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Will the United States ratify the Arms Trade Treaty?

A study of the emerging small arms norm
and the political power of the National Rifle
Association

Master of Science in Globalization of Politics and Culture

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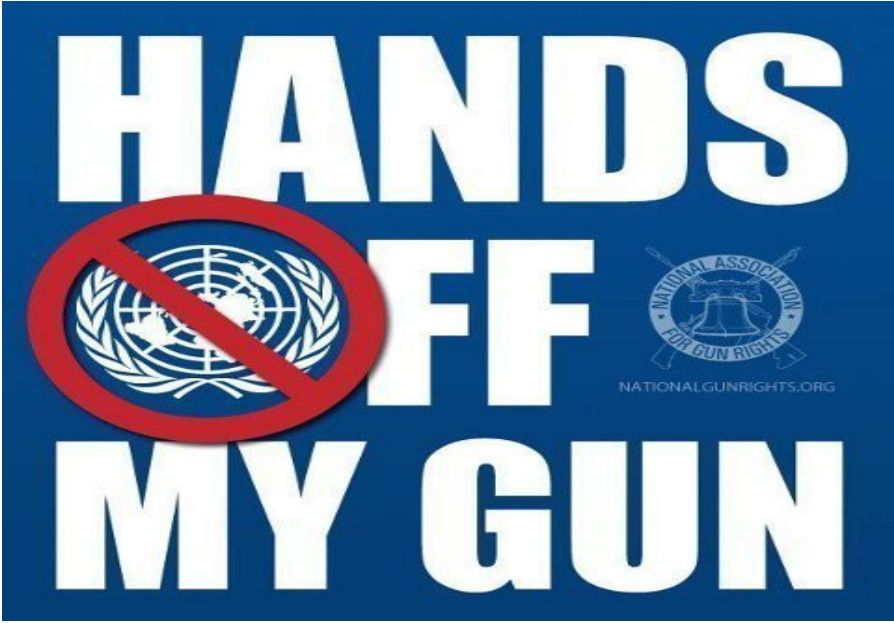


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Abstract

The international small arms norm is emerging, and soon UN member-states will have a chance to formally accept and show their commitment to the norm by signing the UN Arms Trade Treaty. Will the United States, a key member of the international community and a critical state for the small arms norm, bind itself to the norm through the ATT? The Obama administration seems very supportive of the ATT and the small arms norm. However, in order for the US to ratify the treaty, it has to be ratified by two-third majority in the US Senate. What are the chances of the US Senate ratifying the ATT? The Senate is a body that is open to domestic pressures more than to the international influences and norms. The NRA, the most influential gun lobby in the United States, is the biggest domestic pressure that senators must relate to in this context. This thesis attempts to find out how likely it is that the US Senate will ratify the ATT. In order to do this, I examine three aspects of the power of the NRA: financial resources, ability to frame the debate and to mobilize its members and other gun owners into participating in political activities, and analyze various pressures the senators are facing in regards to the ATT vote.

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Chapter 1: Introduction

The proliferation and misuse of small arms and light weapons has been one of the growing security issues of the post-Cold War Era. Light weapons are cheap, easy to transport, and readily available, which makes them weapons of choice for many engaged in violent conflicts. Small arms and light weapons are used everyday and everywhere, contributing to international insecurity. The ongoing conflict in Syria, just like other recent events in the Middle East, North Africa, recent wars in Burma, Congo, Sudan, Liberia, and Sierra-Leone have all demonstrated in tragic detail the importance of effective regulation of arms transfer between states. They have also shown that there is a need for common standards for international transfer of small arms and light weapons, and legally binding requirements for all states to review imports and exports, in particular for arms transfers that could lead to violations of human rights.

In response to these developments, many governments and other actors have been voicing concerns about the absence of globally agreed rules to guide their decisions on arms transfers. Given the serious nature of the small arms issue, numerous states, NGOs and individual activists have sought to address various small arms problems. One of the earliest suggestions was to develop international standards and norms of behavior that would outline the parameters of acceptable small arms activities, for example not selling arms if there is a possibility that they would be used to commit human rights violations. International relations scholars recognize that the behavior of states is to a large degree guided by international norms, which are the standards of appropriate behavior for states (Finnemore & Skikink 1998: 891). The argument is that normative prescriptions ultimately must underlie all measures to address small arms issues, but despite various actions taken by states and NGO's in an effort to combat small arms problems, corresponding norms are still relatively weak. Some argue that the UN Programme of Action (PoA) on Small Arms and Light Weapons from 2001 was not only the first significant step in norm development, but an unprecedented and path breaking event, and a fundamental step in the creation of global norms (McDonald and Sattaneo 2003: 214). While it did put the small arms norms on the international agenda, it did not establish a firm normative framework to guide multilateral activities concerning small arms, as the PoA is not legally binding. However, there is now a light at the end of the tunnel.

Since 2006, the UN has been working on a legally binding treaty that would create a framework for international transfers of weapons, and on April 2nd 2013 the UN General Assembly

voted in favor of the UN Arms Trade Treaty (ATT). Even though the treaty was by no means uncontroversial and took seven years to negotiate, the end result reflects growing international awareness and sentiment that the multibillion-dollar conventional weapons trade (which include small arms and light weapons) must be held to a moral standard. Moreover, there is now a widespread agreement that in order to effectively control the transfers of small arms and light weapons around the world, there must be a legally binding framework that all states follow.

Given the prominent position of the US as a global arms exporter, with the US trade in conventional weapons amounting to 40% of the global total, any attempt aimed at regulating international arms trade would have limited relevance without its participation. The United States already has an extensive and rigorous system of controls on national basis, and a very strong export control system in place, and most agree it is the 'gold standard' of export controls for arms transfers (Clinton 2009). However, because the US is a key player in the realm of weapons transfers and the world's leading arms exporting nation, it is not enough that the US has strict regulations governing the trade of weapons. In fact, many think that the United States has a special responsibility to play a leadership role in the creation of the norm and in developing a treaty that would become a legally binding framework setting common standards for all international transfers of small arms and light weapons. While some treaties and norms may function well even without the US participation, this scenario would be far from ideal for an ATT and small arms norm. Given the prominent position of the US as a global arms exporter, any such treaty would have limited relevance without its participation. Although long-established norms do change, and new norms do evolve, norm evolution in small arms area is not likely unless the the US, world's largest weapons producer and exporter, buys into and support the process. The key test of whether an international norm is truly accepted is whether the parties intend to bind themselves in agreeing to particular behavior, and international treaties are the clearest expressions of whether the states consent to be legally bound.

The US did not participate in the efforts to establish a treaty until 2009 when the US reversed its policy of outright opposition to the treaty and joined the negotiations. At first the US was not the easiest partner to work with. The first round of treaty negotiations took place in July 2012, but because the US asked for more time, the first series of negotiations ended without reaching an agreement. However, after the presidential elections, president Obama and the Administration reaffirmed their commitment to reaching an agreement on the ATT. The second round of negotiations on the ATT took place in March 2013. The ATT failed to achieve unanimous support during the negotiations. However, it garnered the support of a majority of member states when put to a vote in the UN General Assembly, and the US was one of 154 countries that voted for

adopting the ATT (UN News Center 2013).

As the Administration is fairly outward-looking internationally, it cares about how other states see it, and it seems like through supporting the ATT, the Obama administration is responding to the international pressure for the creation of small arms norm. However, in order for the treaty to enter into force, it has to be ratified by two-third majority in the US Senate. It is already very clear that this will not be easy for the United States. The Senate is not an outward-looking body. Even though some international norms might filter into the Senate, this might not be enough in this context, given how powerful the actors who are trying to create the counter-norm are. The Senate is much more exposed to various domestic pressures than to international norms and international pressures. One of the domestic pressures is a very influential gun lobby with the National Rifle Association (NRA) at the forefront, and the NRA has managed to turn the debate on international weapons transfers to a debate about the ideology, American values, the Constitution, and the right to bear arms at home.

According to analyzes by many experts, including various NGOs, the American Bar Association, and the UN itself, the ATT is solely aiming at regulating international weapons transfers, and will not affect domestic arms regulations. There is a widespread agreement that the treaty would simply bring other countries up to US standards, and would in all likelihood not require the United States to do anything more than it is already doing. However, as already mentioned, the treaty has very vocal opposition in the United States – the American gun lobby. Pro-gun groups, most notably the NRA, have been trying to derail virtually all initiatives that could potentially limit the free flow of firearms both domestically and internationally for a long time, and it is no different with the Arms Trade Treaty. If the Administration controlled the public debate, the ATT would be discussed as any other international treaty. However, the NRA has managed to turn the debate about the ATT into a debate about domestic gun control.

Given how powerful the NRA is, and the influence it has both on the political debate and the Congress, the question of whether or not the Senate will ratify the Arms Trade Treaty, and whether, therefore, the US will become engaged in the emerging small arms norms is closely related to the developments in the gun control debate in the US. Consequently, in order to answer these questions, it is necessary to look into the domestic situation in which the debate is taking place. This is what this thesis attempts to do.

Chapter 2: Problem statement and research questions

As mentioned in the introduction, the United States already has an extensive and rigorous system of controls in place, and most agree it is the “gold standard” of export controls for arms transfers (Clinton 2009). The US has regulations for arms export licensing, reporting, and, at least for major weapons systems, congressional sign-off. In addition, the US already regulates arms brokers and has provisions in law that are meant to curb sales to human rights abusers and conflict zones (Hartung 2012a). ¹The US also engages other states to raise their standards on bilateral basis, and has also supported high international standards on multilateral basis. According to the Administration, the ATT presents the US with the opportunity to promote the same high standards for the international community that the US and many other responsible arms exporters already have in place to ensure that weaponry is transferred for legitimate purposes (Clinton 2009).

The ATT, designed to foster peace and security by putting a stop to arms flows to conflict regions, thus preventing human rights abusers and violators of the law of war from being supplied with arms (UNODA 2013). The treaty prohibits transfers of conventional arms, ammunition and parts and components if the transfer would violate relevant international obligations. States are prohibited from authorizing any transfers if they have knowledge that the arms or items would be used 'in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions, attacks directed against civilian objects or civilians, or other war crimes defined by international agreements to which the State is a party (ICRC 2013). Moreover, in the Preamble, the ATT recognizes "the legitimate political, security, economic, and commercial interests of States in the international trade in conventional arms", and reaffirms "the sovereign right of any State to regulate and control conventional arms exclusively within its territory, pursuant to its own legal or constitutional system" (UN General Assembly 2013: 1). Many experts have already said that the ATT would not require the US to do more than it is already doing, and that the regulation of domestic gun possession is completely outside the scope of the treaty. However, the US gun lobby is still not convinced, and the ATT has been linked to the US domestic gun debate by the gun lobby, with the NRA arguing that the US cannot ratify the treaty as it is a grave threat to the Second Amendment.

¹According to William D. Hartung, the director of the Arms Security Project at the Center for International Policy, while the US already has restrictions that are more rigorous than those in most other nations, they must be enforced far more consistently

Virtually any discussion about any form of gun control, whether domestic or international, are always controversial in the United States. According to the UN, the American Bar Association and many other experts, the ATT will have nothing to do with the domestic gun control (Oxfam America 2013, American Bar Association 2013). Gabor Rona, international legal director of Human Rights First and international law professor at Columbia University concluded that "the circle created by the treaty and the circle created by the Second Amendment simply don't intersect at all" (Raum 2012), and the Obama administration has repeatedly stated that it opposes any infringement on domestic arms transfers and ownership, and would not vote for any treaty that infringes on American citizens' rights granted by the Second Amendment (Kimball & Hoffman 2012). Still, the ATT has been made into a domestic gun control issue by the NRA. Because of the group's financial resources, its ability to mobilize gun owners into participation in political activities, and its ability to frame, and arguably control, the domestic political debate, the NRA is a very powerful group that "no politician should oppose if they want to keep their job" (Hartung 2012b). Many politicians fear the power of the NRA, and it is the politicians in the United States Senate that have the fate of the ATT in their hands now, as the treaty must be ratified by the two-third majority in the Senate. This thesis is going to explore three aspects of NRA's power – resources, ability to mobilize members, and ability to frame the political debate, and the main questions it attempts to answer are the following:

- 1. Why is the NRA able to exert this much power?*
- 2. How likely is it that the US will actively participate in the emerging small arms norm by ratifying the Arms Trade Treaty?*

2.1 Overview of the thesis

This thesis will begin by presenting two theoretical vantage points to guide this research in Chapter 3. The first one, international norms, provides an overarching framework for understanding the small arms issue and the Arms Trade Treaty process, and the current state of the emerging small arms norm. The resource mobilization theory will guide the analysis of NRA's power. Chapter 4 shows what research design the thesis follows. Chapter 5 presents an overview of the international scene in the area of small arms and light weapons, explaining why the issue of small arms and light weapons is so important for the international community. It also presents an overview of the state of the small arms norm, and explains why the US participation is crucial for the success of the ATT and the emerging small arms norm. It then shows the history of efforts to create a UN Arms Trade

Treaty, and explains how both the Obama administration and the NRA have been engaged with this issue. Chapter 6 explains the domestic context in which the discussions on the Arms Trade Treaty will be taking place. This includes a brief overview of the most relevant aspects of the US gun control debate, with a particular focus on the recent developments and the political climate after the Sandy Hook tragedy, and how both the Obama administration and the NRA reacted to the massacre. Because the NRA has managed to make the ATT about domestic gun control, understanding the domestic situation in which the political debate is taking place is crucial for understanding whether it is possible for the US to ratify the treaty and thus actively participate in the creation of the small arms norm.

Chapter 7 will discuss why the UN ATT faces an uphill battle in the US Senate. First it explains how the NRA is able to exert power over politicians, which enables the group to make the debate about the ATT, a treaty that according to experts has nothing to do with domestic gun control, precisely about domestic gun control. In order to do this, this thesis looks into three aspects of the group's power that the resource mobilization literature and the literature on debate itself identify as the most important: NRA's financial resources, its ability to mobilize members to be politically active, and its ability to frame the political debate. However, the NRA's ability to mobilize members and its ability to frame the debate are so closely related that they will be discussed in one section. The last section of the chapter will explore whether it is possible that the ATT will get enough votes in the Senate to be ratified by analyzing different pressures, both candidate-specific and state-specific, that the Senators are facing.

Chapter 3: Theory

This thesis employs two different theories. The first one, theory on international norms, provides an overarching framework for understanding the small arms issue and the Arms Trade Treaty process, and the current state of the emerging small arms norm. The resource mobilization theory will guide the analysis of NRA's power. This section is going to present an overview of both theories, and explain in more detail how they are applied in this research.

3.1 International Norms Theory

International relation scholars recognize that the behavior of states is to a large degree guided by international norms, which are the standards of appropriate behavior for states. Norms are considered legitimate behavioral claims that must take an aura of legitimacy before they become accepted. Norms are obeyed not because they are enforced, but because they are seen as legitimate (Florini 1996: 365). Once they are embedded in social institutions, they start acting like structures, shaping states' behavior (Thomson 1993: 72). Since the end of the Cold War, globalization has increased interaction among states, and promoted development of international norms in many fields (Xuetong 2011: 233). International relations are now highly regulated and restrained by norms, and despite occasional breaches there are no indications that most states are actually willing to abandon those norms (Bluth 2004: 25; Koh 2012).

International norms constantly evolve, and new norms are also created. One way to look at how norms emerge is to look at the evolution of treaties. Taking the theory of international norms dynamics as a framework, this paper will look into what role the US plays in the evolution of the US Arms Trade Treaty and the small arms norm. The Obama Administration's decision to reverse previous Bush opposition to ATT was potentially massive in its impact, because the U.S. is the largest conventional arms trader in the world. According to Brian Wood, disarmament expert for London-based Amnesty International, by entering the negotiations the Obama administration has decided to do "diplomatic heavy lifting" (Varner 2009). Without US support, "the process may have been formally agreed in the sense of getting a majority vote, but negotiations would not have been conducted at a seriously high level" (Ibid.). In April 2013 the United States voted the adoption of the Arms Trade Treaty in the UN General Assembly. However, in order for the treaty to enter into force in the United States, it has to be ratified by the two-third majority in the US Senate. While it

seems that the Obama Administration is supporting the small arms norm, the key test of an international norm is whether the parties intend to bind themselves in agreeing to particular conduct, and treaties are the clearest expression of states consent to be legally bound (McDonald and Sattaneo 2003 215-216). The key question is, then, will the US Senate ratify the Arms Trade Treaty?

Two of the most influential theorists of international norms, Martha Finnemore and Kathryn Sikkink (1998), argue that norms evolve in patterned 'life cycles'. Norm influence may be understood as a three stage process, the stages being norm emergence, norm acceptance, and norm internalization. Norms emerge through being persuaded by norm entrepreneurs who try to convince a critical mass of states to embrace a new norm. After norm entrepreneurs have convinced a critical mass of states to adopt new norms, we can say that the norm reaches a tipping point. It is not possible to predict how many states must accept a norm in order for it to 'tip' the process, although some empirical studies suggest it has to be at least one-third of total states in the system, but it matters which states adopt the norm. Some states are critical to a norm's adoption, and what constitutes critical states vary from issue to issue. While the theory is fairly vague on the criteria states have to meet for them to be considered critical to a particular norm, the United States seems to be a critical state for the small arms norm because it is the world's biggest producer of conventional arms. Finnemore & Skikkink (1998) say that one of the criteria is moral leadership (901). It can be argued whether the US still has moral leadership. However, the US still is a very important player on the international arena. Moreover, the fact that Nobel Peace Laureates, norm entrepreneurs who put the need for small arms norm on the international agenda, wrote a letter to president Obama in March 2013, during the second ATT negotiations, urging him to take the lead at securing the ATT, suggests that the US indeed is a critical state when it comes to small arms norm.

