

9. Could the executive branch, through the treaty making power of the President, put its disarmament proposals into effect under the United Nations Charter without further congressional action?

Answer: No. The executive branch has no intention of doing this either through a disarmament agreement or under the United Nations Charter. Moreover, the United Nations Charter is a treaty and it cannot be amended in any way affecting the United States without undergoing the treaty procedures set forth in the U.S. Constitution. In other words, our relationship to the United Nations under the U.N. Charter could not be altered unless the U.S. Senate approved of such a change by a two-thirds vote.

10. Could the President independently conclude a disarmament treaty or executive agreement that would deprive U.S. citizens of their constitutional rights?

Answer: No. Under section 33 of the Arms Control and Disarmament Act, any treaty or agreement obligating the United States to disarm *must* be approved by Congress before it can become effective. It would be subject to extensive debate and analysis, and Congress could refuse to approve it if there were any question of a violation of constitutional provisions.

In this connection, the Supreme Court of the United States did not hold in the 1920 case of *Missouri v. Holland* (252 U.S. 416), as some assert, that in a conflict between the provisions of the Constitution and a treaty, the conflict must be resolved in favor of the treaty. The Court carefully noted in that case that the treaty involved was not inconsistent with any specific provision of the Constitution and Justice Holmes stated:

We do not mean to imply that there are no qualifications to the treaty-making power.

In the Supreme Court case of *Reid v. Covert* (354 U.S. 1 (1957)), the Court said:

* * * No agreement with a foreign nation can confer power on the Congress, or any other branch of Government, which is free from the restraints of the Constitution * * * The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined * * * It would be completely anomalous to say that a treaty need not comply with the Constitution. * * *

11. Are the economic impacts of disarmament being studied by the Arms Control and Disarmament Agency?

Answer: Yes, continuing studies are being sponsored by the Agency on the alternate utilization of human resources for those presently engaged in the defense effort. Economists are generally agreed that the gradual conversion which would be required could be carried out with a minimum of adjustment difficulties while sustaining a high level of employment.

12. Do U.S. disarmament proposals require the registration or confiscation of privately owned firearms?

Answer: No. U.S. arms control and disarmament policy is fully consistent with the right of the people to keep and bear arms as guaranteed by the second amendment to the U.S. Constitution. No power to infringe upon this constitutional right is given or could be given under the Arms Control and Disarmament Act. Neither is it