Treaties versus the Constitution

Back in April, the U.S. Senate ratified the United Nations Covenant on Civil and Political Rights, a document that assumes power to cancel the God-given and constitutionally protected rights of individuals in this nation. The ratification was carried out under constitutional authority requiring the approval of “two-thirds of the Senators present.” In this instance, the individual votes of any senators at the time were not recorded. The action may have actually been accomplished by as few as four senators.

The prevailing opinion regarding treaty law is that it supersedes the U.S. Constitution. Such an interpretation was given great credibility in a widely published portion of a speech given by John Foster Dulles in 1952. The future Secretary of State said: “Under our Constitution, treaties become the supreme law of the land. They are indeed more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution.”

It would seem from this interpretation that the Founding Fathers created a situation where just the President and a handful of “present” senators could undo the very Constitution they worked so laboriously to construct. Such a notion is absolutely absurd, however.

A Careful Reading

Article VI, paragraph two of the Constitution states:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

It must be carefully noted that, within the body of the Constitution itself, the founders frequently referred to the document they had crafted as “this” Constitution. At the close of the above passage, they referred to “the” constitution, and what they meant was that no state constitution or state law shall stand above the U.S. Constitution. There is no justification for holding that the document empowers the makers of treaties to undo the Constitution itself.

Article VI does, of course, confirm that any treaty properly entered into shall become part of the supreme law of the land. In Elliott’s Debates, James Madison stated just how far the President and the Senate might go in making treaties:

I do not conceive that power is given to the President and the Senate to dismember the empire, or alienate any great, essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation.

As quoted in Richard B. Morris’s Alexander Hamilton and the Founding of the Nation (1957), Hamilton stated: “The only constitutional exception to the power of making treaties is that it shall not change the Constitution... On natural principles, a treaty which should manifestly betray or sacrifice primary interests of the state would be null.”

In H.A. Washington’s The Works of Thomas Jefferson (1884), our nation’s third President is quoted as offering this opinion of treaty-making power: “By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty, and cannot be otherwise regulated. It must have meant to except out of these the rights reserved to the States; for surely the President and the Senate cannot do by treaty what the whole government is interdicted from doing in any way.”

Supreme Court Interpretation

Over 70 years ago, the state of Missouri challenged a federal law restricting its power to kill migratory birds. Federal courts agreed with Missouri and concluded that such power was not authorized in the U.S. Constitution. But federal authorities promptly entered into a migratory bird treaty with Canada and got it properly ratified by the Senate. Congress then passed another federal law restricting bird killing.

Again Missouri challenged what its leaders considered an illegal usurpation of power by the federal government. But this time the Supreme Court ruled that the treaty did take precedence over the Constitution, and the law was not overruled. The Supreme Court, therefore, in its 1920 decision entitled Missouri v. Holland, held that a properly ratified treaty does supersede the Constitution. This enormous precedent was later extended to include international compacts and agreements entered into by a President and never even seen — much less ratified — by the Senate.

For many decades, internationalists in our midst (John Foster Dulles was certainly one of them) have intended to create a tyrannical one-world superstate run by them. They cannot achieve their devilish goal without destroying or compromising the U.S. Constitution.

Americans must become aware of the gross undermining of the Constitution regarding treaty law and numerous other topics. If enough citizens become informed and determined to protect their own rights by insisting on a proper upholding of the venerable document, the one-worlders will be thwarted and freedom will endure. 

Looking Ahead

In the next issue of The New American

• William P. Hoar explains why the Founding Fathers crafted the Electoral College system, as opposed to a direct popular vote, for the election of the President; and

• Samuel L. Blumenfeld warns against the “whole language” method of teaching children how to read.