The second stage of norm life cycle is characterized by a dynamic of imitation, whereby the norm leaders try to persuade other states to become norm followers. This happens mostly through the process of international socialization, and this socialization can be done by states, networks of norm entrepreneurs and international organizations. The main reason why states comply with norms in stage two is related to their identities as members of the international society. If states do not comply with the international norm, they can be labeled a rogue state, and being called a rogue state in international relations entails loss of reputation, trust and credibility. During the last stage, norm internalization, norms acquire a taken-for-granted quality and are no longer a matter of broad public debate. Norms then become so widely accepted that their 'taken-for-granted' quality makes conformance with the norm virtually automatic (Finnemore & Sikkink 1998: 895-905).

One way to look at how norms emerge is to look at the evolution of treaties. The United Nations Programme of Action was a unique expression of global consensus on issues related to small arms, and arguably constituted a watershed in efforts to tackle small arms problem, especially in terms of development of international norms (McDonald and Sattaneo 2003: 247-248). The PoA, however, is not a legally binding framework, although soft law often constitutes the first step in the formulation of appropriate responses to global problems, and fills "the normative vacuum and anticipat[es] the harder, more detailed regulation offered by treaties or international customary law" (McDonald and Sattaneo 2003: 219). As the time passes and state practices accumulate, 'soft' norms may be translated into treaty form, and the involvement of international organizations, especially the United Nations, is usually crucial in this process (Ibid.).

With this much world-wide support for the UN Arms Trade Treaty, it is very likely that a new norm on responsible arms transfers between states is emerging. The role of the US in this context however is still uncertain. As mentioned earlier, some states are critical to a norm's adoption, and what constitutes critical states vary from issue to issue. While some treaties and norms may function well even without the US participation, this scenario would be far from ideal for ATT and small arms norm. Given the prominent position of the US as a global arms exporter, and because the US is such an important player on the international system, any such treaty would have limited relevance without the US participation. Although long-established norms do change, and new norms do evolve, norm evolution in small arms area is not likely unless the the US, world's largest weapons producer and exporter, buys into and support the process (Grillot 2011: 544). As already mentioned, it seems that the Obama Administration is supporting the small arms norm. However, the key test of an international norm is whether the parties intend to bind themselves in agreeing to particular conduct, and treaties are the clearest expression of states consent to be legally bound (McDonald and Sattaneo 2003 215-216). The overwhelming support for the UN ATT, and the fact that the United States did vote for the adoption of the ATT in the UN General Assembly, is of course very important. However, the significance of treaties is limited as long as they have not entered into force (Ibid. 247).

There are two main reasons why the emergence of the small arms norm has been so difficult. The first reason is that, in brief, new norms do not emerge in a normative vacuum (Finnemore & Sikkink 1998: 897). Norm entrepreneurs are crucial for norm emergence as they call attention to issues, or sometimes even 'create' issues "by using language that names, interprets, and dramatizes them" (Ibid.). The construction of cognitive frames, often referred to as 'framing', is an essential component of norm entrepreneurs' political strategies. When they are successful, the new frames

end up resonating with broader public understandings, and become adopted as new ways of talking about issues. However, what is important in this context is that in constructing the frames, norm entrepreneurs face firmly embedded alternative norms and frames that create alternative perceptions of interest and appropriateness (Ibid.). For example, in case of women's suffrage and women's rights, norm entrepreneurs encountered alternative norms regarding women's interests and what the appropriate role of women should be. In other words, 'new norms never enter a normative vacuum but instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interests' (Ibid.). The small arms norm, like all other norms, must therefore emerge in a competitive normative environment, and in this case small arms norm must, at least to a degree, compete against firmly established norms of sovereignty, self-defense and territorial integrity, which can be in a direct conflict with limitation on state and non-state action the small arms norm could place (Grillot 2011: 540). In addition, some states and various pro-gun groups such as the NRA in the United States, are attempting to create counter-norms, or insert competing norms. For example, the norm of free trade collides with the idea of regulating and/or restricting arms transfers. This normative conflict has been preventing clear, direct and strong action on global gun control (Ibid.).

The other main, and arguably more important in this context, reason why the emergence of the small arms norm has been difficult is very powerful pro-gun lobby that is actively working against the establishment of the small arms norm, both in the US itself and internationally. Although the small arms issue is much more salient today, the impact of an existing pro-gun, anti-control legal and normative framework has perhaps hampered the development and evolution of international small arms control norms (Grillot 2011: 536). Pro-gun coalitions insist that people have equal opportunity to legally own firearms, and the NRA and other pro-gun groups fight all efforts to control firearms, as they believe that the systematic disarming of people is happening across the globe today (Ibid. 541). These groups work both at home and internationally, and the NRA has opposed the UN Arms Trade Treaty from the outset, fighting against it both at the UN and at home through lobbying the Senate. A very influential conservative think-tank in the United States, the Heritage Foundation, has also been very vocal in its opposition to the ATT. Just like the NRA, the Heritage Foundation opposed the treaty even before the first draft was published, on ground that the ATT would pose serious risk to the US sovereignty (Bromund 2012a). The foundation called Obama's and Kerry's 'pursuit' of international treaties "a classic liberal agenda, which will only lead to a further erosion of American global leadership" (Payne & Coffey 2013). The Heritage Foundation also fears that the ATT is part of a process that will "inspire judges and

legal theorists who believe that the Constitution needs to be reinterpreted in light of transnational norms" (Bromund 2012c), and that ATT will be bad for the US interests "and will keep US diplomats busy fending off more ideas for years to come" (Bromund 2012b). While the Heritage Foundation agrees with the NRA that the treaty poses risks to the Second Amendment rights, the Foundation argues that ATT raises much broader concerns for US foreign policy (Bromund 2012d).

Even though the US voted for the ATT in the General Assembly, the treaty still has to be ratified by the two-third majority of the US Senate, something that is bound to be very difficult. Millions of people in the United States believe that the Second Amendment gives them right to bear arms with virtually no restrictions, and any global attempt to limit this right, no matter how real or perceived, results in a norm collision that can hinder the development, diffusion and internationalization of small arms norms (Grillot 2011: 543). The NRA has been doing all in its power to lobby against the treaty, both at the UN and in the US Senate. It has failed at the UN, but the Senate is an inward-looking body much more prone to domestic pressures from powerful groups such as the NRA. In addition, domestic influences are strongest at the early stage of a norm's life cycle, and once norms become institutionalized in the international system, domestic influences lessen significantly (Finnemore & Sikkink 1998: 893). As the small arms norm is still far from being firmly established, the domestic influence of the NRA is a force to be reckoned with.

As mentioned earlier in the paper, until 2009 the US has been placing a damper on the small arms process at the UN, and it was the only country that in 2006 voted against a resolution authorizing the UN to develop a comprehensive Arms Trade Treaty. In 2009 the Obama Administration reversed the US previous opposition to the ATT, and on April 2nd 2013 the US voted for the adoption of the ATT in the UN General Assembly. This suggests that the Administration is open to the international influence and to the emerging small arms norm. However, as already mentioned, the key test of an international norm is whether the parties intend to bind themselves in agreeing to particular conduct, and treaties are the clearest expression of states consent to be legally bound (McDonald and Sattaneo 2003: 215-216). In order for the US to be legally bound by the ATT, the ATT has to pass through the Senate, where it must be ratified by the 2/3 majority. So far the Senate has been prone to the NRA influence and very negative towards the Arms Trade Treaty. But have the recent domestic events changed this situation?

President Obama vowed to make gun control a pillar issue of his 2nd term, and has chosen the Vice President Joe Biden, a long-time gun control advocate, to lead an initiative to tackle gun violence on a policy level. Polls show that US citizens are now more positive to gun control measures than they have been in a very long time, but it is still uncertain whether the massacre at

Sandy Hook elementary school where Adam Lanza killed 20 children and six adults on December 14 2012 changed the public opinion enough for these changes to be implemented. The NRA has managed to make the discussion on ATT into a domestic gun-control debate. The NRA failed its mission to defeat the ATT at the UN, and is now putting a lot of resources into making sure that the ATT will be defeated in the US Senate. The NRA has vowed multiple times that it will continue to "work with our allies, particularly in the U.S. Senate, to insure that the Right to Keep and Bear Arms is not threatened by this or any future international treaty" (NRA-ILA 2012 d). Clearly, the NRA is doing a lot, including employing its formidable political muscle, considerable financial resources, and through their skillful narrative and framing attempts to defeat the ATT and the emerging small arms norm.

3.2 Resource mobilization theory

Resource mobilization theory developed during the 1970s, when a new generation of scholars tried to understand the emergence, significance and effects of the social movements of the 1960s (Edwards & Gillham 2013: 1). The theory attempts to explain social movements by viewing individuals as rational actors who are engaged in instrumental actions that use formal organizations to secure resources and foster mobilization (Crawford 2011). The NRA is an interest group, not a social movement. However, what the NRA and social movements have in common is the main aim, which is achieving some collective good. Much of the NRA activity focuses on just that – achieving collective good, which to the group, its members, and many gun owners is the ability to possess firearms without restrictions. Resource mobilization theory analyzes various resources that contribute to the social movements' ability to achieve their goals, which is also relevant in the case of the NRA, and seems like a very good tool to analyze how the group achieves its objectives.

Different formulations of the Resource Mobilization Theory focus on different resources that they think are crucial to the success of groups. In general, there are five different resources: moral, cultural, social-organizational, human, and material (Edwards & Gillham 2013: 3). Moral resources include for example legitimacy, integrity, and solidarity support. Cultural resources include artifacts and cultural products such as conceptual tools. Human resources include labor, experience, skills, expertise and leadership; social-organizational include infrastructures, social networks and organizations, and material resources include among others monetary resources (Ibid.).

Gun control advocates blame failure to pass stricter gun laws on the NRA which mobilizes grassroots opposition to gun control using "extremist rhetoric", engages in intensive lobbying at all

levels of government, and uses campaign contributions "to reelect its allies and punish its enemies" (Lytton 2005: 154). According to various analyzes, the power of the NRA is rooted in many factors, the most important of them being the financial resources, the groups ability to mobilize its five million membership base to participate in various political activities, and the groups ability to control the national debate about guns (Berlow & Witkin 2013). The NRA gathers information on gun control and other issues important to the members, disseminates the information to the members, represents its members to elected officials, reports to the membership the behaviors of elected officials, and helps shape public opinion on issues (Kenny, McBurnett and Bordua 2006: 4). It seems like according to many commentators and analysts, the NRA is using many resources that RMT accounts for, the most important of them being material (money it spends on campaign contributions, lobbying politicians and independent expenditures), cultural (framing and creating narrative that resonates with their target group, which is mainly gun owners), and social-organizational (ability to mobilize its members into participating in political activities, from voting and writing senators to participating in venues that build common identity).

Analyzing the resources the NRA spends is fairly straight-forward and does not need much explanation here (section 4.0 will explain what indicators this thesis uses for this category). What is more difficult to grasp and deserves more explanation and focus here is framing, which contributes to NRA's ability to both mobilize its members, and control the political debate on guns.

A 'frame' is an interpretative schema that individuals use to interpret reality by omitting and emphasizing various aspects of the world selectively. Framing places value on certain aspects of individual identity, and various frame alignment processes reconcile individual identities to enable the formation of collective identities. Skillful framing involves finding and stressing commonalities, creating new personal identities, and attempting to minimize conflicts. Moreover, "antagonist identity fields" also serve to strengthen collective identities, as boundary frames that identify 'us' and 'them' serve to bind the group together (Crawford 2011). Each frame has four main tasks (Bailey 2009: 81; see also e.g. Snow, Soule & Kriesi 2004; Snow, Rochford, Worden & Benford 1986). First it provides a diagnosis of the problem, specifies its nature, and identifies its cause. Second, it offers a prognosis through explaining how the problem is best tackled, and provides tactics and targets. Third it dichotomizes the players into clearly defined 'us' and 'them', and the last task provides a rationale for engaging in collective action (Bailey 2009: 81).

The analysis of the NRA's power will discuss how the group employs different resources it has at its disposal, the most important of them being, as explained above, material resources (money it spends on campaign contributions, lobbying politicians and independent expenditures), cultural

(framing and creating narrative that resonates with their target group, which is mainly gun owners), and social-organizational (ability to mobilize its members into participating in political activities, from voting and writing senators to participating in venues that build common identity, closely related to framing).

Chapter 4: Research design

This chapter will present an overview over how the research questions will be answered. This includes explaining the focus of each question, showing what kind of data was collected, and how the data will be analyzed.

The main questions this thesis attempts to answer are:

- 1. Why is the NRA able to exert this much power?*
- 2. How likely is it that the US will actively participate in the emerging small arms norm by ratifying the Arms Trade Treaty?*

For a long time the NRA has been able to control the national debate about guns, and put significant pressure on the Congressmen (Berlow & Witkin 2013). Now it has managed to make the debate on the UN Arms Trade Treaty into a domestic debate on gun control. Even though the Obama Administration supports the ATT and the US voted for the adoption of the ATT in the UN General Assembly, in order for the treaty to enter into force it has to be ratified by the two-third of the Senate. The Administration is outward-looking internationally, which means it is also influenced by international norms and pressures. The Senate, however, is a much more inward-looking body, and it is mostly influenced by various domestic pressures, and one of the biggest pressures the Senate is facing in the realm of political gun control debate is the NRA.

Without a doubt, NRA is a very powerful group. It was named the most powerful Washington lobby in 2001 by the Fortune magazine (Heningan 2009: 1), and it still has a reputation of a group that "no politician should oppose if they want to keep their job" (Hartung 2012b). It is not surprising that the politicians are scared of the NRA power, as candidates with NRA backing have an 81% success rate in state legislative races (Grillot 2011: 541). In fact, gun-control activists say that because officials live in fear of the NRA, the group has been able to get even more powerful and extreme (Brady 2012). However, the important question is, why is the NRA able to exert this much power?

In order to answer the first research question (Why is the NRA able to exert this much power?), after reviewing the resource mobilization theory and extensive literature on the topic of NRA's political power, the decision was made to analyze different aspects of the power of the NRA.

According to the literature, the power of the NRA is rooted in many factors, the most important of them being the financial resources, the group's ability to mobilize its five million membership base² to participate in various political activities, and its group's ability to control the political debate about guns (Berlow & Witkin 2013). It is these three factors the following chapters will analyze. However, as already mentioned, NRA's ability to mobilize its members and the group's ability to frame the political debate are so closely related that they will be examined jointly in one section.

In order to examine the role of NRA's financial resources in influencing the political debate, this paper looks at the resources the NRA uses on lobbying senators, political campaigns and independent expenditures, and compare those resources with what gun-control groups use for the same purposes. It also looks at who the NRA gives most money too, as it shows the picture of NRA's influence and allegiances in the US Senate. Most of the data used for this part of the analysis is gathered from Sunlight Foundation and Center for Responsive Politics, but also from articles that cover the topic of NRA's financial resources and how the group uses them.

In order to understand the power of mobilization of the NRA members and gun owners, this thesis explores how the NRA mobilizes its members and other gun owners, and why politically active gun owners are more powerful than the public opinion. Moreover, to fully understand the inability of the United States to move decisively towards sensible gun regulation, one has can not simply focus on understanding the political power NRA has (Heningan 2009: 5). Thus, the question is why the NRA is able to exercise this kind of power. Clearly, there must be something in the groups message that resonates with many people (Ibid.). The NRA has been able to control political debate about guns, and make an international treaty (ATT) about the domestic gun control. Many people, including politicians who actually have the power to reject the treaty, believe the NRA narrative. In order to find out how the NRA is able to mobilize people and why the group is able to do it so effectively I had to find information about how NRA mobilizes people. In addition to resource mobilization theory literature, I looked at an article published in the *Journal of Political Behavior* to help me figure out what to focus on. The article explains how the NRA frames the discussion, making the gun issues appeal to people's self interest and identity, and how the group uses different venues to advance its agenda and raise the importance of the gun issue. In order to examine this, the paper looks mostly at articles about the ATT published by the NRA's legislative arm (NRA-ILA) at their official web-page, as they are a very good example of the framing techniques the group is using to appeal to their members and other gun owners.

² The NRA does not publish official membership numbers, and it seems that the membership claim of almost five million appears a little exaggerated. For a more detailed analysis and discussion about the NRA membership see Kessler (2013) and Harkinson (2013).

In order to answer the second question (How likely is it that the US will actively participate in the emerging small arms norm by ratifying the Arms Trade Treaty?) this paper attempts to find out whether it is possible that enough Senators (sixty-seven) will vote for the ratification of the Arms Trade Treaty. To do this, first a list of key Senators for the vote was identified, and then political pressures these Senators are facing were identified and analyzed.

The first step was to eliminate Senators that are virtually guaranteed to vote against the treaty. These were identified according to four criteria – representing a state with two Republican senators, NRA rating (A), voting against background checks amendment, and signing of senator Moran's letter opposing the ATT in 2011 if they were already in office. These are the senators that are so likely to vote against the ATT in the Senate that they will not be included in the further analysis, as the main goal of the analysis is identifying possible swing votes that might vote for the treaty, and analyze those in more detail. Conversely, a list of Senators who will most likely vote for the treaty was also identified, and these will also not be included in the further analysis. The Senators who would virtually certainly vote for the Arms Trade Treaty were also identified according to 4 criteria – representing a state with two Democrat senators, NRA rating (F), voting for background checks amendment, and not signing of senator Moran's letter opposing the ATT in 2011.

In order for the ATT to be ratified in the Senate, it needs two-third Senate approval, which means the Obama administration needs 67 senators to vote for the treaty.³ After the first narrowing down steps, it looks like 26 Republican Senators will most likely oppose the ATT, and 24 Democrats will most likely vote for the treaty. This leaves 50 senators that could potentially be conflicted on the legislation, and out of these, at least 43 must vote for the ATT in order for it to get past the Senate.

