

Senate Resolution 601

By: Senator Mullis of the 53rd

## A RESOLUTION

1 Urging the members of the United States Senate to oppose ratification of the United Nations  
2 Convention on the Rights of the Child; and for other purposes.

3 WHEREAS, the right of the parents to direct the upbringing and education of their children  
4 is a fundamental right protected by the Constitutions of the United States and the State of  
5 Georgia; and

6 WHEREAS, our nation has long pursued the path of relying first and foremost on parents to  
7 meet the real and necessary needs of children; and

8 WHEREAS, the United States Supreme Court in *Wisconsin v. Yoder* (1972) has held that  
9 "[t]his primary role of the parents in the upbringing of their children is now established  
10 beyond debate as an enduring American tradition"; and

11 WHEREAS, children are best served by the continued practice of requiring proper proof of  
12 harm before the government intervenes in the family to override parental decisions in any  
13 sphere of the child's upbringing; and

14 WHEREAS, certain members of the United States Senate have called upon the Secretary of  
15 State and the President to forward to them the United Nations Convention on the Rights of  
16 the Child for ratification; and

17 WHEREAS, Article VI of the Constitution of the United States provides that treaties that are  
18 ratified by the United States Senate become a part of the "supreme law of the land" and that  
19 state laws and constitutions are subservient to such treaties; and

20 WHEREAS, virtually all law that applies to children and families in Georgia is state law; and

21 WHEREAS, by virtue of the federal Supremacy Clause, all Georgia law regarding children  
22 would be overridden if there is a conflict with this treaty if ratified; and

23 WHEREAS, the Congress of the United States would acquire primary jurisdiction to legislate  
24 to meet our nation's legal obligation to comply with the treaty if ratified, thereby shifting  
25 from Georgia and her sister states to the Congress of the United States powers not formerly  
26 delegated which are currently reserved to the states under the Tenth Amendment to the  
27 United States Constitution; and

28 WHEREAS, the treaty is subject to the general rule of international law that "custom" is  
29 binding law in many circumstances, rendering the text of a treaty as an unreliable guide to  
30 its future meaning; and

31 WHEREAS, the United Nations Committee on the Rights of the Child at periodic intervals  
32 publishes "General Comments" which are substantive additions to the obligations of state  
33 parties already under the Convention; and

34 WHEREAS, the United Nations Committee on the Rights of the Child makes regular  
35 determinations regarding the meaning and the application of the treaty, and it would hold  
36 these interpretations to be binding on the Congress of the United States and the courts of the  
37 United States when interpreting and enforcing the treaty; and

38 WHEREAS, this represents a wholesale abandonment of the ultimate sovereignty of the  
39 United States on matters within the scope of the treaty; and

40 WHEREAS, this abandonment violates the core principle of our self-government: to wit,  
41 only American legislatures and the people themselves have the moral authority to make law  
42 for America; and

43 WHEREAS, the substance of the treaty as interpreted and applied by this official United  
44 Nations tribunal bans all corporal punishment, including reasonable spanking by parents;  
45 gives the government the authority to review a broad scope of parental decisions without the  
46 necessity of proving that the parents are unfit or have harmed the child; allows children and  
47 the government to override reasonable and ordinary decisions concerning the religious  
48 upbringing of the child; allows the government the ability to review any parental decision  
49 concerning the education of their child, even if that decision fully complies with the law of  
50 Georgia; requires a level of socialized spending programs for the supposed needs of children,

51 which in too many cases simply employ more government workers, that would bankrupt any  
52 American state; and grants to children a legally enforceable right to leisure and many other  
53 particular "rights" that are contrary to American traditions and common sense.

54 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body  
55 condemn the United Nations Convention on the Rights of the Child and urge the United  
56 States Senate to reject its ratification.

57 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed  
58 to send a copy of this resolution to each member of the United States Senate.