



Commemorating 40 Years
Of Disability Advocacy
1973-2013

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The Consortium of Citizens with Disabilities Disappointed by Senator Corker's Refusal to Support Disability Rights Treaty

His Concerns about the Treaty's Impact to the U.S. Constitution are not grounded in the Facts

Washington, D.C. - The Consortium for Citizens with Disabilities (CCD), a coalition of nearly 120 national consumer, advocacy, provider and professional disability organizations, was shocked and disappointed with Senator Bob Corker's announcement that he cannot support the Convention on the Rights of Persons with Disabilities now pending in the Senate Foreign Relations Committee. Citing concerns about undermining the U.S. Constitution, Senator Corker dismisses testimony from legal experts who testified before the Senate Foreign Relations Committee that U.S. sovereignty could be protected by proper legal statements, known as reservations, understandings, and declarations.

"We urge Senator Corker to re-examine the facts about treaties and U.S. sovereignty. This treaty has wide spread support from corporate America from IBM and Microsoft, to Coke and NASCAR; major veterans groups; 12 retired Generals of the U.S. military; and religious and international charitable organizations," stated Katy Neas, CCD Chairperson and Senior Vice President, Government Relations for Easter Seals. "The United States is THE leader in the world in setting policies that empower people with disabilities. We find it hard to understand why Senator Corker choses to limit our influence and knowledge, effectively turning his back on the disability community and such a wide ranging coalition who support the treaty."

"For decades the United States has been a part of a number of human rights treaties without any constitutional impact, such as the International Covenant on Civil and Political Rights, the Convention on the Elimination of Racial Discrimination, and treaties protecting against the selling of children and child military conscription," stated David Hutt, Senior Staff Attorney at the National Disability Rights Network and co-chair of the CCD International Task Force. "The Disability Rights Treaty is the same type of human rights treaties as those the United States has already joined. Individuals with disabilities are again treated as second class citizens."

Senator Corker's use of *Missouri v. Holland*, a 1920 Supreme Court case dealing with a treaty on migratory birds, and *Bond v. U.S.*, a current case in the Supreme Court which challenges U.S. implementation of a weapons ban treaty, is misleading. Human rights treaties ratified by the U.S. Senate have always included restrictions to ensure protection of federalism and the U.S. Constitution. The Disability Rights Treaty would be no different. Since the U.S. is already in compliance with the Disability Rights Treaty requiring no new implementing legislation, the *Bond* case is not relevant. Senator Corker's use of the 1920 *Missouri* case also neglects to mention the subsequent 1957 Supreme Court case of

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Reid v. Covert in which the Court found that no treaty can come in direct violation of the U.S. Constitution. The Supreme Court's ruling in the 2008 *Medellin v. Texas* narrowed *Missouri*, and differentiates the Disability Rights Treaty from *Bond*. In *Medellin* the Supreme Court held that a treaty may constitute an international commitment, but it is not binding in domestic U.S. law unless Congress enacts statutes implementing the treaty, or the treaty is ratified with an intention that it be "self-executing." The Disability Rights Treaty is a "non self-executing" treaty, and U.S. domestic law such as Americans with Disabilities Act, is already consistent with the treaty.

CCD, a coalition that has worked tirelessly for over 35 years to protect the constitutional rights of people with disabilities, calls on Senator Corker to return to negotiations to create reservations, understandings, and declarations so concerns may be addressed and American global leadership on disability rights may be restored.

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