In order to find out whether it is possible for the Obama Administration to get these votes, decision was made to analyze senators based on different pressures they are facing, both senator-specific and state-specific. For each of those pressures (factors) I constructed a scale from one to five. Each senator was awarded points from one (lowest) to five (highest) on each individual factor, and the results were collapsed into a single index, which indicates how likely it is that the senator will vote for the ATT. The senators with the highest score on the index are most likely to vote for

³ It is worth noting that the current Senate is composed of fifty-three Democrats, forty-five Republicans, and two independent senators. This means that in order for the ATT to be ratified, even assuming that all Democrats would vote for the ratification (which, as this analysis shows later, is very unlikely), at least fourteen Republicans (alternatively, twelve Republicans and both independent Senators, or thirteen Republicans and one independent) would also have to vote for the ATT.

the ATT, and senators with lower score are most likely to vote against the ATT.

Senator-specific pressures this analysis includes are:

1) NRA funding since 1990. The assumption is that the more money from the NRA senator has received, the less likely he/she will be to vote for the ATT. The data for the analysis is collected from Center for Responsive Politics.

2) The NRA rating. The NRA grades candidates based on their voting record on gun issues or on a questionnaire, and awards them grades from "A+" to "F".

- "A+" grade means 'Excellent voting record' and 'vigorous effort' on gun rights
- "A" means 'solidly pro-gun', backed NRA on key votes or has positive record on gun rights
- "B" means that the senator may have opposed 'pro-gun' reform or backed some gun restrictions
- "C" is "Not necessarily a passing grade" and "mixed record" on gun votes.
- "D" grade means "anti-gun" supporter of "gun control legislation" who "can usually be counted to vote wrong on key issues"
- "F" means "True Enemy of gun owners' rights" (The Washington Post 2013)

The assumption is that the higher NRA rating, the less likely the Senator will be to vote for ATT. In addition, this factor is so important (it shows how senators vote on gun control related issues, and as already mentioned, the NRA has managed to make the discussion about ATT into a domestic gun control issue) that it is weighed double. The data is taken from the New York Times (2012).

State-specific pressures this analysis takes into account are:

1) Share of the Obama vote in 2012 election in the state. The assumption is that the more Obama vote in the state, the more likely the Senator will be to vote for ATT. The data comes from NBC news coverage of the presidential election in 2012.

2) The number of registered firearm dealers in the state per 100.000 citizens. The population numbers taken from census from 2010 (United States Census 2010), and the number of gun dealers from Mayors Against Illegal Guns (2013 a) who gathered the data Bureau of Alcohol, Tobacco, Firearms and Explosives, Jan. 2013 (at the time of writing this thesis it was not possible to access this data from Bureau of Alcohol, Tobacco, Firearms and Explosives directly). According to the Sunlight Foundation this was one of the most important factor contributing to how the senators voted on the background checks amendment, and in this analysis, this factor, like the NRA rating factor, was weighed twice. The assumption is that the more firearm businesses per 100.000 people, the less likely the Senator will be to vote for ATT. To find how many firearms businesses per

100.000 citizens with this data, I divided population of the state by 100000, and divided the number of gun businesses by the result.

3) The percentage of gun owners in the state. Another important pressure on gun issues, with New York Times data guru Nate Silver suggesting that it is one of key factors to look at (Berlow & Witkin 2013). The assumption is that the more gun owners in the state, the less likely the Senator will be to vote for ATT. The data was taken from Deborah White's (2013) article '*Gun Owners as a Percentage of Each State's Population*'.

Chapter 5: Small Arms Norm

This chapter will provide an overview over the international gun control context. It will present relevant issues, which include the need for regulating the international trade of small arms and light weapons, the history of efforts leading to the UN ATT, the importance of the US to the ATT and the small arms norm, and the positions of key players in the debate about the ATT in the US: the Obama administration and the NRA.

5.1 International gun control context



While nuclear, chemical and biological weapons and acts of terror may make the headlines, it is conventional arms (a category that includes small arms and light weapons) that kill far more people. The Control Arms Campaign estimates that at least 300 000 people are killed every year by small arms and light weapons, with countless others enduring all the other miseries of armed conflict (Cornish 2008: 30). The proliferation of conventional arms contributes to human rights violations, breaches of international humanitarian law, it intensifies and prolongs armed conflict, threatens national, regional and international stability, and is an impediment to sustainable peace, reconciliation and long term stability (Wallacher & Harang 2011: 3; Cukier & Chapdelaine 2001: 28).

There have long been calls to address the issue of conventional weapons transfers. Various national, bilateral and regional attempts to regulate weapons transfers have also been put in place, but the international market in conventional weapons has been stubbornly resistant to effective regulation (Cornish 2008: 30-31). For a long time the arms trade has been one of the very few areas of economic activity where there was virtually no international regulation, and globalization has made the access to arms very easy (McGrew 2008: 27). In the area of conventional weapons, there has simply been a patchwork of arrangements established by groups of states in various formats, mostly regionally. However, even though there is an array of national, regional and international instruments that govern the transfer of certain weapons, the view of the UN has always been that the absence of a global, legally binding framework for regulating trade in conventional arms "has obscured transparency, comparability and accountability" (Geneva Academy 2012).

The UN Programme of Action (PoA) which emerged from the 2001 UN Small Arms Conference is often described as a fundamental step in the creation of global norms. The UN Secretary-General said the PoA was essential in building norms, and some commentators went even further, claiming that the PoA "gives concrete expression to a range of small arms norms" (McDonald and Sattaneo 2003: 215). The PoA's preamble cites the need to strengthen or develop norms and measures at national, regional and global levels, but there has been a debate on the nature of this call to action, since the PoA is not legally binding. The level of commitment among participants of the Conference was sufficiently strong to have worldwide normative significance. However, did the PoA really establish a firm normative framework to guide multilateral small arms activity? Some thought the PoA was unprecedented and path-breaking, others concludes that the conference was a complete failure and a missed opportunity (Krause 2002).

What the PoA definitely did accomplish, was putting the issue of small arms and light weapons on the international security agenda after the decade-long effort (Ibid.). However, the key test of international norms is whether the parties are willing to commit to being legally bound to particular behavior, and international treaties are the clearest expressions of whether states consent to be legally bound (McDonald and Sattaneo 2003: 215-216), and in the PoA, all recommendations related to legally binding treaties, to a big degree at the US insistence, had been removed (Schroeder & Stohl 2006).

5.1.1 Small Arms and light weapons

While there is no universally accepted definition of either small arms or light weapons, the 1997 UN Panel of Governmental Experts is usually used as a template for the classification (McDonald 2001: 251). The Panel considered portability a defining characteristic, deciding that small arms and light weapons are defined as weapons including private and military weapons that can be carried by an individual or a small number of people, or transported by a pack animal or a light vehicle (Ibid). The Panel's list is organized into small arms, which include revolvers, self-loading pistols, rifles, carbines, assault rifles, sub-machines and light machine guns; and light weapons, which include, among others, heavy machine guns, mortars of calibers of less than 100 mm, and portable anti-aircraft guns (McDonald 2001: 251).

The emergence of the small arms and light weapons problem onto the international agenda is a relatively new development. During the Cold War the international system took on bipolar character which inadvertently suppressed more regional conflicts (Nye 1996: 65). After the Cold War ended, the balance of power has changed and regional conflicts became much more widespread. As a result, the international community began to focus its attention on internal rather than inter-state conflicts, and these developments consequently resulted in growing awareness of the pervasive role small arms and light weapons have in those conflicts (Parker & Wilson 2012: 26). In Rwanda, almost a million people were massacred in under a month by Hutus armed with machetes and protected by AK-47 wielding soldiers. In Liberia, a civil war that lasted more than a decade was fought primarily with small arms and light weapons, took lives of 250.000 people, and displaced almost half the country's population. These are just two examples of the developments that led to the convening of a 1996 UN Panel of Governmental Experts, which produced a report recommending that the UN hold an international conference on the issue (Schroeder & Stohl 2006).

The UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in July 2001 in New York. It was preceded by three meetings of the Preparatory Committee which outlined the basic elements of the Programme of Action (Parker & Wilson 2012: 28). The conference was the most intense of all the efforts surrounding the small arms and light weapons issue up to that day. The primary purpose was to coordinate and consolidate small arms initiatives and develop an agenda for action (Schroeder & Stohl 2006). In July 2001, a total of 134 statements were made either by or on behalf of 171 different countries. During the conference, ninety-eight countries underlined the importance of providing international assistance to the countries that needed it the most or that were most affected by the small arms problem, mostly South-African countries (McDonald and Sattaneo 2003: 230-231). Ninety-five states underlined the

importance of marking and tracking weapons in order to determine the origin of, and transfer routes taken by small arms, thereby preventing their diversion from legal to illicit markets (Ibid. 231). Other measures mentioned were disarmament, export controls, brokering, information exchange, export criteria, involvement of civil society, regulation of civilian possession, weapons collection and destruction, criminalization of illicit activity, cooperation among law enforcement agencies, national legislative measures, improving compliance with arms embargoes, and raising public awareness (231-232).

By the time the conference opened, there was a consensus on large parts of the provisional Programme of Action, and all the aforementioned measures and principles, with two notable exceptions, export criteria and the regulation of civilian possession, found their way into the final PoA, though "with varying degrees of strength and specificity" (McDonald and Sattaneo 2003: 232). Some issues remained contested, among them the links between the illicit trade and the legitimate rights of states to buy and sell weapons, civilian possession of firearms, issues of export controls, and follow-up mechanisms such as national reporting and review processes. Thus, despite many areas on which the countries could agree, the conference was by no means uncontroversial. While some members, such as Canada and the European Union countries, saw the conference as a chance to develop international norms in an area where few existed, the United States was wary with respect to domestic issues, such as the question of civilian firearms possession and transfer to non-state actors. These measures were dropped at the last minute at the insistence of the United States (Parker & Wilson 2012: 27, McDonald and Sattaneo 2003: 232).

The issues of norms and standards with respect to civilian possession of weapons, and follow-up processes aimed at negotiating legally binding treaties, were particularly contentious (Schroeder & Stohl 2006). Although the conference did manage to produce a program of action, and member states were able to agree on various issues, the plan that was formulated was often considered inadequate to deal with the problems that small arms and light weapons cause. Many countries as well as observers were disappointed with the result of the conference (Stohl 2001). While some commentators thought the PoA was an important step forward, others claimed that the conference produced a weak action program, and resulted only in a mechanism of encouraging voluntary cooperation (Bromund 2012 f). When the Programme of Action was finalized, all references to civilian possession, non-state actors, and all recommendations related to legally binding treaties had been removed (Schroeder & Stohl 2006).

The United States was the most vocal in its opposition, but it was not alone. China, Cuba, and some other states silently supported the positions advocated publicly by the United States, and

some commentators have claimed that other states, equally hostile to the measures the US objected to officially, decided to hide their opposition so that the US alone would take the resulting political heat (Schroeder & Stohl 2006, McDonald and Sattaneo 2003: 232). However, many states made it very clear that they considered the banning of transfers to non-state actors and the regulation of civilian firearms possession to be absolutely essential tools for combating the proliferation and misuse of small arms and light weapons (McDonald and Sattaneo 2003: 233)

It has become very clear that effective small arms measures require viable implementation mechanisms, and it is equally clear that an appropriate international response to the devastating consequences caused by small-arms proliferation and misuse can be nothing short of a legally binding force with meaningful enforcement, something that the Programme of Action failed to provide (Efrat 2010: 125; McDonald 2001: 283). This is why the Arms Trade Treaty adopted in April 2013, a binding agreement that includes small arms and light weapons, is potentially a milestone in establishing an international norm on small arms and light weapons. However, the key test of an international norm is whether the parties intend to bind themselves in agreeing to particular conduct, and treaties are the clearest expression of states consent to be legally bound (McDonald and Sattaneo 2003 215-216). The overwhelming support for the UN ATT, and the fact that the United States did vote for the adoption of the ATT in the UN General Assembly, is of course very important, but the significance of treaties is limited as long as they have not entered into force (Ibid. 247). Despite the support from the Obama Administration, it still remains to be seen whether the US will ratify the treaty thereby formally supporting the small arms norm. The following sections will provide an overview over the rationale for an Arms Trade Treaty and the steps that led to the overwhelming approval of the UN ATT in April 2013, with focus on the role the United States has played in these efforts.

5.1.2 UN Arms Trade Treaty

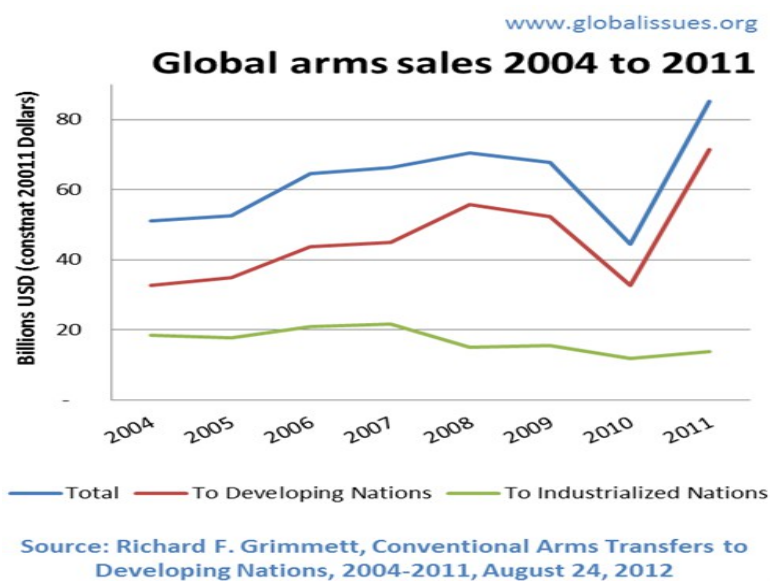
According to the Small Arms Survey 2009, in 2006 approximately 4.5 million firearms were traded at a total of USA \$ 1.7 billion. The global trade in small arms and light weapons consists of newly produced weapons as well as surplus arms. It is also worth noting that trade in sporting rifles, sporting shotguns, pistols and revolvers is much bigger than in firearms made to military specifications (Small Arms Survey 2013a).

The trade in small arms and light weapons is dominated by a small number of countries. For example, the five permanent members of the UN Security Council (the United States, Russia, France, China and the United Kingdom), together with Germany and Italy account for around 85%

of the arms sold between 2004 and 2011 (Shah 2013a). The value of arms transfer agreements worldwide (this includes transfers to both developed and developing nations) in 2011 was \$85.3 billion, which was an extraordinary increase over the 2010 total of \$44.5 billion, making the total in 2011 by far the highest worldwide arms agreements total since 2004 (Grimmett & Kerr 2012: 3). In 2011, the US led in arms transfer agreements worldwide, and made agreements valued at \$66.3 billion, which constituted 77.7% off all agreements (Ibid.)

Developing nations are the primary focus of foreign arms sales activity by weapons suppliers, and between 2004 and 2011 conventional transfer agreements to developing nations (all countries except the US, Russia, European countries, Canada, Japan, Australia and New Zealand) comprised 73.7% of the value of all international arms transfers agreements (Grimmett & Kerr 2012: 1). Most analysts agree that the potential for the outbreak of regional military conflicts with use of these weapons is the greatest in developing nations (Ibid. 1) . The graph below shows the difference between arms sales between developed and developing nations, with developing nations being the clear majority of arms sales recipients.

Figure 5. 1 Trends in global arms sales between 2004 and 2011



source: Shah (2013b)

Although recent years showed signs of declining sales, 2011 saw a massive jump, almost solely by what the report describes as an “extraordinary” increase in market share by the US, whose massive sales to Saudi Arabia distorted an otherwise downward trend in arms sales (Shah 2012b). It is also worth noting that while the illicit trade in small arms and light weapons occurs in all parts of the

globe, it is also concentrated in areas afflicted by armed conflict, violence and organized crime, where the demand for illicit weapons is often highest (Small Arms Survey 2013b).

The UN Arms Trade is a treaty aimed at regulating global trade in conventional weapons, and thereby curbing the sale of weapons that kill tens of thousands of people every year. The treaty intends to establish common international standards for export, import and transfer of conventional weapons, which would prevent terrorists, criminals and human rights violators from acquiring such weapons (MacFarquhar 2013).

The contemporary Arms Trade Treaty process began with the initiative launched by Nobel Laureates in the late 1990s, which was an inspiration for a 2006 UN General Assembly Resolution (61\89) (Kimball 2011). The Nobel Laureates were critical to the creation of the small arms norm. If one applies Finnemore's and Skikkink's (1998) norm life cycle framework, they were the norm entrepreneurs who put the small arms issue on the international agenda. Norm entrepreneurs are critical to norm emergence as they call attention to issues, and sometimes even 'create' them, by using language that 'names, interprets, and dramatizes them' through the process of framing, trying to convince the critical mass that the norm should be adopted (897). Norm entrepreneurs do not stop after introducing the idea of the norm, but continue their efforts at making the norm widely accepted. When the second round of ATT negotiations was taking place in March 2013, a group of 18 Nobel Peace Prize winners sent an open letter to President Obama calling upon him to help secure the ATT (PSR 2013). The fact that norm entrepreneurs target US directly is another sign of how important US participation is in the context of both the ATT and the small arms norm.

Resolution (61\89) requested the UN Secretary General to seek views of member states on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument which would establish common international standards for export, import and transfer of conventional arms. The resolution was co-sponsored by the United Kingdom, Argentina, Australia, Finland, Japan, Kenya and Costa Rica. It was opposed by the United States, and the United States under the Bush administration was in fact the only country to oppose the resolution (Eaves 2013). Despite the US opposition, the resolution created a Group of Governmental Experts, who then published a report on the scope, parameters, and feasibility of a treaty in August 2008. The report highlighted some key issues that would dominate discussions on the treaty, among others the respect for the sovereignty of state-parties, objective and agreed upon global criteria for approving arms transfers, activities covered in the treaty, and the inclusion of small arms and ammunition within the scope of the treaty (UNODA 2013; Kimball 2011).

