PS for 8/16/90

Summer Senate Silliness

Apparently tired of grappling with real problems (such as S&L, the budget, and the Middle East), Senate Democrats last week took a morning off for silliness and held a hearing on the proposed United Nations treaty on the Elimination of Discrimination Against Women. Republicans had better things to do, so it was just a Democratic gabfest about a document rashly signed ten years ago by Jimmy Carter.

It would be a very bad idea to resurrect this treaty from the dustbin of history. It would grievously interfere with our constitutional federal-state balance of powers, overturn or change many of our current laws, and bring international regulation into areas which are constitutionally reserved to state, local or private discretion.

Article 1 makes clear that the treaty purports to control "private organizations and even interpersonal relationships" and that it will "reach into areas that are not regulated by the federal government." American women will not take kindly to Congress or any international body trying to regulate our interpersonal relationships.

Article 2, sections (b), (c), (d), and (f) would require changes in our laws that register males only for military service, assign males only to combat duty, and grant veterans' preference for government jobs. The State Department Memorandum explaining the treaty patronizingly says that these U.S. laws "have yet to be modified" and that "corrective legislation" may be necessary to conform to the treaty.

Article 2, section (e) would require the Congress to pass "appropriate corrective legislation" to regulate "membership in private clubs or organizations." Without any exceptions even for religious organizations. Article 5 would require us "to modify the social and cultural patterns of conduct of men and women" and to give assurances about "family education."

Article 10 would make it a federal responsibility to ensure the "elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education," without even differentiating between public and private schools. The administration of schools and the revision of textbooks are NOT, and should not be, federal functions in the United States.

Article 11(d) would require Congress to legislate Comparable Worth (NOT equal pay for equal work, but equal pay for "work of equal value") – the feminist notion that government officials should control wages based on their own subjective notions of "value." Congress has never passed Comparable Worth and U.S. courts have refused to impose it, and we certainly should not adopt it by treaty.

Article 4 authorizes and legitimizes quotas in employment. It states that adoption of special measures "aimed at accelerating **de facto** equality between men and women shall not be considered discrimination."

Article 11, section 2(c) requires "the establishment and development of a network of child-care facilities." One wonders if the real purpose behind the current push for this old treaty is to force on American families the House Hawkins-Downey Daycare bill because its sponsors know that President Bush will veto it if it goes to his desk.

Article 16, section 1(e) is an abortion-on-demand provision. It would require us to allow women "to decide freely and responsibly on the number and spacing of their children." We certainly don't want some international body to legislate for us about abortion.

China, which has signed this treaty and served on the regulatory Committee, has interpreted it to allow its practice of compulsory abortion. China's policy is that it isn't "responsible" for a Chinese woman to give birth to more than one child.

Article 17 would bring us under the supervision of a "Committee" of 23 so-called "experts" elected from various countries, including the U.S.S.R. and China. This Committee would inevitably be dominated by Soviet-bloc and Third World dictatorships, without any guarantee that we would even be represented.

The State Department Memorandum suggest at several points that a Senate-passed "reservation" might save us from the obnoxious consequences detailed here. However, the treaty itself closes that door: Article 28 states that "a reservation incompatible with the object and purpose of the present Convention shall not be permitted."

This UN Treaty may be good for other countries where women do not enjoy the rights that American women take for granted. But it would be an embarrassment for the U.S. Senate to ratify it because it is so contrary to American institutions, culture, traditions, Constitution, and relationships.