

UN's Anti-Second Amendment Treaty Goes to the U.S. Senate

President Barack Obama is currently trying to get everything accomplished during the final 31 days before he leaves office that he couldn't in the past eight years.

Among those is ratification of the United Nations Arms Trade Treaty, also known as the "Small Arms Treaty." The Obama administration signed off on the gun-grabbing accord in 2013, but has been unable to get it ratified by Congress—specifically, the U.S. Senate—ever since.

He thought he'd catch the country while it was preoccupied with other matters when he sent the treaty back to the Senate last week for ratification.

Sen. Bob Corker (R-Tenn.) quickly sounded the alarm. The chairman of the Senate Foreign Relations Committee's office released the following statement:

"Since 2012, many senators, including myself, have expressed opposition to the small arms treaty, citing an array of concerns with Second Amendment rights. Nothing has changed over the last four years to suggest the treaty is in our national interest, and it will remain dead in the water. I reiterate my strong opposition and will work with my colleagues to protect the rights of Americans."

The last time Obama attempted to get the treaty ratified, as required by the Constitution, Corker gave an impassioned defense of the Second Amendment in a letter to the president. It read, in part:

The ATT raises significant legislative and constitutional

questions. Any act to implement this treaty, provisionally or otherwise, before the Congress provides its advice and consent would be inconsistent with the United States Constitution, law and practice.

As you know, Article II, Section 2 of the United States Constitution requires the United States Senate to provide its advice and consent before a treaty becomes binding under United States law. The Senate has not yet provided its advice and consent and may not provide such consent. As a result, the executive branch is not authorized to take any steps to implement the treaty.

Moreover, even after the Senate provides its advice and consent, certain treaties require changes to United States law in the form of legislation passed by both the House and Senate. The ATT is such a treaty. Various provisions of the ATT, including but not limited to those related to the regulation of imports and trade in conventional arms, require such implementing legislation and relate to matters exclusively reserved to Congress under our Constitution.

Corker also warned Obama against attempting to implement any part of the treaty through executive action or regulatory policy. He said that could only be done after the Senate ratified the treaty and Congress implemented the necessary changes to current federal law.

A group of 50 senators further urged the president against taking action on the treaty in a separate letter. Since that time, Republicans have gained control of the Senate, and they will control a “unified government” with both chambers of Congress and the presidency beginning Jan. 20. {eo}