In December 2008, the UN General Assembly endorsed the report and convened an Open-

Ended Working group in order to provide a more public forum for further discussions (Kimball 2011). The main reasons the ATT talks took place at all is that the United States, the world's biggest arms trader, accounting for over 40% of global conventional arms transfers, reversed U.S. policy on the issue after Barack Obama was first elected, and decided in 2009 to support the talks on ATT (Charbonneau 2012). On 14th October 2009, US Secretary of State Hillary Rodham Clinton announced that the United States would support the ATT negotiation process, thereby reversing the Bush administration's position, and that it would vote in favor of a General Assembly Resolution to create a treaty conference. The United States, however, insisted that any final text that were to emerge from the July 2012 conference would have to be adopted by consensus. While many countries and organizations praised the decision of the Obama administration to overturn the Bush-era policy and to proceed with the negotiations to regulate conventional arms sales, various actors also criticized the US insistence that the decisions on the treaty must be unanimous. Among others, Amnesty International and Oxfam international said in a joint statement that insisting that decisions on the treaty be made by consensus could significantly weaken the final deal, urging the governments to resist US demands to give any single state the power to veto the treaty (Mohammed 2009).

The four-week long Diplomatic Conference held at the UN headquarters in New York in July 2012 under the presidency of ambassador Roberto Garcia Moritan of Argentina ended without agreement (Geneva Academy 2012: 7). There were differences and disagreements between 'more progressive "like minded" states and so-called "skeptics" ' which were difficult to bridge (Ibid.). When the US asked for more time to assess the provisions of the draft treaty, Russia also called for more time, and once the two largest arms-exporting states had declared they were not ready to adopt the text, the draft's fate was sealed, and the US insistence that the negotiations be undertaken on the basis of consensus was perhaps the greatest stumbling block to an agreement (Ibid. 7-8). Consequently, the majority of the international community blamed the US for the failure to come up with a treaty (Waltz 2012, Gladstone 2012, Easley 2012, Nichols 2012).

Treaty supporters, led by activist groups such as Oxfam America and Amnesty International were disappointed by the fact that the White House walked away at a critical moment as it failed to move this treaty to conclusion (Gladstone 2012). There were several states, including Syria, North Korea, Iran, Egypt and Algeria, who throughout the entire negotiation process opposed arms control. It is worth noting that Iran, Syria and North Korea were the countries that later prevented the adoption of the ATT during the Mach conference, and their blockade was the reason the treaty had to be put to a vote in the General Assembly on April 2nd. It was not a surprise that these

countries were against a legally binding treaty that would regulate international arms transfers. North Korea and Iran are currently under the UN arms embargo over its nuclear program, and Syria is in a civil war hoping Russian and Iranian arms will keep flowing in, commented diplomats (Charbonneau 2013). These 'rogue states', however, often violate international norms of behavior, and are commonly the subject of "diplomatic isolation, economic embargo, political and economic sanctions" (Hoyt 2000), and the world was not surprised that they are, mildly put, not supportive of an ATT. Ultimately, arms control activists blame the United States for the inability to reach a decision. The popular opinion was that in bowing to the gun lobby, "the Obama administration passed up the opportunity to make the world a little more secure. It was a political victory for the National Rifle Association, perhaps, but not for Americans or for the world" (Waltz 2012). The US delegation to the UN, however, denied that the timing of the election had anything to do with the US decision to delay the talks on the treaty (Easley 2012).

In 2012, soon after Obama's reelection, the US backed a U.N. Committee's call to renew debate over a draft ATT. The resolution calling for a new round of talks in March 2013 passed with 157 votes in favor, none against, and 18 abstentions (Charbonneau 2013). During the negotiations in March, the treaty failed to achieve unanimous support, but garnered the support of the majority of Member States when it was put to a vote in the General Assembly on April 2nd. The resolution which contained the text of the treaty received 154 votes in favor, 23 countries abstained (among others China, Russia, Cuba, India, Myanmar, Saudi Arabia and Sudan), and three member states – Democratic People's Republic of Korea, Iran and Syria voted against the decision (UN News Center 2013). The adoption of the treaty was welcome by among others Secretary-General Ban Ki-moon, who hailed it as a powerful new tool in efforts to prevent grave human rights abuses. "It is a historic diplomatic achievement – the culmination of long-held dreams and many years of effort. This is a victory for the world's people" (Ibid.). The treaty took seven years to negotiate, and the end result reflects growing international awareness and sentiment that the multibillion-dollar conventional weapons trade must be held to a moral standard.

5.1.2.1 Why the US participation in Arms Trade Treaty is so important

Already in 1795, in his famous essay 'To Perpetual Peace', Immanuel Kant argued that transnational ties and transnational cooperation create moral interdependence, and these lead to greater possibilities for peace through international agreement (Koh 1997: 2610). After World War II, there was great support in the United States for new kind of world order that was based on cooperation among nations, and the US was in the vanguard of those proclaiming and defending explicit visions

of human rights (Kurtz & Cravatta 2008). Historically, the US has played a seminal role in the establishment of international courts, tribunals and other bodies to adjudicate a broad system of treaties and conventions governing the behavior of countries on the international arena (Kull 2006: 1). It can be argued that the United States was the primary architect of the post WWII international system, and some even go as far as to say that the United States has played a key role in civilizing international politics (Nolan 1998: 3). However, in the last decades the US has lost the leading role. For example, the country has resisted being subjected to the jurisdictions of various international treaties and conventions. Among others, the Bush administration refused to participate in the International Criminal Court (ICC) and reducing the International Court of Justice (ICJ) jurisdiction over the United States citizens. The Bush administration has also sought to narrow the reach of various treaties and conventions, among them the Geneva conventions (Kull 2006: 1).

Consequently, US foreign policy has in many cases become unilateral. The Bush administration blocked adoption of numerous treaties, and over an even longer period the Senate both failed and refused to ratify treaties already signed, a behavior that has appalled and angered the world community (Kurtz & Cravatta 2008). Noam Chomsky has even gone so far as to describe US and Israel as rogue states that do not follow international norms (because they are powerful enough to ignore them) (Ali 2012). In recent years, the United States has been out of step with its closest partners, and increasingly disconnecting itself from various international efforts, and not participating in the ICC, the Kyoto Protocol, land mine conventions and the law of the sea convention are only a few examples of this trend. It seems like now the world is going one way, developing new norms and frameworks of cooperation, while the US is going in a different direction, being increasingly on the outs with the international society. In fact, according to Murray (2007) one of the leading sources of anti-Americanism relates to America's 'arrogance' in failing to sign or ratify international treaties that the rest of the world endorses.

Even though the United States still considers itself the leader of the free world, and there is no doubt that the country is still a crucial member of the international community and central to the world, the world is now working together through various frameworks and treaties, even when the US refuses to be a part of them. Developments of the last decade thus show that the world can work together without the US, and do it well. However, it is different with the issue of small arms and light weapons, and the UN Arms Trade Treaty. Given the prominent position of the US as a global arms exporter, any treaty aimed at regulating international arms trade would have limited relevance without its participation. Because the US is a key player in the realm of weapons transfers and the world's leading arms exporting nation, many think that the United States has a special responsibility

to play a leadership role in the creation of the small arms norm and in developing a treaty that would become a legally binding framework setting common standards for all international weapons transfers. Long-established norms do change, and new norms do evolve, but norm evolution in small arms area is not likely unless the the US buys into and support the process. While it seems that the Obama Administration really is supporting these processes, the key test of international norms is whether the parties intent to bind themselves in agreeing to particular behavior, and international treaties are the clearest expressions of whether the states consent to be legally bound (McDonald and Sattaneo 2003 215-216). Even though the Obama Administration is supportive of the ATT and the small arms norm, it is still unsure (and as this thesis will show later, it is in fact unlikely) whether the US Senate will ratify the ATT. Thus, even though the Administration itself supports the treaty and the norm, the country might still end up being a laggard in the creation of the small arms norm and the ATT process.

At the outset of his first administration, President Obama spoke of the need for a global response to global challenges, which was consequently followed by a move toward various multilateral engagements. Even though President Obama still hasn't reversed many of Bush's extrajudicial policies (Parry 2012), the Administration prides itself in participating in multilateral organizations. In fact, the country's role in developing international rules and norms is often portrayed as a success of Obama's first-term foreign policy (Palacio 2013). These engagements, however, were largely taken outside the framework of formal institutions such as the UN, and the hard truth is that the US is still very often reluctant to trade its sovereignty for multilateral solutions (Ibid.).

In 2009, Obama reversed previous Bush opposition to negotiations on Arms Trade Treaty, and the United States did vote to approve UN Arms Trade Treaty on April 2nd 2013, signaling that the Administration is committed to tackling the problem of conventional weapons trade internationally through a binding framework. However, the prospects for ratification of the treaty in the Senate appears bleak, at least in the short term (McFarquhar 2013). Some commentators think the ATT will likely languish in the Senate for a very long time, in part because of opposition by the gun lobby (Goldberg 2013). Just for comparison's sake, it has been 33 years since Jimmy Carter signed the Convention on the Elimination of Discrimination Against Women; 18 Years since Bill Clinton signed the Convention on the Rights of the Child; 17 years since he signed the Comprehensive Nuclear Test Ban Treaty, and none of those treaties have yet been ratified. "This is all to say, don't expect the world's largest exporter of arms to formally join this treaty anytime soon." (Ibid).

5.1.2.2 The Obama Administration

As shown in the previous section, in 2009 the Obama Administration reversed the previous Bush Administration opposition, and agreed to support and participate in the negotiations on an Arms Trade Treaty. In a press statement announcing US support for the ATT negotiations on October 14 2009, Hilary Clinton said that conventional arms transfers are a crucial national security concern for the US, and the country has always supported effective action to control the international arms transfers (Clinton 2009). For that reason the US was now prepared to work for strong international standards in this area by seizing the opportunity that the Conference on the Arms Trade Treaty presents. Moreover, the United States already has an extensive and rigorous system of controls for arms transfers, and the ATT initiative presents the US with the opportunity to promote the same high standards for the entire international community (Clinton 2009).

In addition to insisting that the treaty negotiations should be based on consensus, the US presented key red lines, among them that the Second Amendment to the US Constitution must be upheld, meaning that there must be no restrictions on civilian possession or trade of firearms otherwise permitted by law or protected by the US Constitution (U.S. Department of State 2013). The administration has been clear from the very beginning that the United States would oppose any effort to address internal arms transfers, and oppose any provisions that would conflict with the US Constitution or domestic law. The ability to oppose such things is one of the reason why the US insisted that a consensus approach is necessary (U.S. Department of State 2010).

After the ATT negotiations failed to produce a treaty in July 2012, the official position of the Administration, stated at a press conference by Victoria Nuland, Spokesperson for the Department of State, was that the United States did not support a vote in the UN General Assembly on the current text, and that while the US sought to conclude the negotiations with a Treaty, it was reasonable to request more time for "such a complex and critical issue" (Nuland 2012). Nuland said that the US supports a second round of negotiations, restating that it has to be conducted on the basis of consensus. Nuland also said that the US will continue to work towards an Arms Trade Treaty that will contribute to international security, but at the same time protect the sovereign right of states to conduct legitimate arms trade. A treaty would have to meet the concerns and objectives that the US has been articulating throughout the negotiations, for example that a treaty should not infringe on the constitutional right of American citizens to bear arms (Ibid.). In December 2012, soon after Obama's reelection, the US backed a U.N. Committee's call to renew debate over a draft ATT. The resolution calling for a new round of talks in March 2013 passed with 157 votes in favor, none against and 18 abstentions (Charbonneau 2012).

Before the next round of the negotiations in March 2013 Secretary of State John Kerry issued a statement on US support for the Arms Trade Treaty. Kerry announced that the US is steadfast in its commitment to achieve a strong and effective Arms Trade Treaty, and that the US supports a treaty that will bring all countries closer to existing international best practices 'while preserving national decisions to transfer conventional weapons responsibly' (Kerry 2013 a). He also reminded that international arms trade is and always will be a legitimate commercial activity (Ibid.). The Secretary of State also restated that the US could only be party to a treaty that addresses international transfers of conventional weapons solely and does not impose any new requirements on the United States domestic trade in firearms or on US exporters. Further, he emphasized that the United States would not support any treaty "inconsistent with U.S. law and the rights of American citizens under our Constitution, including the Second Amendment" (Kerry 2013a), showing that the Administration has tried to calm the fears of the US gun lobby, emphasizing at many occasions that they would not accept a treaty that would have any impact on the Second Amendment rights of US citizens. Kerry finished the statement expressing hope that the countries can reach consensus on a treaty that improves global security, advances humanitarian goals, and enhances United States national security by encouraging all nations to establish meaningful systems and standards that regulate international arms transfers and ensure respect for international law (Kerry 2013a).

After the vote in the UN General Assembly approving the ATT, John Kerry issued another statement on the ATT, expressing how pleased the US is that a strong, effective and implementable ATT that can strengthen global security while protecting the sovereign right of states to conduct legitimate arms trade was approved (Kerry 2013b). In his statement, Kerry explained the ATT's role in establishing common international standards for arms transfers that would require all states to develop and implement the kind of systems that the US already has in place, and reducing the risk that international transfers of conventional arms will be used to carry out the world's worst crimes such as terrorism, genocide, crimes against humanity and war crimes. He also pointed out that the treaty also preserves the principle that the international conventional arms trade is and will be a legitimate commercial activity which allows nations to acquire the arms they need for their own security (Ibid.). The Secretary of State also emphasized that the treaty only applies to international trade, and reaffirms the sovereign right states have to regulate arms within their territory. As the US has required from the outset of treaty negotiations, "nothing in this treaty could ever infringe on the rights of American citizens under our domestic law or the Constitution, including the Second Amendment" (Kerry 2013b).

In order for the treaty to enter into force, it must be signed and ratified by member states.

The ATT will officially enter into force 90 days after the 50th country ratifies it (Goldberg 2013). Each country's procedure for signing and ratifying treaties is slightly different. In the United States, the President signs the treaties, but it is the Senate that has to ratify them. President Obama is expected to sign the treaty within the next two months, but the treaty faces a very tough road to win the two-thirds majority support needed in the Senate for approval (Pecquet 2013). One of the reasons why it is likely going to be very difficult for the ATT to get the Senate approval is the intense lobbying of the NRA. The following section will present these efforts in more detail.

5.1.2.3 The NRA

"We must never allow the ideals that make America the last, best hope for freedom in the world to be destroyed, damaged or diminished in the least. If foreign powers insist upon pushing their idea of 'global norms' across our borders, NRA will be the first to alert and mobilize the American people to stop them" (Schmeits 2011).

If you thought the NRA has restricted its efforts to rolling back gun regulations within US borders, you might be very surprised at the groups intense interest in the UN proceedings. The organization has been battling a raft of gun control measures on Capitol Hill, but it also has an international fight on its hand as it gears up to oppose the UN ATT (Finn 2013).

As the world governments met at the United Nation in July 2012 to craft a global Arms Trade Treaty, the NRA made its voice loud and clear (Hartung 2012a). From the very beginning, the supranational efforts by the United Nations to create a binding Arms Trade Treaty has been fiercely condemned by the NRA, who fear that it would be the beginning of a 'global gun grab' (Question More 2013). To Wayne LaPierre, NRA Executive Vice-President, the ATT would be "an offense to any American who has ever breathed our free air" (Hartung 2012a). In one of his statements, Wayne LaPierre announced "NRA's strong opposition to anti-freedom policies that disregard American citizens' right to self-defense", adding that "no foreign influence has jurisdiction over the freedoms our Founding Fathers guaranteed to us" (Easley 2012). The only way to address NRA's objections is to simply and completely remove civilian firearms from the scope of the treaty. "That is the only solution. On that, there will be no compromise" (Ibid.).

After the July 2012 negotiations did not end with a treaty, Wayne LaPierre said that "no foreign influence has jurisdiction over the freedoms our Founding Fathers guaranteed to us" (Pilkington 2013a). The NRA, being widely credited for killing the ATT in July 2012, embraced it as a big victory for American gun owners (Ibid.). Before the second round of the treaty negotiations in March 2013, however, many commentators were surprised at the NRA absence

during the UN proceedings. It was believed that the NRA was so tied up fighting new gun restrictions in the wake of the Newtown shooting, where 20 year old Adam Lanza fatally shot twenty-six people (twenty children and six adults), that it has failed to amount its expected "lobbying blitz" against the ATT (Ibid.). For many months the NRA did not apply the same strong tactics as it did in 2012, even though according to the group the ATT is a "ticking time-bomb" and "the most serious threat to American gun owners in decades" (Ibid.). However, after months of silence on the issue, the NRA stepped up its opposition to the ATT in March 2013 (McVeigh 2013)

According to Tom Mason, the group's executive secretary who has represented the NRA at the UN for almost two decades, the treaty needs to address the transfer of large numbers of military weapons that lead to human rights abuses. What the NRA really objects to is the inclusion of civilian firearms within the scope of the treaty (Finn 2013, McVeigh 2013). In addition, the NRA argues that the treaty could infringe on gun rights guaranteed by the Second Amendment, even though the American Bar Association, NGOs and the U.N. Office for Disarmament Affairs claim firmly that the ATT would not interfere with the domestic arms trade and the way countries regulate civilian possession of firearms (Nichols 2012). Moreover, in a press statement, Secretary of State John Kerry also said that the administration would not support any treaty that would be inconsistent with the US law and the rights of American citizens under the Constitution (Aronsen 2013 a), but such reassurances are unlikely to convince the NRA and its allies, and the NRA is steadfast in its opposition to an ATT that includes civilian firearms in its scope. During the negotiations in March the NRA has submitted their suggestion to how civilian arms could be defined, but the treaty supporters say there is no such thing as 'civilian weapons' that could be treated differently from military weapons under the ATT. Michelle Ringuette, chief of campaigns and programs at Amnesty International USA, said that there is no distinction between civilian and military weapons, and "to try to create one would create a loophole that would render the treaty inoperative, as anyone could claim that he or she is in the business of trading 'civilian weapons' " (Question More 2013).

