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Oppose the United Nations Convention on the Elimination of All Forms of Discrimination Against Women

The U.N. Convention on the Elimination of All Forms of Discrimination Against Women is an international treaty drafted by the U.N. and signed by President Jimmy Carter in 1980. If two-thirds of the U.S. Senate, present during the time of the vote, ratifies this treaty, it becomes the “Supreme law of the land” according to Article 6, Section 10 of our Constitution. The United States would be required to implement the dangerous provisions listed below.

THE TREATY OBLIGATES THE UNITED STATES TO ENACT LEGISLATION WHICH AFFECTS PRIVATE AND HOME SCHOOLS:

Article 10 of the Convention requires all signatory countries to make legislation for “all forms of education.” The treaty makes no distinctions between private, public and home education. Both the specific provisions and the broad policy implications of the treaty could apply to non-public education.

THE TREATY MANDATES CENSORSHIP, CONTENT CONTROL OF CURRICULUM AND REVISION OF TEXTBOOKS:

The Convention imposes curriculum mandates and textbook revision for the purpose of eliminating “sexual stereotypes” on all forms of education. Article 10 reads: “State Parties shall take all appropriate measures [toward] ... (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods.” This gives unthinkable content control over our education not only to state and federal governments, but ultimately to the United Nations.

THE TREATY VIOLATES THE CIVIL LIBERTIES OF THE INDIVIDUAL AND THE FAMILY BY DICTATING POLITICAL CORRECTNESS AND PROMOTING CENSORSHIP:

The Convention attempts to break down natural jurisdictional distinctions between the individual, the family and the state. For example, motherhood is defined as a “social function” and the convention would require the United States to enact “legislation to modify or abolish, existing customs and practices” (Art 2, sec (f)) which reinforce traditional family roles, but are perceived by a United Nations controlled panel of “experts” to be discriminatory. The preamble to the *Convention* asserts that “the traditional role of men” must be stamped out. Moreover, the “textbook revision” passages of Article 10 raise significant First Amendment concerns by giving the government a license to purge the American public of unapproved ideas regarding male/female relationships and to censor textbooks which promote politically incorrect views of the family.

THE TREATY ALLOWS IMPORTANT QUESTIONS OF AMERICAN DOMESTIC POLICY TO BE DECIDED BY A U.N. PANEL RATHER THAN BY AMERICANS AND THEIR ELECTED OFFICIALS:

The United Nations gains substantive jurisdiction over the lives and freedoms of American families. The treaty would mandate laws which invade the sanctity of the home and discriminate against the traditional family. Article 16 of the *Convention* states: "State parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations." Article 2 of the *Convention* includes the following language: "State Parties...agree to pursue by all appropriate means and without delay...take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Sections (b), (c), (d) and (f) of Article 2 would require women to be drafted and serve in combat roles. Section (e) could be used as the basis for attacking churches and religious organizations which place men in leadership positions. Article 17 calls for the creation of a "United Nations Committee on the Elimination of Discrimination Against Women" made up of "experts" to police the policies of the signatory nations and make sure the provisions of the *Convention* are being implemented.

RATIFICATION OF THIS TREATY SUBVERTS THE SOVEREIGNTY OF OUR NATION IN GOVERNING OUR OWN DOMESTIC POLICY:

This treaty effectively amends our Constitution without requiring the ratification by three-fourths of the states. If ratified this treaty would become the supreme law of the land. Article Six, Section two of the Constitution reads: "This Constitution...and all treaties made...shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state notwithstanding." Treaties were never intended to govern our domestic policies, but simply to govern the relations between nations. The implications of the treaty are more far-reaching than would have been those of the discredited Equal Rights Amendment. It totally evades the proper process of amending the Constitution, but has the same force and effect.

RESERVATIONS, DECLARATIONS, AND UNDERSTANDINGS DO NOT SAFEGUARD AMERICAN FAMILY INTERESTS:

The State Department Memorandum attached to the treaty suggests that a Senate-passed reservation will protect Americans from the dangerous consequences of the treaty. Some have suggested that the Convention is not the "supreme law of the land" as stated by Article 6, Section 2 of the United States Constitution, and that the "declarations, reservations, and understandings" to be attached to the treaty will prevent the treaty from preempting United States law.

However, according to the terms of the Convention the United Nations will oversee which declarations, reservations and understandings shall be permitted. Article 28, Section Two of the *Convention* makes it clear that any "reservation incompatible with the object and purpose of the present convention shall not be permitted." In other words, if the United Nations committee overseeing the *Convention* does not like our reservations, it can reject them.

More importantly, the Constitution is clear that if a treaty is properly ratified, it becomes the supreme law of the land. The United States Congress can certainly pass a non-binding resolution through the normal legislative process which advances a public policy directive. But the Framers of the Constitution never intended the Senate treaty ratification process to be used for the purpose of adopting non-binding multinational humanitarian statements.

At best it is unclear whether or not the treaty is self-executing. What is clear is that the treaty calls for all signatory nations to take "appropriate measures." Regardless of whether or not the treaty is deemed to be self-executing, many U.S. courts will look to the Convention not only for specific application, but as a broad statement of public policy.

No amount of declarations, reservations or understandings can reform the *Convention On the Elimination Of All Forms Of Discrimination Against Women*. The treaty is laced with questionable policy objectives. American freedoms should not hinge on the interpretations of legal technicalities found in reservations attached to the treaty and subject to U.N. approval. Why should the United States Senate try to reform a document whose very premise is fatally flawed? Why should we allow an international organization like the United Nations to have any say in American public policy?

Prepared by the legal staff of the National Center for Home Education. Reprint permission granted.