear that this reversal has done grave damage to the diplomatic credibility of the United States.

Second, the treaty allows amendments by a three-quarters majority vote. As the treaty is amended, it will become a source of political and legal pressure on the U.S. to comply in practice with amendments it was unwilling to accept. This would circumvent the power and duty of the Senate to provide its advice and consent on treaty commitments before they are assumed by the United States.

Third, the treaty includes only a weak, non-binding reference to the lawful ownership and use of, and trade in firearms, and recognizes none of these activities, much less individual self-defense, as fundamental individual rights. It encourages governments to collect the identities of individual end users of imported firearms at the national level, which would constitute the core of a national gun registry, and it creates a national "responsibility" to "prevent . . . [the] diversion" of firearms, which could be used to justify the imposition of controls within the U.S. that would pose a threat to the Second Amendment and infringe on the rights protected therein.

Fourth, the State Department has acknowledged that the treaty is "ambiguous." By becoming party to the treaty, the U.S. would therefore be accepting commitments that are inherently unclear. The Senate cannot effectively provide advice on an ambiguous treaty, and it should never provide its consent to such a treaty.

Fifth, the criteria at the heart of the treaty are vague and easily politicized. They will restrict the ability of the U.S. to conduct our own foreign policy, and will steadily subject the U.S. to the influence of internationally-defined norms, a process that would impinge on our

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national sovereignty. We believe that treaties which allow foreign sources of authority to impose judgment or control upon the U.S., as this one does, violate the right of the American people, under the Constitution, to freely govern themselves.

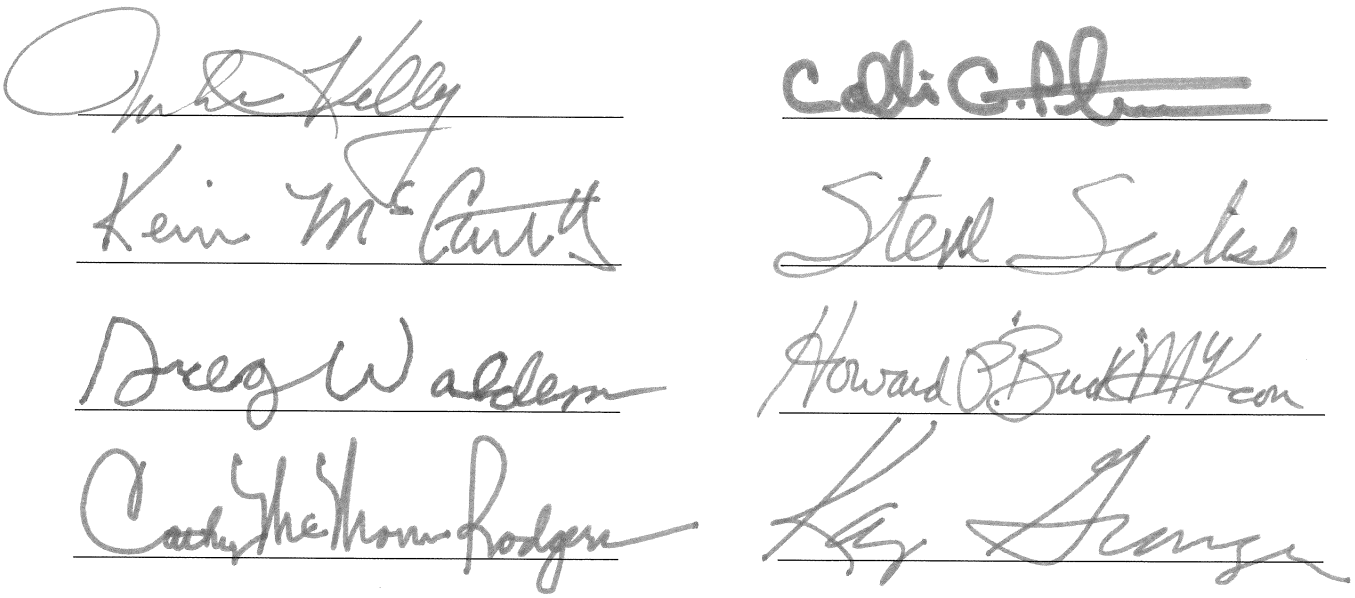
Sixth, the State Department has acknowledged that "specific . . . country concerns, including Taiwan, China, and the Middle East, create challenges for establishing [treaty] criteria that can be applied without exception and fit U.S. national security interests. These concerns would make Senate ratification difficult." We are indeed deeply concerned that the treaty criteria as established could hinder the United States in fulfilling its strategic, legal, and moral commitments to provide arms to key allies such as the Republic of China (Taiwan) and the State of Israel.