From the onset of Arms Trade Treaty talks, NRA has not only fought against the ATT in the UN, but also lobbied against the treaty at home. Already in 2011, NRA was working to get as many US senators as possible to publicly oppose any treaty that would include restrictions on civilian arms, trying to ensure that "any ATT that includes civilian arms is dead on arrival in the Senate" (NRA- ILA 2011c). These efforts resulted in a letter started by Senator Jerry Moran (R-Kan.) signed by 51 Senators, stating that they would oppose any treaty that in any way restricts the rights of law-abiding American gun owners (NRA-ILA 2012d). In addition, "NRA members made their voices heard on this issue as well, calling their elected representatives and urging their

opposition to the treaty. As a result, 130 members of the U.S. House of Representatives have voiced strong opposition to the treaty" (Ibid.). On November 13, Rep. Mike Kelly (R-Pa) introduced his own resolution strongly urging President Obama not to sign the ATT, NRA asked its members to sign Rep. Kelly's online petition "to help protect our Second Amendment rights by urging the president to reject the proposed U.N. Arms Trade Treaty" (Ibid.).

After the UN General Assembly voted to adopt the ATT, the NRA announced that for US gun owners, the fight has moved to the Senate (NRA-ILA 2013 c). On March 24 2013 NRA issued a statement where it thanked Senator Inhofe (R-OK) for leading the effort to prevent the US from entering into the UN ATT (NRA-ILA 2013 b). Senator Inhofe introduced budget amendments to Senate Budget Resolution for Fiscal Year 2014 to help protect and preserve the Second Amendment rights of law-abiding Americans. Amendment 139 would establish a deficit-neutral reserve fund for the purpose of preventing the US from entering into the UN ATT, and amendment 360 would establish a deficit-neutral reserve fund for the purpose of preventing a federal firearms registry (The Okie 2013). Senator Inhofe's amendment passed the full Senate 53-46 (NRA-ILA 2013 b). In addition, Sen. Jerry Moran, along with 32 cosponsors, has put forth a concurrent resolution that expressed the Senate's opposition to the ATT, as it "fails to expressly recognize the fundamental, individual right to keep and to bear arms and the individual right of personal self-defense... and thus risks infringing on freedoms protected by the Second Amendment" (NRA-ILA 2013 c). Similarly, Sen. Max Baucus (D-Mont, the only Democrat with NRA A-rating in the Senate) urged Senate opposition to ATT, declaring that "It's our job to make sure any treaty the U.S. enters doesn't interfere with our sovereign ability to uphold the rights of Americans... The arms treaty simply doesn't include strong enough protections to pass that test, and I won't support any treaty that undermines the Second Amendment rights of law-abiding Montanans." (Ibid.).

Chapter 6: Domestic gun control context

The Arms Trade Treaty is an international treaty designed to foster peace and security by putting a stop to arms flows to conflict regions, thus preventing human rights abusers and violators of the law of war from being supplied with arms (UNODA 2013). In order for the treaty to be ratified in the United States, the US Senate has to approve the treaty by a two-third majority. The NRA has managed to turn a debate on the ATT into a domestic debate on gun control, and all discussions on any forms of gun control are very controversial in the United States. Thus in order to understand how likely it is that the US will sign on to the emerging small arms norm by ratifying the UN Arms Trade Treaty in the Senate, in addition to understanding the international situation, we need to understand the domestic context in which the debate is taking place. This chapter will provide an overview over domestic gun control debate. It will first summarize the main points around which discussions on guns often revolve. It will then present a brief overview over important Supreme Court cases related to gun control. The main focus of this chapter will be explaining the political situation after the Sandy Hook massacre, and the reactions of two main political actors in the political debate on guns, the Obama administration and the NRA, to the Sandy Hook tragedy.

6.1 Gun debate

The gun control debate in the United States causes people in other parts of the developed world to look at the country and "shake their heads", as it is difficult for them to understand why so many Americans have such passion for their guns, and why gun control is such a contentious issue (Henigan 2009: 1).

Gun control is undoubtedly one of the most heated and polarizing issues in the United States, and pro-gun and anti-gun activists debate each other with intense passion (Winkler 2011: 4). One side sees guns as essential to personal freedom, while the other insists that guns are instruments of mayhem and violence. Guns are lightning rods of American culture, and in such charged atmosphere it is very hard to find common ground. All gun control proposals are very controversial, with the stakes often portrayed as "nothing less than the future of life, liberty and justice" (Ibid.). Moreover, gun control efforts always face an uphill battle against the powerful pro-gun lobby and a strong U.S. tradition of gun ownership and hunting (Felsenthal 2013).

The gun control debate usually revolves around the ideological and legal aspects of the

issue. Gun-control proponents, for the most part associated with the American liberal perspective, believe that it is the role of government to protect their people through law enforcement, and that the citizens should rely on the police, security guards and alarm systems for protection (Kopel 1995: 11). They also believe that gun control laws are necessary to stop gun violence. Gun-control proponents think that 100.000 Americans killed or wounded every year by gunfire is a problem, and propose gun control measures not because they are important per se, but because they see them as a pragmatic way to attack the problem. There is a lot of debate among gun control proponents over which reforms will be effective, which means that they do not look at gun control in terms of principles, but concrete solutions that could help reduce gun violence (Heningan 2010).

The gun-rights proponents seldom debate the effectiveness of various gun-control measures, because for them all gun-control measures are invasions of God-given freedom (Heningan 2010). They also have different view on the society and the role of the government, both closely related to their view on guns. Gun-rights proponents are most often associated with conservative perspective in the United States. They generally believe that extensive power should be left in the hands of the people, and they distrust the state to administer justice by itself (Kopel 1995: 10). They also believe in society in which individualism and self-reliance are seen as highly desirable values. Guns are often seen as symbols of those values, and gun control is an unacceptable shift away from focusing on individual responsibility (Kessler 1988: 1).

The legal aspect is related to the interpretation of the Constitution. The gun lobby insists that the right to bear arms, just like the right to free speech, should be robust, unfettered, and uninhibited by any kind of government regulation (Winkler 2011: 9). For years the gun lobby has used the Second Amendment as a rallying cry in the fight against gun control, portraying themselves as inheritors of the legacy of the Founding Fathers. Many in the gun rights community promote an uncompromising view of gun rights, seeing even modest gun laws as illegitimate and unconstitutional burdens (Winkler 2011: 8). They oppose virtually every gun control proposal, even widely popular laws such as background checks and restrictions on civilian ownership of machine guns, because they argue that any laws regulating guns threaten to put the country on a slippery slope to total disarmament. 'Pass this law, and eventually all civilian guns will be confiscated' (Ibid. 8-9). To the gun lobby, "the Second Amendment is all right, with little room for regulation" (Ibid. 8).

The other side of the gun debate is also prone to its own brand of extremism. Some gun-control proponents support most forms of gun control, even the ones that are not very likely to taper gun violence (Winkler 2011: 9). They insist that the Second Amendment is only about state militias,

and does not say anything about individual gun ownership. For them, "the Second Amendment is all regulation and no right" (Ibid. 10). However, most gun control groups, such as The Brady Center to Prevent Gun Violence and Mayors Against Illegal Guns, actually seldom engage in the debates about the meaning of the Second Amendment and what it entails. What they mostly do is work to pass, enforce, and protect sensible laws and public policy that address gun violence at federal and state level, trying to educate people and raise public awareness of gun violence (Brady Campaign to Prevent Gun Violence 2013). Mayors Against Illegal Guns, for example, say they support the Second Amendment and the rights of citizens to own guns, but at the same time more action must be taken to stop criminals from illegally obtaining guns and using them (Mayors Against Illegal Guns 2013b).

6.1.1 The Supreme Court

The Constitution often means different things to different people, partly because of the vague wording of the document.

'A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed' (U.S. Const. amend. II)

As mentioned in the previous section, political controversy surrounding the gun debate in the US is to a big degree based on the Second Amendment. Gun rights advocates tend to ignore the clause before the second comma, arguing that the people, including private citizens, have the right to keep and bear arms. Those who support gun control measures disagree, arguing that the first part of the sentence is the main purpose of the Second Amendment, as the Founding Fathers meant to protect the collective right of people to form a militia. These are two most often cited interpretations of the Constitution that have been dividing the nation. Even the Supreme Court has had difficulty with making rulings regarding this issue, and virtually every ruling has been contested by the both sides of the debate.

For over six decades, the Supreme Court Decision *United States vs Miller* from 1939 has been cited as a landmark ruling which stated that the Second Amendment permits reasonable regulation of firearms. The Supreme Court ruled unanimously that the National Firearms Act from 1934, which imposed a tax on the manufacture and transfer of certain firearms and mandated the registration of those guns (National Firearms Act 1934), is "not unconstitutional as an invasion of the reserved powers of the states", and it is "not violative of the Second Amendment of the Federal

Constitution" (United States v. Miller 1939). Even though there is a lot of controversy surrounding the US vs Miller case, and both sides of the gun control debate argue that the ruling supports their cause, there is a general agreement among academics that US vs Miller asserted that federal, state and local governments cannot prohibit arms altogether, but they can still reasonably regulate firearms. This means that the Second Amendment permits reasonable regulation of firearms (Frye 2008: 82). The court also stated in a unanimous decision that the "obvious purpose" of the Second Amendment was to assure the continuation and render possible the effectiveness of the state militia, and relying on that decision, hundreds of lower federal and state appellate courts had rejected Second Amendment challenges to the nation's gun laws over the last seven decades (Law Center to Prevent Gun Violence 2013).

The legal interpretation of the meaning of the Second Amendment changed dramatically in 2008, when the Supreme Court ruled for the first time that the Second Amendment guarantees an individual right to possess firearms in the home for self-defense (Raum 2012; Law Center to Prevent Gun Violence 2013). After having gone nearly 70 years without deciding a single case directly addressing the Second Amendment, starting in 2008 the US Supreme Court decided two such cases (Vernick et. al. 2011).

In *District of Columbia v. Heller*, the Supreme Court struck down Washington D.C.'s decades-old ban on handgun possession, as well as the requirement that firearms in the home must be stored disassembled and unloaded, or bound by a locking device (*Dist. of Columbia v. Heller* 2008; Law Center to Prevent Gun Violence 2013). Through this decision, the Supreme Court inserted the judicial system into the ongoing national debate over gun laws in the United States. It was a watershed decision, representing a radical departure from the Court's previous interpretation of the Second Amendment of *United States vs Miller*. Even though the ruling is considered a watershed decision in favor of the gun-rights cause, it is not an absolute recognition of gun rights, as the ruling also affirmed that there are many regulations that are consistent with the Second Amendment, for example laws prohibiting firearm possession by felons and mentally ill and imposing conditions on the commercial sale of firearms (Law Center to Prevent Gun Violence 2012).

The *Heller* decision left unanswered questions, the most important of them being whether the Second Amendment affects state or local firearms laws, or whether it only limits the power of the federal government (Vernick et. al. 2011). This question, however, did not remain unanswered for long. On June 28 2010 in *McDonald vs. City of Chicago* case the Supreme Court determined that the Second Amendment does apply to laws enacted by state and local governments (*McDonald*

v. Chicago 2010; Vernick et. al. 2011). However, it has to be mentioned that since the Heller and McDonald cases, lower courts have overwhelmingly upheld the constitutionality of various gun laws and other handgun bans (Webster et. al. 2012).

6.2 Post-Sandy Hook political climate

After 20 year old Adam Lanza on December 14 2012 fatally shot twenty children and six adult staff members at Sandy Hook Elementary School in Newtown, Connecticut, Vice President Joe Biden said that "every once in a while there's something that awakens the conscience of the country, and that tragic event did it in a way like nothing I've seen in my career" (McCarthy 2013). Soon after the tragedy, prominent gun-rights advocates in Congress started calling for a national discussion about restrictions to curb gun violence, which signaled that the horrific elementary school shooting could be a tipping point in a debate that has been dormant for years (Pace 2012).

It seems like Joe Biden was right. The Sandy Hook massacre appears to have swayed Americans' views on guns profoundly, the way no previous shootings ever did,. According to a New York Times\CBS News poll from early January, the Sandy Hook massacre has galvanized the broadest support for stricter gun laws in about a decade (Cooper 2013). The poll found that 54% of Americans, as opposed to 39% in April last year, think that gun control laws should be tightened. This rise in support stretched across political lines, including an 18% increase among Republicans (Cooper 2013; The New York Times\CBS 2013). When it comes to specific gun proposals, such as background checks, the poll found even wider support. The idea of requiring background checks on all gun purchases has the support of 9 in 10 Americans. It is still difficult to say whether the Newtown shooting will have a long-term effect on public opinion, but the latest polls suggest a deeper, and possibly more resonating shift, compared to smaller increases in support for gun control that tended to immediately follow earlier mass-shootings (Ibid.).

After the massacre, Eric Garcetti, member of Newtown's city council said that local measures are not enough, and that is was time to make the conversation on gun control national (Lowery & Magerian 2012). The conversation on gun control did become national, and the following sections will provide an overview over political developments related to gun control after the Sandy Hook shooting.

6.2.1 The reaction of the Obama Administration

During his first election campaign, Barack Obama campaigned on permanent reinstatement of the expired assault weapons ban. Eric Holder, Attorney General in 2009, stated that the administration would lobby for a bill, but the White House has mostly avoided talking about it. President Obama himself only expressed his support for the reinstating of assault weapons ban first in October 2012 (Dwyer 2012). In October, the President broke his silence on the legislation which had persisted in spite of earlier mass shootings during his first term, saying that existing laws should be enforced better, and that weapons that were designed for soldiers in war theaters do not belong in the streets. For that reason, Obama said he would try to start a broader conversation about how to reduce the violence generally, and a big part of that was seeing if an assault weapons ban could be reintroduced (Ibid.). However, not much action followed that statement. After the massacre at Sandy Hook, however, the president vowed to use "whatever power this office holds" to safeguard the nation's children against gun violence, suggesting that he might put political muscle behind, among others, an assault weapons ban (Pace 2012). Unlike what happened earlier, this time rhetoric was turned into action.

After the Sandy Hook shooting, White House officials said that President Barack Obama would make preventing gun violence his second-term policy priority. At first it was not clear what exactly Obama would pursue and how, and aides said that stricter gun laws would only be a part of any effort (Pace 2012). However, this time the first steps were taken without any delay.

As early as in January 2013, president Barack Obama started exploring executive orders to help prevent mass shootings in America (Levs 2013).⁴The President knew that such a move would be very controversial in the gun lobby, but according to Joe Biden, the president was determined to explore every avenue (McCarthy 2013). President Obama created a new task force overseen by Joe Biden, that would provide concrete proposals by the end of January to reduce gun violence. The group, under the leadership of Joe Biden, included an array of Cabinet members, government officials, the victims of mass shootings and gun control advocates (Levs 2013, McCarthy 2013). Colin Goddard of the Brady Campaign, shot four times in the 2007 Virginia Tech Massacre, were among those addressing the group to push for tougher gun laws. Goddard argued that the overwhelming majority of Americans want comprehensive common sense changes to gun policy, and that there are common ground solutions that respect the Second Amendment (Levs 2013). On Wednesday January 23rd President Barack Obama announced the actions he would take by

⁴ Executive orders are directives issued by the President of the United States under his statutory or constitutional powers that bypass the U.S. Congress and the standard legislative law making process (Longley 2013a).

Executive Order (Newsmax 2013). Among those were many actions related to background checks, launching a national safe and responsible gun ownership campaigns, reviewing safety standards for gun locks and gun safes and more (Ibid.). In brief, the President has used his executive powers to bolster the national background check system, create a million-dollar ad campaign aimed at safe gun ownership, and jump start government research on the causes of gun violence (Yager 2013).

At first it was not even certain whether the debate on tighter background checks⁵ would happen. Many Republican senators sent a letter to Senate Majority Leader Harry Reid threatening to filibuster the Senate debate on background checks in early April, stating that they would "oppose the motion to proceed to any legislation that will serve as a vehicle for any additional gun restrictions" (Miller 2013). Filibuster is a tactic in the US Senate used by opponents of a bill to block its passage. When a Senator is granted permission to speak by the presiding officer, he or she may speak indefinitely in an effort to delay or prevent a final vote on the bill. In order to halt the filibuster, the Senate must pass a 'cloture' resolution by a three-fifths (60 votes) majority (Longley 2013b). Harry Reid said he found the letter he received from Republican senators "deeply troubling", and mocked it saying

"My Republican colleagues went so far as to send me a letter saying we will agree to nothing, there will be no debate, there will be nothing. We want you to do zero on anything dealing with stricter gun measures. They don't even want to let us vote on this. ... There is simply no reason for this blatant obstruction except the fear of considering antiviolenace proposals in full view." (Miller 2013)

With votes from moderate Republicans overall majority of 68 to 31, the debate could not be filibustered (Roberts 2013a). According to many commentators, the vote gave hope for the first in years substantive debate on control legislation, which in itself was a sign of how far the political mood has shifted since the Sandy Hook tragedy (Ibid.). On April 17th 2013, the Senate voted on the Manchin-Toomey Amendment, which was a compromise amendment between two moderate gun rights advocates, Democrat Joe Manchin and Republican Pat Toomey (Roberts 2013b). The amendment aimed to introduce requirement for background checks on all commercial gun sales. For a while it seemed that the amendment stood a serious chance of passing. However, the vote failed, with 54 votes for and 46 against. End even if the amendment was approved by the Senate, any gun control bill would still have to face tough sledding in the GOP-controlled House (Yager 2013).

⁵ The Manchin-Toomey background check amendment was one of nine proposed changes to a gun control bill that the Senate debated in April 2012. Usually referred to as a 'background checks amendment' was a bipartisan compromise that was considered most likely of all proposed gun control measures to pass through the Senate, and the whole Senate debate is often referred to as a 'background checks debate'

Almost all Senators who voted against the amendment have received substantial amounts of money from gun rights groups, including the NRA (Center For Responsive Politics 2013), and the way things look now, it is fairly clear that the Congress is very likely to fight Obama's gun control plans every step of the way.

