

# Protecting The Rights Of Parents

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In the early 1980s in a Washington state court, as constitutional attorney Michael Farris reports in his article [Nannies in Blue Berets](#) (12/15/08 [www.parentalrights.org](http://www.parentalrights.org)), the parents of a 13 year-old boy were ordered that they could only take their son to church on Sunday mornings. The judge forbade them from requiring their son to attend Wednesday and Sunday evening services with them. This case came about when the boy complained to a school counselor, and the Department of Social Services got involved. A Washington State law allowed the juvenile court to assume jurisdiction over the child simply whenever there was a conflict between the parents and the child – even when there was no abuse or neglect involved.

In this case, the judge ruled that the wishes of the child should be taken into account in order to determine what was in the best interest of the child. This is exactly what can happen throughout America under the United Nation's Convention on the Rights of the Child (CRC) or reliance upon international law.

The two central principles of the CRC are stated in Articles 3 and 12 of the Convention. Respectively, they provide that:

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

and

*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters*

*affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

Many concerned Americans are convinced that if America would get out of the United Nations, we would be free of pressure to conform our country's domestic laws to international pressure. However, as we explain below, getting out of the UN will not fix this basic problem.

With or without U.S. membership in the UN, American parents remain under increasing danger of being forced to raise their own children according to the dictates and laws of other nations and international court rulings. For example, will parents in America continue to be able to decide for themselves what is the most appropriate form of discipline, the best medical treatment, the most appropriate religious training, or even the best form of education for their own children? Or is the day coming when these and similar decisions will all have to conform to some international consensus on what is in *the best interest of all children*?

Unfortunately, there is an increasing trend in our federal courts to view international law as being instructive for the administration of laws in American courts. Treaties such as the CRC, which are already ratified by most other countries, are being relied on even now by American courts, judges, and lawyers to clarify what is included in international law. We believe very strongly that the United States should not ratify the CRC because if it is ratified, it will make it more difficult to pass the *Parental Rights Amendment*. Additionally, the CRC's passage would accelerate a tremendous increase of tragic problems for American families. However, this trend to rely on international laws will likely continue, regardless of America's

membership in the United Nations, and even if America does not sign the UN Convention on the Rights of the Child.

Doesn't this sound absolutely absurd?! But, on October 31, 2003, WorldNetDaily.com reported Supreme Court Justice Sandra Day O'Connor's thoughts in favor of relying on international laws:

*'I suspect,' O'Connor said, according to the Atlanta Daily, 'that over time we will rely increasingly, or take notice at least increasingly, on international and foreign courts in examining domestic issues.'*

*Doing so, she added, 'may not only enrich our own country's decisions, I think it may create that all important good impression.'*

Activist judges and others, who hold views like O'Connor's, attempt to support their position by referring to Section 8 of Article I of the US Constitution, where the 10th clause reads in part: "[t]he Congress shall have the power... [t]o define and punish... [o]ffences against *the law of nations*." As Michael Ramey points out in his article "Waiting To Explode?" the wording was fine in its original context, giving Congress the authority to enforce international laws, such as those prohibiting piracy beyond our borders on international waters.

Today, however, this section is frequently used by activist judges to look beyond our own borders, deciding American cases in purely domestic matters by what is acceptable in other parts of the world. They find authority for their decisions not in the Constitution, but in Customary International Law (CIL), considered by many as the modern equivalent of the *law of nations* referred to in the U.S. Constitution (cited in above paragraph). In a 2005 Supreme Court case (*Roper v. Simmons*), the Court admitted that it "has referred to the laws of other countries and to international authorities as instructive for its interpretation" of the Constitution.

In that 2005 *Roper v. Simmons* case, David Ogden, recently nominated by President Obama to be deputy attorney general of the United States, expressed his belief that the rules found in the UN Convention on the Rights of the Child are already binding on the United States under the doctrines of international law.

The *Constitution of the United States* assigns the responsibility to legislate (i.e. make laws) to "a Congress of the United States." However, where legal circumstances allow, activist judges are diverting their eyes from our U.S. Constitution and the laws created by our Congress, and these judges are looking to the laws of other nations for guidance in making legal decisions.

America's legal system has lost its moorings. As far as *parental rights* are concerned, we must anchor them in as safe a "harbor" as possible – in the relatively greater security of the "harbor" of our federal Constitution.

The circumstances of these days demand that we amend the U.S. Constitution to explicitly include parental rights. If parental rights are not *explicitly* listed in our Constitution by means of the *Parental Rights Amendment*, but continue to be considered only *implied* rights, then our courts will be able to incorporate ideas from the laws of other countries in American court rulings overriding those *implied* parental rights. This is a deplorable situation that is contrary to the principles of freedom and inalienable rights. Without the *Parental Rights Amendment*, the decisions that American parents make concerning what is best with regard to raising their children will be increasingly controlled by what happens in the courts of foreign nations.

Please read Michael Ramey's article, "[Waiting To Explode?](#)". It is available at [www.childandfamilyprotection.org](http://www.childandfamilyprotection.org). For further information on the Parental Rights Amendment, go to [www.parentalrights.org](http://www.parentalrights.org).