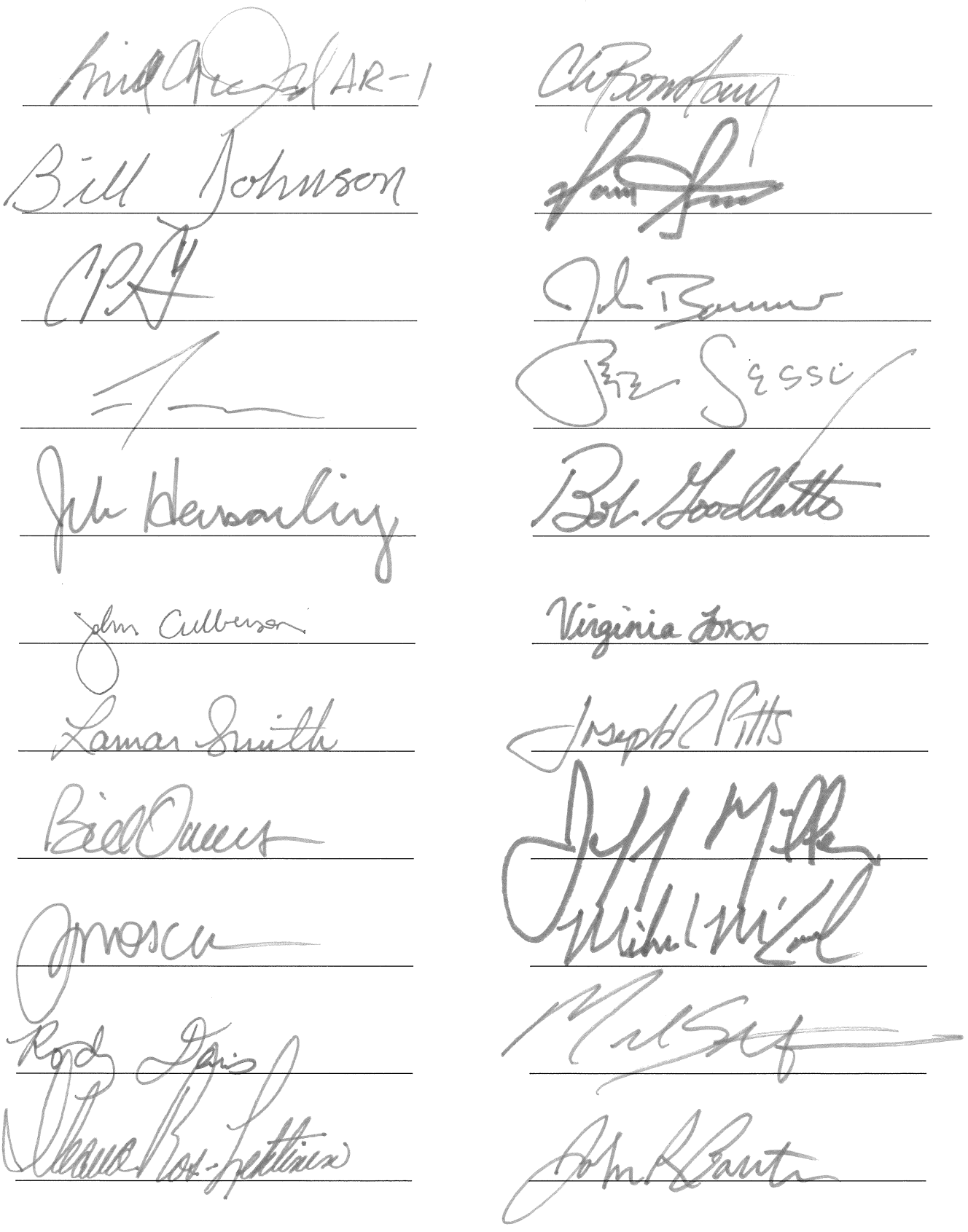
We urge you to notify the treaty depository that the U.S. does not intend to ratify the Arms Trade Treaty, and is therefore not bound by its obligations. As members of Congress, we pledge to support the Senate in opposition to the ratification of this treaty, and we give notice that we do not regard the U.S. as bound to uphold its object and purpose. Further, we regard this treaty as non-self-executing, and oppose the passage of implementing legislation that is necessary for the treaty to have any domestic effect. Lastly, as members of the House of Representatives, which is particularly invested with the power of the purse, we oppose the use of any funds to implement the Arms Trade Treaty.