One would think that the background check compromise bill had everything going for it. It had bipartisan sponsorship of centrist senators, support of 90% of Americans, President Obama's full backing, a momentum created by tragedy, sympathetic advocates with gripping stories like the Newtown Families and ex. Representative Gaby Giffords⁶ (Kroll 2013). So why did it fail? According to many commentators, the main reason for the failure of background check bill was NRA's unrivaled political power (Kroll 2013; O'Keefe 2013). Before the background checks vote, the NRA tightened the screws on senators by taking the unprecedented decision to award negative scores to any Senator that voted for a motion allowing the gun debate to go ahead. The NRA scores are widely used during elections to show Senator's adherence to the gun cause, and through this rating system the NRA has solidified its influence in the halls of Congress by holding politicians accountable by their voting records in gun policy (Nnamani 2013; Roberts 2013b). In a letter to Senators, NRA's Executive Director Chris Cox wrote that NRA is "unequivocally opposed" the bill S. 649 which includes the Manchin-Toomey compromise amendment, and given the importance of the issues the amendment covers, "votes on all anti-gun amendments or proposals will be considered in NRA's future candidate evaluations" (Cox 2013b). NRA's decision forced the Senators to choose between supporting the proposal and protecting their NRA credentials (Kapur 2013).

The NRA's opposition seemed to serve as a counterweight to public opinion. "It came down to politics, the worry that that vocal minority of gun owners would come after them in future elections," said the president (Steinhauser 2013). "They worried that the gun lobby would spend a lot of money and paint them as anti-second amendment. And obviously a lot of Republicans had that fear but Democrats had that fear too. And they caved to that pressure" (Ibid.). CNN Chief Congressional Correspondent Dana Bash analyzed the vote this way: "There is a feeling that some of these middle of the readers on the Republican and Democratic side decided that on this gun issue there was too much risk and not enough reward to defy the NRA lobby and many of the constituents in their states" (Steinhauser 2013).

⁶ Gabrielle "Gaby" Giffords is a Democratic politician and a victim of a shooting near Tucson on January 8 2011 which was reported to be an assassination attempt on her life. She was critically injured by a gunshot wound to the head.

6.2.2 The NRA

In a press conference held one week after the Sandy Hook massacre, the National Rifle Association called on Congress to put armed police officers in all American schools (LoGiurato 2012). NRA's CEO Wayne LaPierre blamed what happened at Sandy Hook at everything from gun-free school zones, the media, movies, violent video games, and a lack of government funding for the influx of mass shootings in the U.S. He also repeated one of NRA's mantras, "the only thing that stops a bad guy with a gun is a good guy with a gun" (Ibid.). "If it's crazy to call for armed officers in our schools to protect our children, then call me crazy" said NRA head Wayne LaPierre during the press conference. "I think the American people think it's crazy not to do it. It's the one thing that would keep people safe', he continued (McCarthy 2013).

Not surprisingly, the NRA's reaction to Obama's gun control plans is far from positive. As usually, the NRA argues that it is very committed to keeping people protected, but that a focus on stricter gun control is completely misguided (Levs 2013). According to the NRA, gun control regulation erodes the rights of law-abiding gun owners, and any gun control is a step towards a complete gun confiscation. At the 2012 Conservative Political Action Conference, Wayne LaPierre warned that the first-term Obama Administration 'lip service to gun owners is just part of a massive Obama conspiracy to deceive voters and hide his true intentions to destroy the Second Amendment during his second term' (Spaeth 2013). Obama's response to Sandy Hook validated LaPierre's fears, and NRA vowed that with the 4.5 million men and women of the National Rifle Association it would oppose Obama's efforts to enact the gun control agenda (NRA-ILA 2013 a).

Gun-rights proponents were also outraged by Obama's gun rights initiatives. With the NRA support, Rep. Steve Stockman (R-Texas) threatened to file articles of impeachment against President Obama if he tried to change gun regulations through executive order. "I will seek to thwart this action by any means necessary, including but not limited to eliminating funding for implementation, defunding the White House, and even filing articles of impeachment" (Gibson 2013). He also said that the President's actions are an existential threat to this nation, and that any proposal to abuse executive power and infringe upon gun rights must be repelled "with the stiffest legislative force possible" (Ibid.). Further, according to Rep. Stockman, the President's actions are not just an attack on the Constitution and a violation of his sworn oath of office, but they are a direct attack on Americans that place every American in danger, because "if the President is allowed to suspend constitutional rights on his own personal whims, our free republic has effectively ceased to exist" (Gibson 2013). Some other Republican gun-rights advocates who want to impeach Obama over his gun control proposals are Rep. Trey Radel (R-Fl), Rep. Louie Gohmert

(R-Tx), and former Attorney General Edwin Meese (Shen 2013).

During the NRA annual national convention in Houston in May 2013, the NRA and friendly Republican politicians defended the gun lobby's hardline resistance to Obama's gun reforms. With speakers such as Sara Palin, Rick Santorum and Texas senator Ted Cruz. Ted Cruz, who led Republican opposition to new gun control regulations in April's US Senate vote, told the NRA crowd that "every vote that would have undermined the Second Amendment was voted down. That's your victory, it's the victory of the American people" (Pilkington 2013 b).

Chapter 7: Why does the ATT face uphill battle in the US Senate?

The NRA has managed to turn the debate on the ATT into a domestic debate about gun control, where the group is able to exert a lot of power. The following sections are going to analyze three main aspects of NRA power: financial resources, ability to mobilize its members, and ability to frame the political debate. NRA's ability to mobilize its members and ability to frame the political debate are so closely related that they are going to be analyzed together in one section. The last section of this chapter will analyze different pressures the senators are facing on the ATT vote in the attempt to find out whether the ATT stands a chance of ratification by the US Senate.

7.1 NRA's Power

It is sometimes argued that that gun control proponents focus too much on the NRA as their opponent. However, this obsession is very understandable given the level of influence NRA has on gun policy at every level of government. In fact, in 2001, Fortune magazine named the NRA the most powerful lobby in Washington (Heningan 2009: 1). Many commentators say that while there are many reasons why politicians are often silent on gun control issues, the most important of them comes in three words: National Rifle Association, a group that "no politician should oppose if they want to keep their job" (Hartung 2012b).

The power of the NRA is rooted in many factors. While there is an overlap between them, the most important factors can still be divided into resources, the group's ability to mobilize its five million membership base to participate in various political activities, and the group's ability to control the national debate about guns (Berlow & Witkin 2013). The NRA gathers information on gun control and other issues important to the members, disseminated the information to the members, represents its members to elected officials, reports to the membership the behaviors of elected officials, and helps shape public opinion on issues (Kenny, McBurnett and Bordua 2006: 4). The following chapters are going to explore how the NRA uses its resources and how it mobilizes its members to be politically active. However, it is also important to understand why the NRA is able to exercise this kind of power, because clearly there must be something in their message that resonates with many people (Heningan 2009: 5).

7.1.1 NRA's financial resources

There is a huge disproportion between the power of gun rights and gun control activists. Since 2009, gun rights advocates have spent almost 25 times more money in Washington than the groups advocating gun control. Between 2009 and 2012, gun advocacy groups have spent 20 million dollars on political contributions and lobbying, while gun control groups have spend 832 thousand (Cline 2012). The NRA itself accounts for about 60% of what gun rights interest groups spent on lobbying in 2011 and the first three quarters of 2012 (Martinelli & Merlin 2012). Since 2011, the NRA alone has spend 10 more on lobbying on the federal level than gun control groups (McCutcheon 2012).

According to Center for Responsive Politics and Center for Public Integrity, the gun lobby has poured 81 million dollars into Senate, House, and presidential races since the 2000 election cycle (Berlow & Witkin 2013). Fourty-six million alone went to independent expenditures made since Supreme Court decisions in 2010, especially the Supreme Court's Citizens United decision (Citizens United v. Federal Election Commission 2010). This decision allowed associations, unions, corporations and individuals to make unlimited independent expenditures aimed at either electing or defeating candidates in federal elections, as long as the expenditures are not "coordinated" with a candidate's actual campaign, thereby essentially redefining electoral politics (Citizens United v. Federal Election Commission 2010; Berlow & Witkin 2013). According to Lee Drutman from the Sunlight Foundation, members of Congress pay very close attention to how much money the NRA and other gun-rights group spend. The reason is that Senators and Representatives know that during the last election cycle, the NRA spent 18.6 million on various campaigns. They know what the NRA is capable of doing and the kind of ads they are able of running, which is especially scary to those who face close elections. The Congressmen know that if they cross the NRA, the group can potentially spend hundreds of thousands, or even millions of dollars in advertising against the candidates (Ibid.).

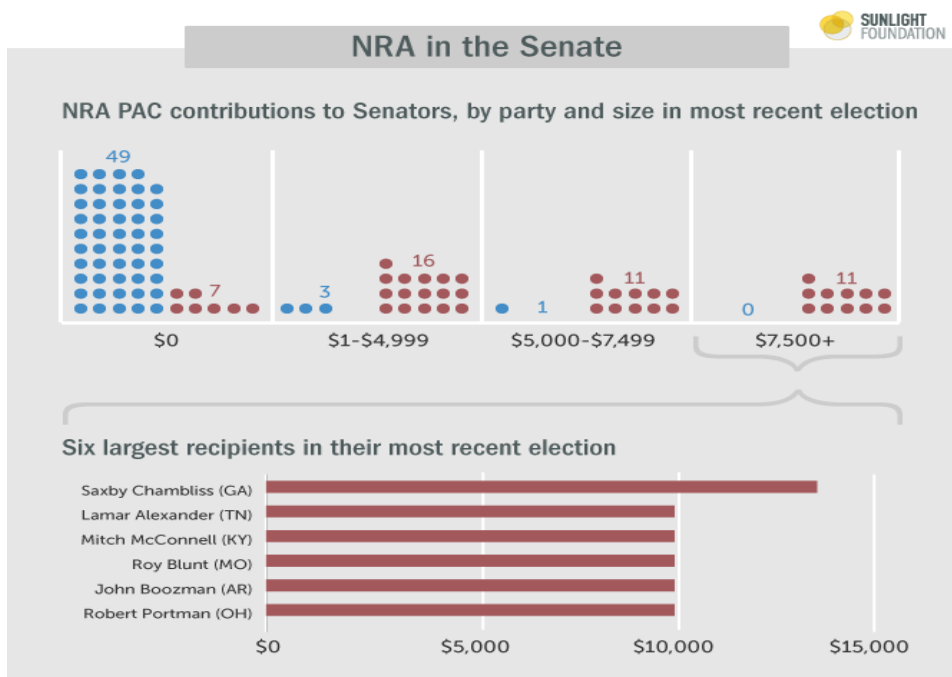
From 2000 election cycle until 2010, the decade before Citizens United, much of the money was spent directly on political campaigns on all levels, and during that period pro-gun interests dominated electoral spending so thoroughly that they rendered gun control forces irrelevant (Berlow & Witkin 2013). Between 2000 and 2010, gun-rights groups spent 28 times more money in House and Senate races than did gun-control groups, contributing with 7 million dollars vs 245.000 dollars, respectively. Of the total of gun-rights spending, 3.9 million dollars were delivered by the NRA itself (Ibid.). Since the Citizens United decision, the gun-control cause has gained new financial muscle, mostly thanks to independent expenditures over 11 million dollars by New York

Mayor Michael Bloomberg and other groups tied to him. This money is "nothing to sneeze at, but still just a fraction of that \$46 million in post-2010 gun rights money" (Berlow & Witkin 2013).

According to the data gathered by the Center for Responsive Politics, donors associated with the NRA have heavily favored Republicans in their contributions since 1990, with an average 83% of the money leaning in the direction of right wing politicians in the last 2 decades. In the 2012 election cycle, 89% of the NRA's contributions went to Republicans (Martinelli & Merlin 2012). During 2011-2012 election cycle the NRA's total independent expenditures amounted to 18,607,356 dollars, out of which 41,506 for Democrats, 13,286,512 against Democrats, 6,218,408 for Republicans, and 220,616 dollars against Republicans (Martinelli & Merlin 2012).

In the current Senate, 38 out of 45 (84%) of Republicans received NRA money during their most recent elections, and 42 of 45 (93%) have received contributions at some point during their career. Among Democrats, 4 of 53 (8%) received contributions during their most recent elections, and 8 of 53 (15%) have received contributions at some point (Drutman 2012a). The following figure shows clearly that Republicans have received much more NRA donations than Democrats did (red dots represent Republicans, and blue dots represent Democrats).

Figure 7.1 NRA contributions to Senators in the most recent election



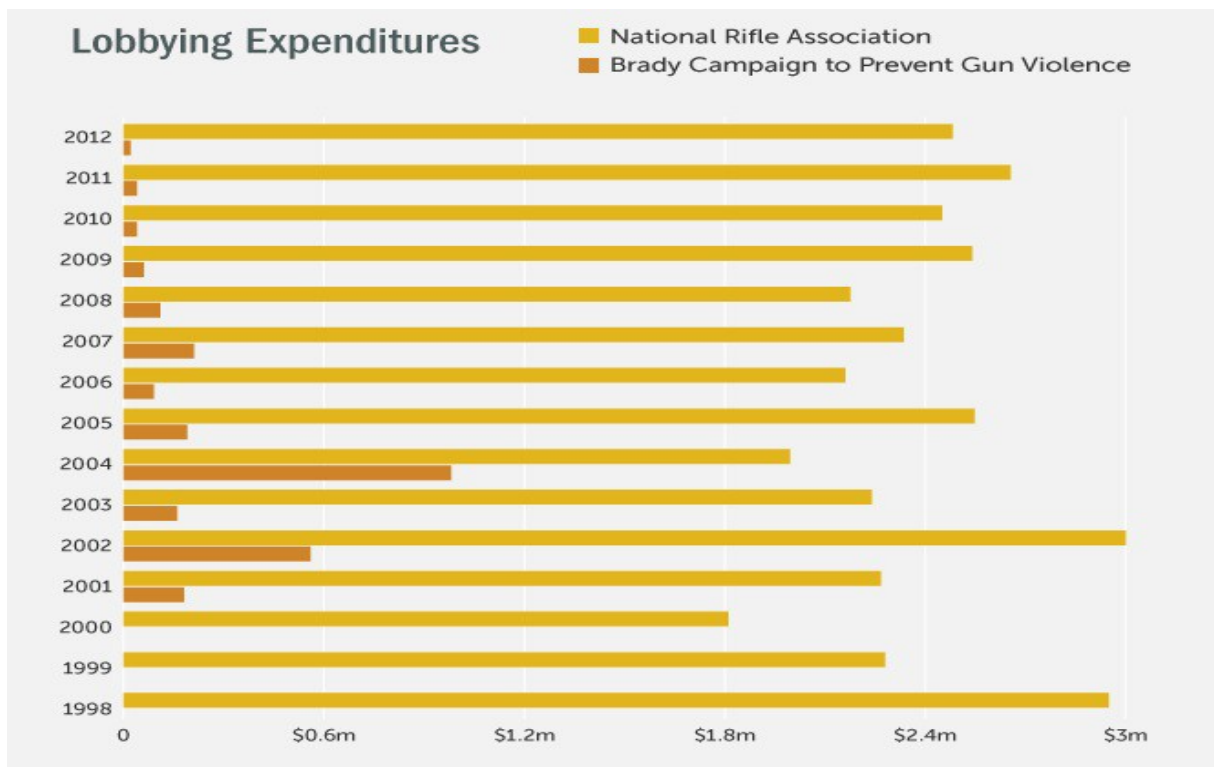
Source: Drutman (2012a)

The reason why these numbers are important is that in order for the ATT to be ratified, it needs at least 67 votes in the Senate, which means that a substantial amount of Republican senators also have to vote for the treaty. Because the current Senate consists of 53 Democrats, 45 Republicans and 2 independent senators, and given that the amount of contributions to a significant degree corresponds with senators' allegiances, the ATT is likely to face an uphill battle in the Senate.

Although the NRA does not always win, and despite the fact that the NRA spending in the last election did not yield the desired outcomes, the group spends at levels that politicians both fear and crave, which is one of the biggest sources of the NRA substantial power and influence (Drutman 2012a). Still, during the 2012 election cycle, about 80% of the candidates funded by the NRA won their House or Senate races (The Washington Post 2013)

As mentioned earlier, it is important to note that in contrast to NRA efforts, there have been practically no resources and pressures on the other side of the issue for decades (Drutman 2012b), which can be clearly seen in the graph below. The graph compares lobbying spending of the NRA with that of what has been the the biggest gun-control group for many years, the Brady Campaign.

Figure 7.2 Lobbying Expenditures of the NRA and Brady Campaign



Sources: opensecrets.org and the Federal Elections Commission

Source: Durtman (2012b)

However, as noted, a new player has entered the game. Mayor Michael Bloomberg founded Mayors Against Illegal Guns in 2006, and with personal fortune estimated at 27 billion dollars according to Forbes magazine, Mayor Bloomberg has entered the gun debate by organizing political allies, financing research, and spending a lot of his own money on pro-gun control TV-ads and elections. In fact, he said he is prepared to spend his entire fortune to support gun-control, or as he calls them, "anti-crime" candidates (Berlow & Witkin 2013). However, even though a growing number of groups in favor of gun control have also been spending money in recent months, including Michael Bloomberg's Mayors Against Illegal Guns, all these efforts are still dwarfed by the NRA (Roberts 2013). The NRA has spent 73 times what the leading pro-gun control advocacy group, the Brady Campaign to Prevent Gun Violence, has spent on lobbying in the 112th Congress (4.4 million dollars compared to 60 thousand through the second quarter of 2012) (Drutman 2012b). Because of this, the senators know that opposition to gun control brings in a flood of donations, political support (most notably the support of the NRA with all the resources that follow), while support of gun control brings political liabilities (the opposition of the NRA). With the gun-control side being so weak compared to the NRA, the calculus for the Senators is clear, and "explains why the United States has among the most permissive gun ownership laws in the world" (Drutman 2012a).

