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The truth about the Arms Trade Treaty

By Raymond C. Offenheiser, president, Oxfam America - 03/25/13 10:40 AM ET

Fifty-three Senators were either bleary-eyed or blindly catering to the gun lobby late Friday night when they voted to perpetuate a dangerous lie regarding the Arms Trade Treaty being negotiated this week at the U.N. My bet is on the latter. They passed an amendment introduced by Sen. James Inhofe (R-Okla.) that inaccurately claims that the treaty would threaten Second Amendment rights. That is simply not true.

First and foremost, it is established U.S. law that treaties cannot override the Bill of Rights. In addition, the treaty explicitly excludes issues of domestic firearm use, sale, or manufacture. The treaty unambiguously states that it is the, "sovereign right and responsibility of any State to regulate and control conventional arms exclusively within its territory, pursuant to its own legal or constitutional systems." The American Bar Association, in a white paper released last month, confirms the treaty is consistent with the U.S. Constitution, including the Second Amendment.

Understanding basic U.S. constitutional law and knowing the facts before casting a vote are core responsibilities of our Senators. Yet fifty-three of them chose to score points with the National Rifle Association instead of doing their jobs.

In contrast, Sen. Patrick Leahy (D-Vt.), chairman of the Senate Judiciary Committee, introduced an amendment which reinforced the legal fact that treaties cannot override the Constitution and that the President cannot sign treaties that undermine our fundamental rights. It passed unanimously on a voice vote, revealing that in the absence of a roll call lawmakers know how to do the right thing.

The Arms Trade Treaty would provide a global solution to the rogue and irresponsible trade of weapons across borders. It would require countries to adopt national control systems that stop the pervasive sale of arms to war criminals or rogue actors.

The United States has some of the toughest laws on the export of arms and has brought many illegal arms dealers, like Viktor Bout, to justice. Yet, many other countries have no controls at all. Lax controls coupled with weak enforcement allows dealers to find safe havens and transfer arms to entities that use them on our troops, our allies, and civilians. Without an Arms Trade Treaty, the poorly-regulated global trade in arms and ammunition will continue to threaten the security and rights of millions of people around the world, exposing them to death, rape, assault, and displacement.

Sen. Inhofe's amendment is a disservice to the American public and the millions of people suffering from armed violence every day. The Arms Trade Treaty will save lives. Responsible Senators should follow Leahy's lead and stand up to the misinformation the National Rifle Association is spreading in Congress. It is time to support a strong Arms Trade Treaty and make the world a safer place.

Offenheiser is president of Oxfam America.

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