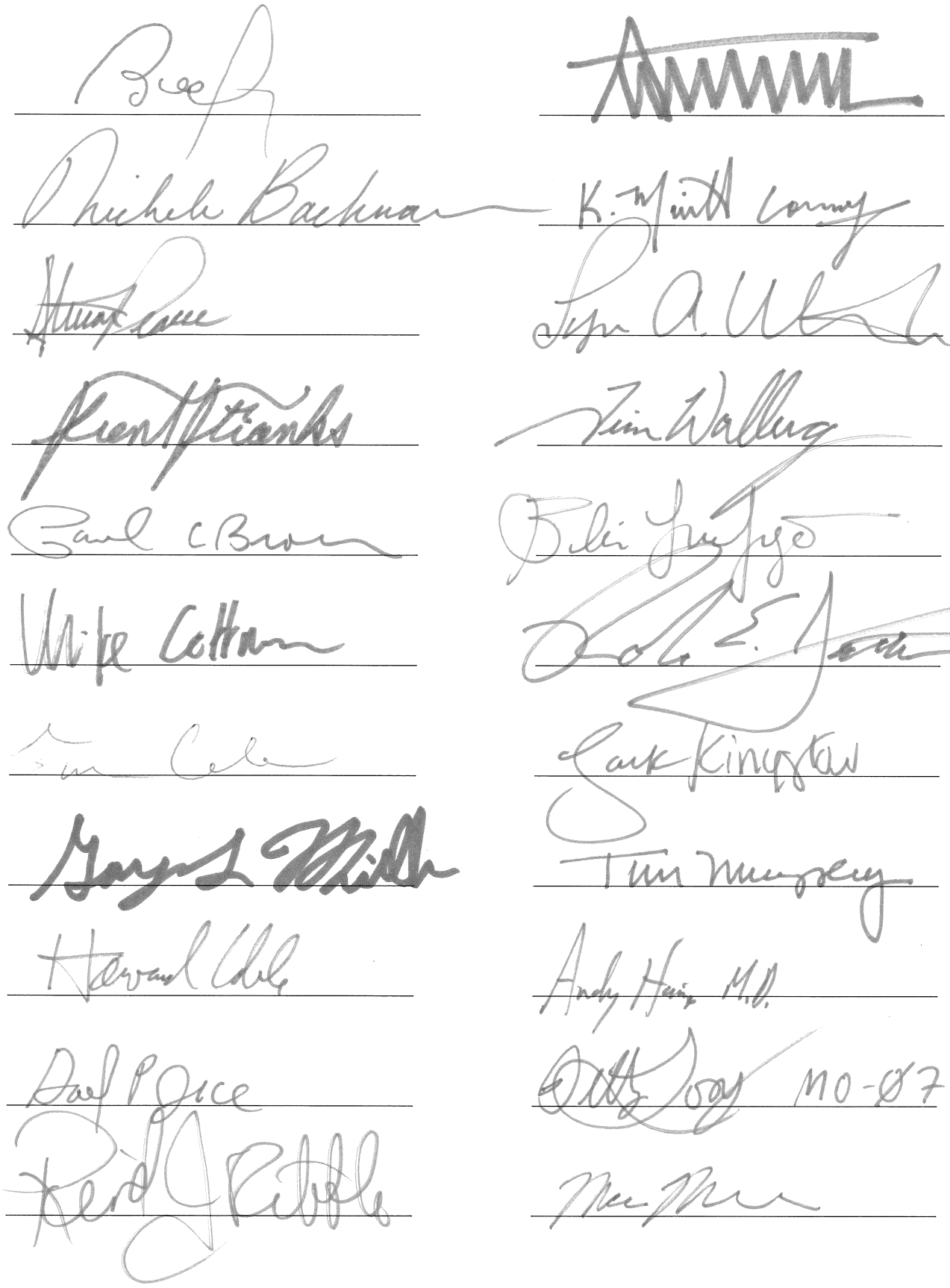
We appreciate your consideration on this issue and look forward to your response.