7.1.2 Framing and mobilization

*"For nearly 20 years, the NRA has fought tirelessly to oppose any United Nations effort to undermine the constitutional rights of law-abiding American gun owners. That fight has grown more intense lately, as the U.N. and global gun banners have moved to step up their attack on our Second Amendment freedoms by including civilian arms in the proposed Arms Trade Treaty."
(NRA ILA 2013b)*

The NRA is an organization with very substantial resources that they use effectively. However, other organizations, especially Mayors Against Illegal Guns, also have financial resources. So why is the NRA this powerful? Why is it the NRA that has the reputation of a group that "no politician should oppose if they want to keep their job" (Hartung 2012b)? As shown in the previous section, the NRA has an amazing ability to mobilize their members to participate in political activities, and they can get out votes on the election day, something that makes politicians fear the power of the NRA. But why is the NRA able to mobilize people so effectively?

In addition to the financial resources, other important resources the NRA has at its disposal are the ability to frame the political debate and the ability to mobilize its members and other gun owners into participating in various political activities. According to many commentators, such as

Berlow and Witkin (2013), the NRA has managed to take almost complete control of domestic political debate on guns, and it has done it through the very skillful framing of the issues which relate to domestic gun control. This section argues that the NRA has also managed to take control of the debate on the Arms Trade Treaty. If the Obama administration could to a higher degree control the public debate, the ATT would stay where it belongs, namely in the realm of international cooperation. However, the NRA managed to take something that actually does not have anything to do with the domestic gun control, and make it into a domestic gun control issue, moving this debate to the domestic realm where the NRA has so much power. This might be the main reason why it will be very difficult to get the treaty ratified by the Senate. Still, the question is why has the NRA managed to make the ATT into a domestic gun control issue. As this section will show, it has everything to do with the NRA's ability to frame the issues and create a powerful narrative that appeals to NRA members and many other gun owners. This section will analyze how the NRA is framing the political debate, especially in regards to the ATT, and how this framing contributes to the group's ability to mobilize its members and other gun owners.

According to the resource mobilization theory, framing is one of cultural resources groups have at their disposal. Through framing, NRA calls attention to different issues by using language that names, interprets and dramatizes them. Framing is means through which NRA mobilizes people. Because not all individuals within a given society share the same 'culture' (Bailey 2009: 81), the frames the NRA is using mostly appeal to a particular target group, namely NRA members and often other gun owners. This section argues that the most important and effective frames the NRA is using is portraying the ATT as a threat not only to the gun owners' rights, but also a threat to the American identity. The other is making the NRA members and other gun owners believe that any form of gun control (and the ATT is full of gun control schemes and a threat to the Second Amendments rights according to the NRA) is a threat to them personally, thus making gun owners' self-interest a big motivation for political participation.

According to Kopel (1995) and Kessler (1988), the gun debate is mainly fought with the heart, rather than the mind, and ideological factors play a key role in this debate. While the actual physical characteristics of firearms and their use are important, the significance attached to guns quite often has little reaction to guns themselves. According to Kopel (1995) and Kessler (1988), guns have big symbolic value in the US, as they symbolize, among others, individualism and self-reliance, and this is the main reason why proposals to regulate or prohibit firearms in the US generate so much passion.

A lot of support for the findings from Kopel (1995) and Kessler (1988) analysis was found

in the articles about the Arms Trade Treaty published by the NRA. During many campaigns against gun control over the years, the NRA has skillfully constructed the connection between guns and what they symbolize. One can even go as far as to say that the NRA has managed to construct a narrative where guns are closely related to the American identity, which often includes individualism, suspicion of government, and love of unrestricted freedom. This is a narrative that appeals to the NRA members and many gun owners. Thus, not surprisingly, when it comes to the Arms Trade Treaty, most of NRA's arguments against the ATT appeal to people's emotions and their sense of identity. The NRA's opposition to the ATT has less to do with concrete treaty provisions, and much more with the principles and ideas. Already in 2011, a year before the first round of real negotiations on the ATT, the NRA wrote that the Second Amendment is "freedom's most valuable, most cherished, most irreplaceable idea" (NRA-ILA 2012d). The NRA argues that history proves that when you ignore the rights of good people to own firearms, you enable future tyrants "whose regimes will destroy millions and millions of defenseless lives" (Ibid.).

Almost a year before the first draft of the treaty was available, the NRA started framing the treaty as something that should concern "not only every gun owner but also every freedom-loving American", an "all-out attack on the constitutional freedom of American gun owners" (Cox 2011), and with every new draft the treaty was portrayed as even more frightening. At the same time the NRA portrays the Obama Administration as "gun-grabbers" who have done everything in their power to make owning guns more difficult or even illegal, and now by supporting the ATT they want to "unleash the U.N. gun-ban axis on our right to keep and bear arms. It's time for all Americans to sound the alarm on this treacherous assault on U.S. sovereignty" (Ibid.).

By creating this kind of narrative, the NRA captures attention of their members and many gun owners. Americans love their guns, and they often distrust the federal government and international institutions. In fact, people who say they have guns in their households continue to be more likely than those who do not to say that the government is a threat to their personal rights and freedoms. About six-in-ten (62%) in gun-owning households see the government as a threat, compared with 45% of those without guns (Pew Research Center 2013).

According to commentators such as Berlow and Witkin (2013), the NRA's genius lies in the group's ability to convince a substantial number of gun owners "that they are at Armageddon's doorstep at any given moment". Every issue can be framed in different way, and so far the NRA has been very successful in framing the ATT as an existential threat not just to gun owners, but to all "freedom-loving Americans", and one of the most serious threats to American gun owners in decades' (NRA-ILA 2012b). Below is a good example of how the NRA makes the ATT sound like

one of the biggest threats that not only gun owners, but also people who cherish their freedom and their Constitution:

'The NRA represents hundreds of millions of Americans who will never surrender our fundamental firearms freedom to international standards, agreements, or consensus. America will always stand as a symbol of freedom and the overwhelming force of a free, armed citizenry to protect and preserve it. On behalf of all NRA members and American gun owners, we are here to announce that we will not tolerate any attack – from any entity or organization whatsoever – on our Constitution or our fundamental, individual Right to Keep and Bear Arms.' (NRA-ILA 2012d)

As explained in the chapter 3.0, framing has four tasks (Bailey 2009: 81; Snow, Soule & Kriest 2004; Snow, Rochford, Worden & Bentford 1986). First, a frame provides a diagnosis of the problem, specifies the nature of the problem and identifies its cause. The second task of frames is offering a prognosis, explaining how the problem is best tackled, and providing tactics and targets. Then it dichotomizes the players into clearly defined 'us' and 'them', and the fourth task provides a call to arms, or rationale for engaging in collective action (Ibid.). The NRA portrays the ATT as a vehicle for numerous "gun-control schemes", from gun registration and micro stamping to outright bans and confiscation, that could devastate Second Amendment rights of law-abiding Americans (Schmeits 2011; NRA-ILa 2012a). Further, the NRA vows to do everything in its power to stop the ATT from coming into force. The "us" in this case is NRA members and gun owners; the "them" is the Administration that has been anti-gun from the beginning and that in addition to supporting the ATT is now attacking gun rights at home, and "the global civilian disarmament groups and their patron governments" (NRA-ILA 2012e) working under the auspices of the United Nations that "represents the interests of governments- not citizens" (Schmeits 2011). The call to arms is also present, as many of the articles on the ATT published by the NRA end with an encouragement for people to call their Senators and make sure that the ATT will not be ratified by the Senate.

Through framing the issue in this way, the NRA is creating a counter-norm to the emerging international small arms norm. In fact, NRA's Schmeits said explicitly that "our nation was founded for the precise purpose of escaping 'global norms' " (Schmeits 2011). Just as norm entrepreneurs are critical for the emergence of norms, because they call attention to issues or even 'create' the issues by using language that interprets, names and dramatizes them Finnemore & Skikink 1998: 897), the NRA has been acting like norm entrepreneurs working in the same way to counter the international small arms norm. The construction of the frames by norm entrepreneurs is an essential component of political strategies, because when they are successful, the new frames resonate with broader public understandings (Ibid.). The frame that the NRA has been trying to create, which

includes the vision of the gun-hating Administration and "global gun grabbers" coming for your guns clearly resonates with many gun-owners belief that the federal government is not to be trusted and wants to disarm the American people, and that the treaty could give information about American gun owners "into the hands of foreign governments, whose records on privacy may be even more questionable than that of the U.S" (NRA-ILA 2013d).

International norms are deeply entwined with the workings of domestic norms, and they always have to work their influence through the filter of domestic norms, structures and influences (Finnemore & Skikkink 1998: 898). Even though it might sometimes appear that way, international norms do not simply trump the domestic ones, and domestic influences are strongest at the early stages of norm's life cycle (Ibid.). If we take the three-staged norm life cycle as a starting point, it seems that the small arms norm is still at its early stages. According to Finnemore and Skikkink (1998), the second stage of the norm life cycle is contagion, when international and transnational norm influences become more important than domestic politics for effecting norm change (902). The small arms norm must thus still be at the early stage, because domestic influences still seem very important, something that the NRA is exploiting to the fullest.

The NRA has been working with it's "allies", particularly in the U.S. Senate, trying to ensure that "the Right to Keep and Bear Arms is not threatened by this or any future international treaty" (NRA-ILA 2012c). The NRA boasts that it was on two occasions successful in convincing a majority of the U.S. Senate to sign letters to President Obama that made it clear that any treaty that included civilian arms was not going to be ratified by the U.S. Senate, and that the NRA members made their voices heard on the issue as well, calling their representatives and urging them to oppose the treaty, which resulted in 130 members of the House voicing their strong opposition to the treaty (Ibid.).

The NRA also appeals to gun-owners self-interest. Self-interest does not always influence policy attitudes. However, gun control is one of the issues where self-interest is a very strong motivator, and the NRA has a lot to do with it (Wolpert & Gimpel 1998: 255). The NRA has managed to make the ATT into a domestic gun control issue, and portrays the treaty in a way that activates gun-owners self-interest, as the group has managed to convince many people that the "UN gun-grabbers" are coming for guns of American law-abiding citizens. "And it ends with an outright ban on your guns!!!!" (LaPierre 2013). This narrative fits into a broader NRA public relations campaign.

The NRA's public relations campaign makes two main arguments that highlight the self-interested concerns of gun owners. First, it argues that gun regulations will not keep firearms out of

the hands of criminals, but will instead create burdens for law-abiding citizens and infringe on their rights as enshrined in the Second Amendment. The other argument is that the widespread gun ownership is one of the best deterrents to and defenses against crime (Ibid. 255). In addition, NRA usually uses the phrases as "total gun ban", "gun confiscation" and so on. Wolpert and Gimpel argue that the reason for using this kind of vocabulary and narrative is that banning handguns evokes stronger self-interest effects than banning assault weapons or imposing a waiting period on firearms purchases (Ibid. 241). These arguments, coupled with the very high visibility of the NRA and the NRA's ability to mobilize its four million members, triggers self-interested concerns among gun owners' (Ibid. 255). This kind of narrative can be seen very clearly in how the NRA talks about the Arms Trade Treaty. On a web-page devoted solely to membership, NRA's Wayne LaPierre appeals to his fellow Americans, conveying the urgency of action, and how big of a threat the ATT is for every gun owner, as the UN is 'coming for their guns':

"What's happening RIGHT NOW in Washington, D. C. could spell disaster for YOUR guns and YOUR Second Amendment rights! Hundreds of gun-ban politicians, political appointees and bureaucrats are now writing regulations, casting votes and passing laws that could all but eliminate your right to own a gun. Their agenda starts with licensing, registering, fingerprinting, inspecting and cataloging every firearm, firearm owner and firearm transfer in the United States ... And it ends with an outright ban on your guns!!!! Only you can stop the anti-gunners and prevent the obliteration of our Second Amendment rights...by joining NRA today" (LaPierre 2013)

Because of the very skillful framing, the NRA's ability to mobilize its members into participating in various political activities, including voting, is legendary. According to the resource mobilization theory, this draws upon two types of resources. One is cultural (framing, discussed earlier in this section), the other one the resource mobilization theory calls social-organizational resource, which means, among others, ability to mobilize its members into participating in political activities, from voting and writing senators to participating in venues that build common identity. All these activities raise the salience of gun control, as well as provide information about the issue and candidate's position on it. This information helps individuals figure out what policy position maximizes their self-interest, thus the NRA activities create conditions facilitating the ability of gun owners to act in self-interested manner (Wolpert & Gimpel 1998: 255). Just as the NRA focuses almost exclusively on gun control, the NRA members are likely to be single-issue voters, which makes the NRA capable of delivering votes (Palmer 2012).

In order to make it easy for the gun owners to decide who to vote for, the NRA grades candidates based on their voting record on issues. "A+" grade means that candidate has excellent voting record and vigorous effort on gun rights, "A" grade means that he or she is solidly pro-gun,

backed the NRA on key votes or has a positive record on gun rights, "B" means that candidate may have opposed pro-gun reform or backed some gun restrictions, "C" means "not necessarily a passing grade" and "mixed record" on gun votes, "D" grade means that candidate is anti-gun supporter of gun control legislation who can usually be counted to vote wrong on key issues. The worst grade NRA gives to candidates is "F", which means that candidate is a 'true enemy of gun owners' rights" (The Washington Post 2013). Before the Senate vote on expanding background checks, Mayors Against Illegal Guns announced that it would be issuing its own rankings, hoping that they would provide a counterweight that would make it easier for 'on-the-fence legislators to side with the gun-control crowd (Terbush 2013). However, according to Andrew Arulanandam, the NRA spokesman, the reason why NRA scorecards are so effective is that they have the weight of "approximately 5 million dues-paying members and tens of millions of other supporters behind them", and the NRA will take that "over the purse of one billionaire any day of the week and twice on Sunday" (Ibid.).

Politicians fear the activism of NRA members, and with good reason. The NRA members are widely believed to be very likely to attend campaign events, ring doorbells, sign letters and make phone calls to help their favored candidates (Palmer 2012). According to NRA's David Keene, in a typical state NRA represents "10% of the persuadable second Amendment votes" on any given issue. The group represents people who are very passionate about their guns and gun rights, rely on NRA ratings of Congressmen, and are willing to pick up a phone and make a call when NRA asks them to do it (Berlow & Witkin 2013). Gregg Lee Carter, a sociology professor and editor of '*Guns in American Society*', also emphasizes the role of political activism of NRA members.

"The issue is not so much how much the NRA gives any senator or member of the House, it's how they can make their lives miserable. And how they make their lives miserable is they e-mail 'em, they call 'em, they fax 'em, they show up at meetings. The typical person who is for gun control is very different from the (pro-gun) person calling you or being right there, being an annoyance, hassling you personally. They're much more activist than the other side and that's what really produces their gains" (Berlow & Witkin 2013)

The NRA's ability to mobilize members into political activities is so effective not only because of the skillful framing, but also because the group is very skillful when it comes to reaching out to gun owners, for example through arranging various activities. These activities build common identity, and raise the salience of gun issues. One recent example of how the NRA reaches out to gun owners is their latest national convention in Houston, where visitors could watch training and education demos, attend gun-related book signings, visit antique gun showcases and participate in many more gun-related attractions (Flock 2013). This is political activism, and this is what works.

Barack Obama once said that nothing is more powerful than millions of voices calling for change. The background checks amendment had according to polls 90% of support in the population. However, it lacked the support of Republicans and the Congress. According to many political scientists, among them Jonathan Bernstein (2013), public opinion does not equal political power. Despite what Barack Obama thinks, 90% of people in this situation is not really calling for change, but simple receiving a call (Chait 2013).

According to a Quinnipiac University poll from 25-29 April, when asked "Would you support or oppose a law requiring background checks on people buying guns at gun shows or online?" 83 registered voters nationwide said they would support it. According to CBS News\New York Times Poll from April 24-28, between 86 and 89% Republicans, and between 94 and 96% Democrats favor a federal law requiring background checks on all potential gun buyers. A Fox News Poll conducted by Anderson Robbins Research and Shaw & Company Research on April 20-22 also found that over 80% of people favor expanding background checks on gun buyers (Pollingreport 2013). Moreover, according to a new Washington Post-ABC News poll, most Americans, including half of all gun owners, think that it is in fact possible to enact new gun laws without infringing on gun rights (Balz & Cohen 2013).

Still, despite such overwhelming public opinion support, the background checks amendment failed to pass through the Senate, Four months after the Sandy Hook tragedy, the gun-control proposal with arguably the best chance to pass through the Congress was defeated. A powerful gun lobby trumped public opinion (Steinhauser 2013). The background checks amendment did not pass, even though every national poll conducted in the past months indicated that the vast majority of Americans supported tougher background checks (Ibid.). Clearly, a well-funded and organized lobby is much more powerful than millions of voices calling for change (Chait 2013). The ABC/Washington Post poll highlighted an engagement gap between those who own and those who don't own guns. About one in five gun owners questioned in the survey said they have at some point contacted a public official to express their views on gun control. That number dropped by half for those in non-gun households. Nineteen percent of gun owners say they've contributed to an organization engaged in the gun control issue, with just 4% of non-gun owners saying the same thing (Steinhauser 2013).

As this section has shown, NRA framing leads to activism, and activism works. The NRA organizes gatherings, gun shows, has their members write and call their senators, and appeals to their members self-interest (or rather, what the NRA successfully gets them to think is their self-interest) which makes them vote for NRA-approved candidates. A motivated minority that cares

passionately about an issue often carries more weight in Washington than a majority that is not quite as focused on that single issue. Action works. Public opinion is passive, and in politics passive does not work (Chait 2013).

7.2 ATT vote in the Senate

As the ATT opens for signatures in very near future, this analysis of the political pressures of key senators in the Senate vote paint a very pessimistic picture for the treaty's ratification by the US Senate, as the political calculus points against the Senate voting for the treaty. Because, as discussed frequently in this paper, the NRA has managed to make the debate on the ATT into a domestic debate on gun control. This section will use the recent background check vote in the Senate as one vantage point for analyzing the chance that the Senate might approve the ATT.

