

1 ENGROSSED HOUSE
2 CONCURRENT
3 RESOLUTION NO. 1033

By: Kern, Faught and Martin
(Steve) of the House

and

Newberry of the Senate

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8 A Concurrent Resolution relating to parental rights;
9 condemning the United Nations Convention on the
10 Rights of the Child; urging the United States Senate
11 to reject ratification; and directing distribution.

12 WHEREAS, the right of the parents to direct the upbringing and
13 education of their children is a fundamental right protected by the
14 Constitutions of the United States and the State of Oklahoma; and

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

18 WHEREAS, the United States Supreme Court in *Wisconsin v. Yoder*
19 (1972) held that "This primary role of the parents in the upbringing
20 of their children is now established beyond debate as an enduring
21 American tradition"; and

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

3 WHEREAS, certain members of the United States Senate have called
4 upon the Secretary of State and the President to forward to them the
5 United Nations Convention on the Rights of the Child for
6 ratification; and

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

11 WHEREAS, virtually all law that applies to children and families
12 in Oklahoma is state law; and

13 WHEREAS, by virtue of the federal Supremacy Clause all Oklahoma
14 law regarding children would be overridden if there is a conflict
15 with this treaty if ratified; and

16 WHEREAS, the Congress of the United States would acquire primary
17 jurisdiction to legislate to meet our nation's legal obligation to
18 comply with the treaty if ratified, thereby shifting from Oklahoma
19 and her sister states to the Congress of the United States powers
20 not formerly delegated which are currently reserved to the states
21 under the Tenth Amendment to the U.S. Constitution; and

22 WHEREAS, the treaty is subject to the general rule of
23 international law that "custom" is binding law in many
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1 | circumstances, rendering the text of a treaty as an unreliable guide
2 | to its future meaning; and

3 | WHEREAS, the United Nations Committee on the Rights of the Child
4 | at periodic intervals publishes "General Comments" which are
5 | substantive additions to the obligations of state parties already
6 | under the Convention; and

7 | WHEREAS, the United Nations Committee on the Rights of the Child
8 | makes regular determinations of the meaning and the application of
9 | the treaty, and that it would hold these interpretations to be
10 | binding on the Congress of the United States and the courts of the
11 | United States when interpreting and enforcing the treaty; and

12 | WHEREAS, this represents a wholesale abandonment of the ultimate
13 | sovereignty of the United States on matters within the scope of the
14 | treaty; and

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

18 | WHEREAS, the substance of the treaty as interpreted and applied
19 | by this official United Nations tribunal bans all corporal
20 | punishment including reasonable spanking by parents, gives the
21 | government review authority of a broad scope of parental decisions
22 | without the necessity of proving that the parents are unfit or have
23 | harmed the child, allows children and government to override
24 | reasonable and ordinary decisions concerning the religious

1 upbringing of the child, allows the government the ability to review
2 any parental decision concerning the education of their child even
3 if that decision fully complies with the law of Oklahoma, requires a
4 level of socialized spending programs for the supposed needs of
5 children (which in too many cases simply employ more government
6 workers) that would bankrupt any American state, and grants to
7 children a legally enforceable right to leisure and many other
8 particular "rights" that are contrary to American traditions and
9 common sense.

10 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
11 OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE, THE SENATE
12 CONCURRING THEREIN:

13 THAT the State of Oklahoma hereby condemns the United Nations
14 Convention on the Rights of the Child and urges the United States
15 Senate to reject its ratification.

16 THAT a copy of this resolution be distributed to each member of
17 the United States Senate.

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