



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 2, 2013

Sent via facsimile and U.S. mail

The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

The Arms Trade Treaty agreed to today by the United Nations (UN) is a threat to Americans' Constitutional liberty. I urge you to reject that treaty. If you sign it, and if the U.S. Senate ratifies the treaty, Texas will lead the charge to have the treaty overturned in court as a violation of the U.S. Constitution.

America is exceptional in part because our Constitution safeguards our individual liberties – including the right to keep and bear arms enshrined in the Second Amendment. During your reelection campaign, you consistently claimed to support Second Amendment rights. Yet the day after you won reelection, you announced your support for the Arms Trade Treaty, a UN agreement on firearms restrictions. That treaty:

- Fails to recognize the fundamental, individual right to keep and bear arms or the right to defend one's family, person, and property;
- Empowers a new UN bureaucracy focused on firearms restrictions that will be run by international bureaucrats who are not accountable to the people of the United States;
- Employs vague and sweeping language that could be used for any number of future restrictions on Second Amendment rights; and
- Places no defined limits on the UN's power to interfere with Second Amendment rights.

The UN has concluded its negotiations on the Arms Trade Treaty. It is now up to you to sign it - or reject it. Do not sign this treaty.

Agreeing to the treaty does more than trample Second Amendment rights. It also threatens to erode *all* liberties guaranteed to Americans in the Constitution by establishing the precedent that the UN has some level of authority to govern our lives. The very reason we fought for independence was to free ourselves from dictates by leaders in other lands. This treaty contradicts the underpinning philosophy of our country.

I recognize that the ostensible purpose of the treaty is to combat the illegal international trade of weapons into third-world war zones. The treaty could, however, draw law-abiding gun owners and gun store operators into a complex web of bureaucratic red tape created by a new department at the UN devoted to overseeing the treaty. For instance, the treaty appears to lay the groundwork for an international gun registry overseen by the bureaucrats at the UN.

The treaty also contains a vague and open-ended call for heightened domestic regulation of imported firearms, which make up a large percentage of the market for new firearms in this country. Indeed, the most troubling aspect of the treaty is the vagueness of its language. As with most so-called international-law documents promulgated by the UN, the draft treaty is not written using the precise, unambiguous language required of a good legal document. Instead, the treaty employs sweeping rhetoric and imprecise terminology that could be used by those who seek to undermine our liberties to impose any number of restrictions on the right of law-abiding Americans to keep and bear arms.

Treaties do not trump constitutional liberties. Even if you, as the President, signed and the Senate ratified the UN Arms Trade Treaty, our Constitution remains the Supreme Law of the Land and would supersede any treaty provision that violated Second Amendment rights. When the Constitution says, “the right of the people to keep and bear Arms, shall not be infringed,” it means no one—including the UN—can infringe that right.

These principles have long been recognized by the United States Supreme Court. In *Reid v. Covert*, 354 U.S. 1, (1957), the Supreme Court ruled that the United States cannot use its treaty power to violate Constitutional rights. In that case, an international agreement between the United States and the United Kingdom provided that dependents of American service members stationed in the UK would be tried for crimes by military tribunal and thus deprived of certain Sixth Amendment rights, including the right to trial by jury. When the wife of an American serviceman was accused of murder and convicted by a military court, the Supreme Court reversed the conviction. The Court rightly concluded that “no agreement with a foreign nation can confer power on the Congress, or on any other branch of Government, which is free from the restraints of the Constitution.” *Id.* at 16. In a passage that should be required reading in our public schools, the Supreme Court affirmed that “The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution.” *Id.* at 5-6. For that reason, the Supreme Court “has regularly and uniformly recognized the supremacy of the Constitution over a treaty.” *Id.* at 17.

As *Reid v. Covert* demonstrates, the Second Amendment is by no means the only constitutional right that can be threatened by international agreements. Regardless of their position on gun rights, all Americans should oppose any treaty that does not adequately protect our constitutional rights. If the Second Amendment can be trusted to international organizations that do not share our constitutional traditions, then why not the First Amendment? Why not the Fourth Amendment or the Fifth Amendment?

Our Nation’s Bill of Rights is a rare and precious thing. It does not exist anywhere else in the world. And the UN cannot be trusted with it. The UN includes foreign governments that have shown hostility to the kinds of constitutional liberties guaranteed to Americans. All Americans

are harmed when unaccountable international bodies like the UN are empowered to interfere with our protected freedoms.

If the UN Arms Trade Treaty is ratified or applied in a way that violates the right of law-abiding Americans to keep and bear arms, it will be null and void. That will be little comfort, however, to law-abiding gun owners who would no doubt wonder why the United States entered into a treaty that empowers the UN to interfere with their Second Amendment rights. Rather than reach that point, the better course is to stop the treaty before the Senate can even consider it.

If the UN Arms Trade Treaty is not stopped at the federal level, I – and my fellow state attorneys general – will take up the fight to preserve the Constitution. Ratification of this treaty would compel immediate legal action to enforce the Constitution’s guarantee that the right of the people to keep and bear arms shall not be infringed.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Greg Abbott  
Attorney General of Texas