The tables detail below presents different pressures the Senators face on the ATT vote. As explained in the section 4.0, all factors were collapsed into a single index, where five is most likely to vote for the ATT, and one is least likely. The index ranks senators relative to other senators from the same party (with two independents senators counting as democrats as they caucus with democrats). Because Democrats are in general more likely to vote for the ATT than Republicans, as they represent different political stands where Democrats generally are much more positive to various gun control measures than Republicans, the index scores are not comparable between parties. A Democrat with a score of three and a Republican with a score of three are unlikely to have the same probability of supporting the ATT. For this reason, there are two separate tables, one for Republicans and one for Democrats, both ranked by the index. More details and analyzes will follow the tables.

Table 7.1 Republicans ranked by index

REPUBLICANS							
Senator	State	NRA Money	NRA Rating	Obama vote share	Gun Owners	Gun Businesses /100.000	Index
Mark Kirk	Illinois	0	F	57%	20%	14	4,7
Marco Rubio	Florida	0	B+	50%	24%	12	3,5
Dan Coats	Indiana	0	C+	44%	39%	21	3,4
Susan Collins	Maine	19,800	C+	56%	40%	35	3,1
John McCain	Arizona	17,350	B+	44%	31%	20	3,1
Rob Portman	Ohio	9,800	A	50%	32%	19	3,1
Dan Heller	Nevada	18,400	A	52%	34%	19	3
Kelly Ayotte	New Hampshire	0	A	52%	30%	29	3
Ron Johnson	Wisconsin	5,950	A	53%	44%	26	3
Jeff Flake	Arizona	13,450	A	44%	31%	20	2,8
Pat Toomey	Pennsylvania	27,250	A	52%	35%	18	2,8
Chuck Grassley	Iowa	19,850	A	52%	43%	41	2,5
Richard Burr	North Carolina	30,750	A	49%	41%	21	2,5
David Vitter	Louisiana	30,300	A	41%	44%	25	2,4
John Boozman	Arkansas	15,900	A	37%	55%	41	2,1
Roy Blunt	Missouri	60,550	A	44%	42%	36	2,1
John Hoeven	North Dakota	4,950	A	39%	50%	62	2
John Thune	South Dakota	48,605	A+	40%	57%	61	1,7
Lisa Murkowski	Alaska	14,400	A	41%	58%	93	1,1

Sources: The Washington Post 2013, The New York Times 2012, NBC News 2012, White 2013, Mayors Against Illegal Guns 2013a, United States Census 2012

Table 7.2 Democrats ranked by index

DEMOCRATS							
Senator	State	NRA Money	NRA Rating	Obama Vote Share	Gun Owners	Gun Businesses /100,000	Index
Brian Schatz	Hawai	0	N/A	71%	9%	9	5
Mazie Hirono	Hawai	0	F	71%	9%	9	5
Dick Durbin	Illinois	0	F	57%	20%	14	4,7
Bill Nelson	Florida	0	F	50%	24%	12	4,5
Scott Brown	Ohio	0	F	50%	32%	19	4,4
Tim Kaine	Virginia	0	F	51%	35%	19	4,4
Tammy Baldwin	Wisconsin	0	F	53%	44%	26	4,2
Kay Hagan	North Carolina	0	F	49%	41%	21	4,1
Tom Harkin	Iowa	0	F	52%	43%	41	4
Claire McCaskill	Missouri	0	F	44%	42%	36	3,8
Jeanne Shaheen	New Hampshire	0	n/a	52%	30%	29	3,8
Tom Udall	New Mexico	0	C-	53%	35%	28	3,8
Bernie Sanders	Vermont	0	D-	67%	42%	51	3,7
Mark Udall	Colorado	0	C	51%	35%	27	3,6
Michael Bennett	Colorado	0	C+	51%	35%	27	3,6
Martin Heinrich	New Mexico	0	B	53%	35%	28	3,5
Bob Casey Jr	Pennsylvania	0	B+	52%	35%	18	3,5
Mary Landrieu	Louisiana	0	C-	41%	44%	25	3,4
Patrick Leahy	Vermont	0	C	67%	42%	51	3,4
Angus King	Maine	0	n/a	56%	40%	35	3,2
Harry Reid	Nevada	10,450	B	52%	34%	19	3,2
Mark Warner	Virginia	0	A	51%	32%	19	3,2
Mark Pryor	Arkansas	0	C	37%	55%	41	3
Jay Rockefeller	West Virginia	1,000	D	36%	55%	49	3
Joe Donnelly	Indiana	15,900	A	44%	39%	21	2,5
Heidi Heitkamp	North Dakota	0	A	39%	50%	62	2,1
Joe Manchin	West Virginia	9,450	A	36%	55%	49	2
Tim Johnson	South	10,000	A	40%	57%	61	1,8

	Dakota						
Jon Tester	Montana	0	A	42%	58%	104	1,5
May Baucus	Montana	22,300	A	42%	58%	104	1,2
Mark Begih	Alaska	0	n/a	41%	58%	93	1

Sources: The Washington Post 2013, The New York Times 2012, NBC News 2012, White 2013, Mayors Against Illegal Guns 2013a, United States Census 2012

To understand better how the vote on the ATT might play out in the US Senate, information was collected on 50 senators that were identified as potentially conflicted on the vote (section 4.0 explains how the senators for the analysis were chosen). With 26 Republicans almost certainly voting against the ATT, and 24 Democrats almost certainly voting for the ATT, in order for the ATT to be ratified by the Senate at least 43 Senators, in addition to the 24 Democrats, would have to vote for the ATT. This is not a very good starting point for the Treaty proponents.

To assess how likely the remaining 50 senators might be to vote for the ratification of the ATT, data was collected on factors that are relevant to the vote. The assumptions were that following factors contribute to higher likelihood of senators voting against the ATT

- 1) The higher the rating from the NRA, the less likely the senator is to vote for the ATT.
- 2) The more financial contributions from the NRA, the less likely the senator is to vote for the ATT.
- 3) The higher percentage of gun owners in the state, the less likely the senator is to vote for the ATT.
- 4) The higher percentage of firearms businesses per 100.000 citizens in the state, the less likely the senator is to vote for the ATT.
- 5) The lower percentage of Obama vote in the 2012 election in the senator's state, the less likely the senator is to vote for the ATT.

By combining all factors into a single score, the final index accounts for both senator specific influences (NRA rating and NRA financial contributions) and state specific influences (gun businesses, gun owners, and Obama vote share in the state). As already mentioned, these scores are not comparable between parties, but rank senators relative to other members of the same party in terms of various pressures they face on the ATT vote.

The Democratic senators from Hawaii, Brian Schatz and Mazie Hirono, both with a score of 5, are most likely 'yes' votes, while Max Baucus from Montana and Mark Begih from Alaska at 1

and 1.2 respectively are most likely Democratic 'no' votes. On the Republican side, Mark Kirk from Illinois is most likely to vote for the ATT with the score of 4.7, while Lisa Murkowski from Alaska is least likely to vote for the ATT with a score of 1.1. Top 5 Democrats most likely to vote for the ATT have F rating from the NRA, have not received any NRA donations, come from states where Obama won in 2012, which also have very low percentage of gun owners and gun businesses. Top 5 Democrats least likely to vote for the ATT have A rating from the NRA, 3 of them received NRA money, they all come from states where Obama lost in 2012, with high percentage of gun owners and very high number of gun businesses.

Out of the Republicans in the top five most likely to vote for the ATT, four of them, except for Dan Coats (R-Indiana) represent states where Obama won in 2012, four represent states with low gun ownership (the exception here is also Dan Coats). Five of the Republican senators least likely to vote for the ATT all represent states where Obama lost in 2012, with high gun ownership rates, high (except from Roy Blunt, R-Missouri) percentage of gun businesses per 100.000 people, with A or A+ NRA rating and except from John Hoeven (R-North Dakota) have each received over 14.000 dollars from the NRA.

A relevant factor which was not included in making this index, as it does not apply to everyone, is whether the senator is up for reelection in 2014, especially in a conservative state. In conservative states, where gun ownership is usually high, the senators are sensitive to this pressure, and voting for gun control measures could a senator very unpopular in their state, something that senators pay a lot of attention to especially if they face reelection in the near future. In regards to the background checks vote, whether or not the senator is up for reelection in 2014 was cited as very important factor both in predictions made by the Sunlight Foundation, and post-vote analysis by the Washington Times (Silver 2013, Drutman & Furnas 2013). According to the index this paper operates with, out of ten Democratic senators least likely to vote for the ATT, nine of them (except for Jeanne Shaheen, D-New Hampshire) represent states where Mitt Romney won the popular vote in 2012, and except for Jeanne Shaheen and Joe Donnelly (D-Indiana), all these states have gun ownership rate over 50%. Three of those senators are up for reelection in 2014: Mark Pryor (D-Arkansas), Max Baucus (D-Montana) and Mark Begich (D-Alaska), which means that these three senators are even less likely to vote for the ATT than the index suggests. None of the top ten Republicans most likely to vote for the ATT according to my index are up for reelection in 2014.

The Sunlight Foundation made an analysis where it evaluated the chances of the Senate passing background checks amendment, The factors the Foundation used differ slightly from the factors this analysis employs. The Sunlight Foundation evaluated potential swing senators

according to senator's vote share in their last election, Obama vote share in the senator's state in 2012, financial contributions by both gun control and gun rights groups to both the senator and their opponent in the last election, and the number of firearms businesses per 100,000 people in the senator's state. The Foundation's analysis did not factor in the percentage of gun owners in the state. The Sunlight Foundation's predictions as to how senators would vote on the issue of background checks yielded similar results to the predictions this thesis makes about the ATT vote. Because the NRA managed to make the ATT issue into a domestic gun control debate, it can be concluded that senators face similar pressures regarding the ATT vote as they did for the background checks vote, thus it is informative to compare those results.

The Sunlight Foundation analysis (Drutman & Furnas 2013) used a 0 to 10 scale, with senators with higher score being more likely to vote for the background checks than the ones with lower score. All senators with three or higher score on my index either had more than six out of ten on the Sunlight Foundation index, or were not included in the Foundation's analysis (the Sunlight Foundation did not analyze Democrats with F rating from the NRA because they assumed those would vote for the background checks regardless of other pressures). The five Democrats least likely to vote for the background checks according to the Sunlight Foundation's analysis are also the five Democrats least likely to vote for the ATT according to this analysis. Because the Sunlight Foundation did not analyze any Republicans with A rating from the NRA, as those were assumed to vote against the background checks regardless of other factors, it is difficult to compare these results with my analysis. The Sunlight Foundation gave Mark Kirk score of 10, according to this analysis he is also the Republican most likely to vote for the ATT with the score of 4.7. Dan Coats (R-Indiana) and Susan Collins (R-Maine) were in the middle of the scale in the Foundation's analysis, according to this analysis they are both among top five Republicans most likely to vote for the ATT. Dan Coats voted against the background checks amendment, Susan Collins voted for the amendment. The last Republican senators the Sunlight Foundation included in their analysis were Marco Rubio (R-Florida) and John McCain (R-Arkansas), with score of 1.03 and 0, respectively, meaning they would almost guaranteed vote against the background checks amendment. Marco Rubio did vote against the amendment, but John McCain voted for. According to my analysis, both of these senators are in the top 5 Republicans most likely to vote for the ATT.

According to many commentators, in the end it was not only the Republicans, but also some Democrats from conservative states "where gun rights are sacred, that sank the background checks compromise" (Steinhauser 2013). Mark Begich (D-Alaska), Max Baucus (D-Montana) and Mark Pryor (D-Arkansas) all face reelection next year in conservative states, and they all voted against

the background checks amendment. So did Heidi Heitkamp (D-North Dakota). Even though she is not facing reelection next year, she represents a state with strong sentiment for gun owners rights. According to commentators, all these senators may have feared that voting for the amendment would hurt their re-election chances, especially with the extremely influential NRA opposing the amendment (Ibid.).

According to President Obama, the background checks vote came down to politics, and the fear that a very vocal minority of gun owners would come after the senators who voted for the amendment in their last elections. "They worried that the gun lobby would spend a lot of money and paint them as anti-second amendment. And obviously a lot of Republicans had that fear but Democrats had that fear too. And they caved to that pressure" (Steinhauser 2013). The predictions this analysis made are mostly similar to the predictions the Sunlight Foundation made, and those were not perfect, but very accurate in predicting the final vote. The background checks vote required 60 votes to pass, and it was rejected 54 to 46 votes. In order for the ATT to be ratified at least 67 Senators must vote in favor of ratification. Given that senators face similar pressures, and given how accurate the Sunlight Foundation's predictions were and how similar predictions this analysis made are, it is extremely unlikely that the US Senate will vote for the ratification for the ATT and thereby support the small arms norm.

Chapter 7: Conclusions



The proliferation and misuse of small arms and light weapons has been one of the growing security issues of the post-Cold War Era. Because of how serious the problems relating to the misuse of small arms and light weapons are, many governments and other actors have been voicing concerns about the absence of globally agreed upon rules and a binding framework to regulate the transfers of weapons. It seems that now the small arms norm is emerging, and states will soon have a chance to commit to the norm by signing and ratifying the UN Arms Trade Treaty. But what will the US do?

The Obama administration reversed the previous Bush administration policy of outright opposition to the treaty, which was a very important step, because the US is a critical state for the small arms norm. It seems that the Obama administration is committed to the small arms norm and willing to sign the ATT. However, in order for the US to ratify the ATT, it has to be ratified by the two-third majority in the US Senate. Unlike the administration, the Senate is an inward-looking body, much more prone to the domestic influences and pressures than to international norms and pressures.

Because of their unrivaled political power, the NRA virtually controls domestic political debate on guns, and it has managed to make the ATT, a treaty that aims to regulate international transfers of weapons, into a domestic debate on gun control, and all gun control measures are very controversial in the United States. Because of the groups ability to frame the debate, the NRA has succeeded in creating a mythology that the U.N. is in a position to endanger gun ownership in the United States (Vest 2000). Moreover, because the groups financial resources and the groups ability

to get out votes on the election day, many politicians are afraid to vote on measures the NRA opposes. Based on the analysis of different pressures the senators are facing for the ATT vote, it seems very unlikely that the US Senate will ratify the ATT.

Given how successful the NRA has been in framing the ATT debate their way, at the stage where domestic influences on the small arms international norm are still very important, the NRA creating a counter-norm might seriously harm the chances of the US ratifying the ATT, and given how important the US is for the success of the small arms norm because of its position as the world's biggest weapons exporter, it might really harm the entire norm creation process.

What can the Obama administration do in this situation? It can, of course, continue to lobby for the treaty, challenge the NRA narrative and do all it can to convince Americans that the ATT would not have any impact on the rights that the US Constitution guarantees American citizens. Moreover, it could try to explain better why the treaty in all likelihood would not require the US to do anything more than it is already doing, because the US already has restrictions regarding arms transfers more rigorous than those in most other nations. However, William D. Hartung, the director of the Arms Security Project at the Center for International Policy, argues that the regulations and restrictions the US already has should be enforced more rigorously. Thus what Obama could also do is put all the power he has through the executive branch and make sure that the regulations the US already has are enforced.

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Appendixes

Table A1: List of Republican Senators not analyzed in this research

Names	States
Richard Shelby	Alabama
Jeff Sessions	Alabama
Saxby Chambliss	Georgia
Johnny Isakson	Georgia
Mike Crapo	Idaho
Jim Risch	Idaho
Pat Roberts	Kansas
Jerry Moran	Kansas
Mitch McConnell	Kentucky
Rand Paul	Kentucky
Thad Cochran	Mississippi
Roger Wicker	Mississippi
Mike Johanns	Nebraska
Deb Fischer	Nebraska
Jim Inhofe	Oklahoma
Tom Coburn	Oklahoma
Lindsey Graham	South Carolina
Tim Scott	South Carolina
Lamar Alexander	Tennessee
Bob Corker	Tennessee
John Cornyn	Texas
Ted Cruz	Texas
Orrin Hatch	Utah
Mike Lee	Utah
Mike Enzi	Wyoming
John Barasso	Wyoming

Table A2: List of Democrats Senators not analyzed in this research

Names	States
Diane Feinstein	California
Barbara Boxer	California
Richard Blumenthal	Connecticut
Chris Murphy	Connecticut
Tom Carper	Delaware
Chris Coons	Delaware
Barbara Mikulski	Maryland
Ben Cardin	Maryland
Elizabeth Warren	Massachusetts
Mo Cowan	Massachusetts
Carl Levin	Michigan
Debbie Staberrow	Michigan
Amy Klobuchar	Minnesota
Al Franken	Minnesota
Frank Lautenberg	New Jersey
Bob Hendez	New Jersey
Chuch Schumer	New York
Kristen Cillibrand	New York
Ron Wyden	Oregon
Jeff Markley	Oregon
Jack Reed	Rhode Island
Sheldon Whitehouse	Rhode Island
Patty Murray	Washington
Maria Cantwell	Washington

Table A3: Index calculations
RATING OF CATEGORIES

Obama Vote Share		Gun Business		Gun Owners		NRA Rating		NRA money since 1990	
36-42	1	86-104	1	50-59	1	A	1	500,000 +	1
43-49	2	67-85	2	40-49	2	B	2	25-50	2
50-56	3	48-66	3	30-39	3	C	3	10-25	3
57-63	4	29-47	4	20-29	4	D	4	Under 10	4
64-71	5	9-28	5	9-19	5	F	5	None	5

Note: The different groups have been classified in scores for the calculations of index per state. An example of such is 36-42 for Obama Vote Share is classified as 1. For detailed explanation for the choice of score classification, please refer to chapter 4.0 Research Design.

Index calculations

The index for each Senator has been calculated by adding the scores of each factor and by dividing the total by 7.

As illustrated for one of the Republican Senator from Illinois:

Mark Kirk		
NRA Money	0	= 5
NRA Rating	F (weighted twice)	= (5+5)
Obama Vote Share	57%	= 4
Gun Owners	20%	= 4
Gun Businesses	14 (weighted twice)	= (5+5)

Index calculation

$$\frac{5 + (5+5) + 4 + 4 + (5+5)}{7} = 4,7$$