Sincerely,

Members of Congress







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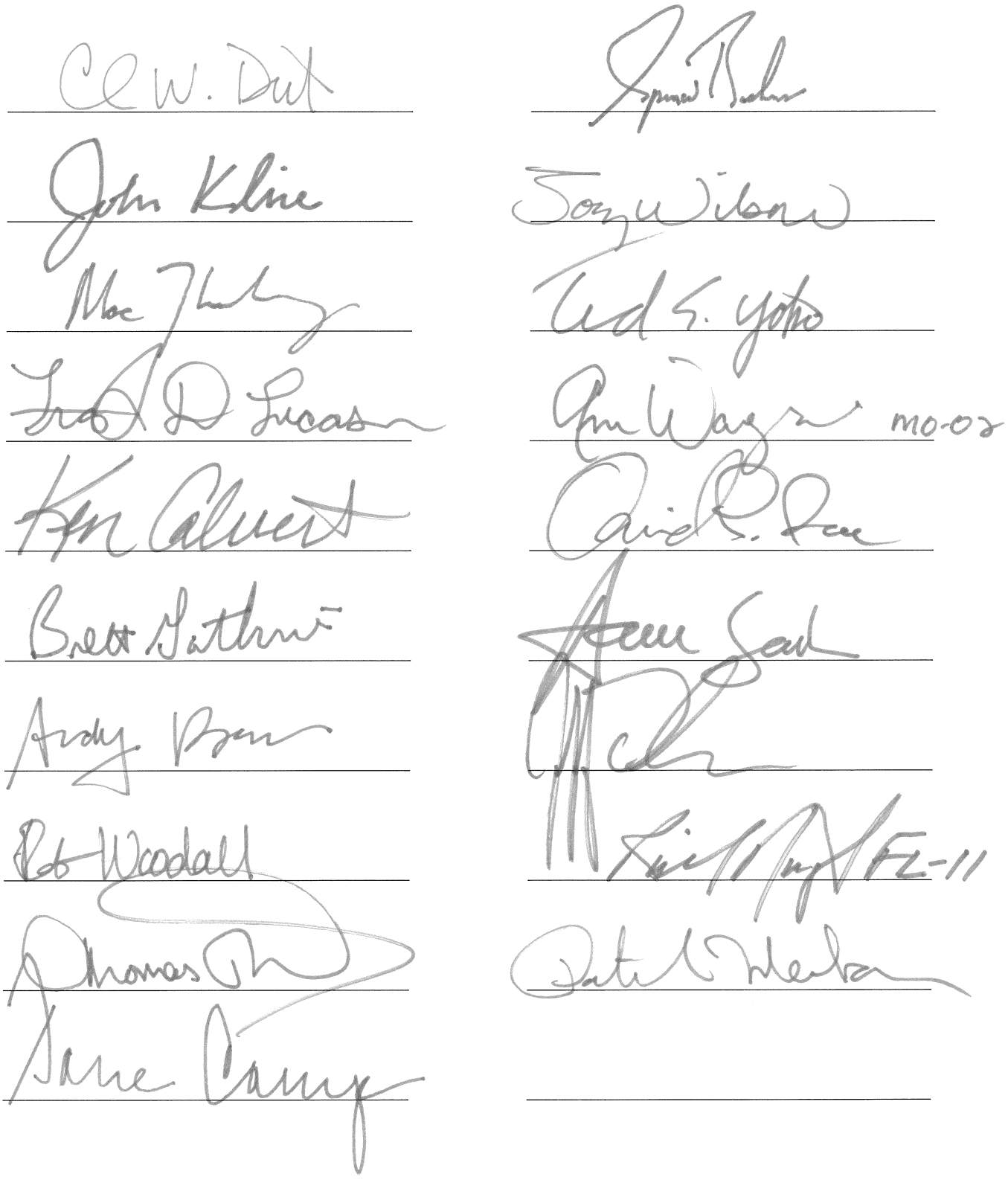

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