

House Resolution 738

By: Representatives Neal of the 1st, Weldon of the 3rd, Williams of the 4th, and Jasperse of the 12th

A RESOLUTION

1 Urging the members of the United States Congress to take necessary action to propose the
2 Parental Rights Amendment to the United States Constitution for ratification; and for other
3 purposes.

4 WHEREAS, the right of parents to direct the upbringing and education of their children is
5 a fundamental right protected by the Constitutions of the United States and the State of
6 Georgia; and

7

8 WHEREAS, our nation has historically relied first and foremost on parents to meet the real
9 and constant needs of their children; and

10 WHEREAS, the interests of children are best served when parents are free to make child
11 rearing decisions about education, religion, and other areas of a child's life without
12 government interference; and

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

16 WHEREAS, in 2000, the United States Supreme Court in *Troxel v. Granville* produced six
17 different opinions on the nature and enforceability of parental rights under the United States
18 Constitution; and

19 WHEREAS, this more recent decision has created confusion and ambiguity about the
20 fundamental nature of parental rights in the laws and society of the several states; and

21

22 WHEREAS, the United Nations Convention on the Rights of the Child has been proposed
23 and may soon be considered for ratification by the United States Senate, which would

24 drastically alter this fundamental right of parents to direct the upbringing of their children;
25 and

26 WHEREAS, this convention has been acceded to by 192 nations world wide and has been
27 cited by United States courts as "customary international law"; and

28 WHEREAS, international influence is being exerted on the United States Supreme Court, as
29 demonstrated by the 2005 decision of *Roper v. Simmons*, where "the Court has referred to
30 the laws of other countries and to the international authorities as instructive for its
31 interpretation" of the United States Constitution; and

32 WHEREAS, Senator James DeMint of the State of South Carolina and Representative Peter
33 Hoekstra of the State of Michigan have introduced in the United States Congress an
34 amendment to the United States Constitution to prevent erosion of the enduring American
35 tradition of treating parental rights as fundamental rights. The amendment is outlined as
36 follows:

37 SECTION ONE: The liberty of parents to direct the upbringing and education of their
38 children is a fundamental right.

39 SECTION TWO: Neither the United States nor any State shall infringe upon this right
40 without demonstrating that its governmental interest as applied to the person is of the
41 highest order and not otherwise served.

42 SECTION THREE: No treaty may be adopted nor shall any source of international law
43 be employed to supersede, modify, interpret, or apply to the rights guaranteed by this
44 article; and

45 WHEREAS, this amendment will add explicit text to the Constitution of the United States
46 to protect in perpetuity the rights of parents as such rights are now enjoyed, without
47 substantive change to current state or federal laws respecting these rights; and

48 WHEREAS, the enumeration of parental rights in the text of the Constitution will preserve
49 and protect such rights from being infringed upon by the shifting ideologies and
50 interpretations of the United States Supreme Court and by treaties or international laws.

51 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
52 the members of this body affirm and support the Parental Rights Amendment to the United
53 States Constitution and strongly urge Congress to immediately take all such steps as may be

54 necessary through whatever means necessary to ensure that this proposed constitutional
55 amendment be presented to the states for ratification.

56 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
57 and directed to transmit appropriate copies of this resolution to President Barack Obama,
58 Vice President Joe Biden, Speaker of the United States House of Representatives John
59 Boehner, and all of the members of the Georgia Congressional delegation.