



Written by [Joe Wolverton, II, J.D.](#) on May 7, 2014

Sen. Kaine: UN Arms Treaty “In No Way” Threatens Second Amendment

Silently but steadily, the Obama administration and its congressional allies are moving toward enforcement of the tenets of the United Nations Arms Trade Treaty (ATT).

In an op-ed published on April 30 in Virginia’s *Free Lance-Star*, Senator Tim Kaine (shown, D-Va.) claims the agreement, “which in no way affects our Second Amendment rights or domestic gun sales, establishes common, worldwide guidelines to keep weapons out of the hands of human rights abusers and criminals who fuel violent conflicts around the world, like in Iraq or Afghanistan.”



Equally erroneously, Kaine goes on to say that the ATT “does not change or restrict any right or liberty guaranteed to American citizens by the U.S. Constitution.”

On assignment for *The New American*, this reporter covered the ATT conference at UN headquarters in Manhattan, and can assure you that those who drafted and promoted this agreement (including President Obama and his underlings in the State Department) intend to do the very things Senator Kaine claims are not a part of the arms treaty.

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While the experience at the UN was eye-opening in many ways, perhaps the most disturbing and enlightening experience was the open hostility for the U.S. Constitution — specifically the Second Amendment — displayed by ambassadors of most member nations. This frank talk typically occurred when they thought their comments were being shared with fellow travelers.

Although we have shared with readers the many significant threats to the God-given right to keep and bear arms posed by this globalist gun-grab masquerading as a pact for peace, the facts about the treaty cannot be repeated and shared often enough.

First, the Arms Trade Treaty grants a monopoly over all weaponry in the hands of the very entity (government) responsible for over 300 million murders in the 20th century.

Furthermore, the treaty leaves private citizens powerless to oppose future slaughters.

One uncomfortable fact of armed violence ignored by the UN in its pro-disarmament propaganda is that all the murders committed by all the serial killers in history don’t amount to a fraction of the brutal killings committed by “authorized state parties” using the very weapons over which they will exercise absolute control under the terms of the Arms Trade Treaty.

Article 2 of the treaty defines the scope of the treaty’s prohibitions. The right to own, buy, sell, trade, or transfer all means of armed resistance, including handguns, is denied to civilians by this section of the



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Arms Trade Treaty.

Article 3 places the “ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2” within the scope of the treaty’s prohibitions, as well.

Article 4 rounds out the regulations, also placing all “parts and components” of weapons within the scheme.

Perhaps the most immediate threat to the rights of gun owners in the Arms Trade Treaty is found in Article 5. Under the title of “General Implementation,” Article 5 mandates that all countries participating in the treaty “shall establish and maintain a national control system, including a national control list.”

This list should “apply the provisions of this Treaty to the broadest range of conventional arms.”

Article 12 adds to the record-keeping requirement, mandating that the list include “the quantity, value, model/type, authorized international transfers of conventional arms,” as well as the identity of the “end users” of these items.

In very clear terms, ratification of the Arms Trade Treaty by the United States would require that the U.S. government force gun owners to add their names to the national registry. Citizens would be required to report the amount and type of all firearms and ammunition they possess.

Section 4 of Article 12 of the treaty requires that the list be kept for at least 10 years.

Finally, the agreement demands that national governments take “appropriate measures” to enforce the terms of the treaty, including civilian disarmament. If these countries can’t get this done on their own, however, Article 16 provides for UN assistance, specifically including help with the enforcement of “stockpile management, disarmament, demobilization and reintegration programmes.”

In fact, a “voluntary trust fund” will be established to assist those countries that need help from UN peacekeepers or other regional forces to disarm their citizens.

In light of all these obvious attacks on the right to keep and bear arms, it is amazing that Senator Kaine could say with a straight face that there is nothing unconstitutional about the UN’s Arms Trade Treaty.

Perhaps Senator Kaine hasn’t read the text of the treaty. If not, that is even more telling, given the fact that constitutionally he would be called on to ratify it.

For now, 50 senators are standing together to protect the right to keep and bear arms as guaranteed by the Second Amendment and have taken pen in hand to let the president know how they feel about his plan to rob their constituents of one of their most basic rights.

In a letter addressed to President Obama, the senators enumerated six reasons the president should refuse to present the ATT to the Senate for ratification. Among the objections raised by the senatorial signatories is the ambiguity of the treaty, as well as the grant to “foreign sources of authority” the power to “impose judgment or control on the U.S.”

In actual fact, however, regardless of how the senate were to vote on such a resolution, the terms of the treaty could not be legally and constitutionally enforced. Senator Kaine even admits such in his article.

“In fact, the U.S. Constitution strictly prohibits the U.N. or any other international entity from infringing on our national sovereignty or individual rights,” Kaine writes.

He got this one right.



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Regardless of presidential fervor for the disarmament of law-abiding Americans or the number of votes he and his backers can buy in the Senate, no treaty that violates the Constitution could ever become the law of the land.

When it comes to treaties — or any act passed by Congress for that matter — the analysis must begin by looking within the four corners of the Constitution.

It only makes sense that the federal government cannot enter into a treaty that would contravene the Constitution.

To put a finer point on it, Article VI of the Constitution says:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

That means that in order to have any lawful effect, the object of any treaty signed by the president and ratified by the Senate must lie within their constitutional authority (“the authority of the United States”).

Thomas Jefferson echoed that point specifically as it pertains to the topic of treaties. Jefferson wrote, “In giving to the President and Senate a power to make treaties, the Constitution meant only to authorize them to carry into effect, by way of treaty, any powers they might constitutionally exercise.”

At another time, he reiterated this principle of constitutional construction, saying, “Surely the President and Senate cannot do by treaty what the whole government is interdicted from doing in any way.”

In a letter to his colleague, collaborator, and friend, James Madison, Jefferson agreed that “the objects on which the President and Senate may exclusively act by treaty are much reduced” by application of the principle that a treaty cannot contradict the Constitution and yet still enjoy the approval of that document.

In the case of the UN’s Arms Trade Treaty, every one of the key provisions outlined above directly violates the Second Amendment’s prohibition on government infringement of the right to keep and bear arms and therefore cannot ever be valid law.

That won’t stop Kaine and at least 49 other senators, as well as Barack Obama, John Kerry and a swarm of Turtle Bay-based globalists from employing every means possible in effecting the disarmament of Americans and the eventual effective repeal of the Second Amendment.

Photo of Senator Tim Kaine (D-Va.): AP Images

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